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Razvoj izbornog registra u BiH od 1996. do 2022. godine

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MA THESIS

Development of election register in BiH from 1996 to 2022

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## **APSTRAKT**

U radu će se analizirati razvoj registra vezanog za izbore u Bosni i Hercegovina (BiH) od potpisivanja Općeg okvirnog sporazuma za mir u Bosni i Hercegovini, također poznatog i kao Dejtonski sporazum, pa do danas. Sastavni dio navedenog sporazuma je i Aneks 3 koji se odnosi na izbore i njihovu organizaciju. U prvim poslijeratnim godinama izbore je provodila Misija OSCE-a u BiH, po usvojenim Pravilima i propisima. Imajući u vidu da su Pravila i propisi pisani na engleskom jeziku, te da je Aneksom 3 uveden novi izborni sistem, mnogi prevodioci su se susretali s problemom adekvatnog prevoda određenih termina. U radu će se dati pregled propisa iz 1996. godine, problema pri prevođenju do tada nepoznatih termina, novih terminoloških rješenja i načina na koji su postali prihvaćeni u javnosti. Cilj rada je predstaviti probleme i izazove u pronalasku odgovarajućeg ekvivalenta, kao i prikazati značaj ovog registra i njegovog razvoja.

*Ključne riječi:* registar, izbori, prevođenje, jezik, ekvivalenti

## **ABSTRACT**

The paper will analyze the development of register related to elections in Bosnia and Herzegovina (BiH) since the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Peace Agreement, until today. Annex 3 of the Dayton Peace Agreement relates to the elections and administration of elections. The OSCE Mission to Bosnia and Herzegovina conducted the elections in the first post-war years using the adopted Rules and Regulations. Having in mind that the Rules and Regulations are written in the English language and that Annex 3 introduced a new election system, many interpreters faced problem of adequately translating certain terms. The paper will present an overview of the 1996 regulations, problems with translating terms that were unknown at that time, new terminological solutions and the method that made them publicly accepted. The aim of this paper is to present problems and challenges in finding adequate translation equivalents, as well as to illustrate the significance of this register and its development.

*Key words:* register, elections, translation, language, equivalents

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## 1. Introduction

In order to fully understand the importance of adequate translation, particularly in a country as Bosnia and Herzegovina, it is of a paramount importance to provide a background against which translation of the two most important documents had been approached and to take a look at the most important events in the recent history of Bosnia and Herzegovina.

The first multi-party elections in Bosnia and Herzegovina were held on November 18, 1990. At that time, Bosnia and Herzegovina was one of the six republics in the Socialist Federal Republic of Yugoslavia. The country was ruled by the Communist Party, but these elections were an indication of the shift to a democracy, which was unfortunately already tinted by nationalism (Arnautović 2007: 28). This was the first time that different election systems were used to determine the results of the first multi-party elections in the country, introducing already some, until then, unknown election systems.

One can say that the 1990 elections in Bosnia and Herzegovina represented a combined election model: the majority model, with both absolute and relative majority systems applied; and proportional representation, with a combination of the election quota and the d'Hondt formula (election quotient) (Arnautović 2007: 29). Unfortunately, the nationalism was to climax just two years later in bloodiest aggression of the modern human history. The war in Bosnia and Herzegovina ended in 1995 by the signing of the General Framework Agreement for Peace, known as the Dayton Agreement.

The first post-war general elections were held in 1996 pursuant to Annex 3 of the Dayton Peace Agreement<sup>1</sup> despite the fact that not all necessary preconditions were met (absence of freedom of movement, and equal media access for all and the impossibility of political communication throughout Bosnia and Herzegovina (Arnautović 2007: 31). Contrary to the situation in 1990, when Bosnia and Herzegovina was a unified country, the Dayton Peace Agreement affirmed a new reality – the existence of two entities in BiH. Pursuant to that, the following structure of government was conceived: BiH Presidency, with three members (one each from the ranks of Bosniaks, Croats and Serbs), Parliamentary Assembly with 42 members, the Parliament of the Federation of BiH with 140 members, National Assembly of Republika Srpska with 75 members, as well as the assemblies of 10 cantons in the Federation (Arnautović 2007: 31).

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<sup>1</sup> Available at <https://www.ohr.int/dayton-peace-agreement/>

The Dayton Peace Agreement consists of eleven Annexes, each detailing different aspects of the organizational setup of Bosnia and Herzegovina. Annex 3 of the Dayton Peace Agreement relates to the elections and lays down the conditions to be met for the conduct of democratic elections, the bodies responsible for the conduct of elections, also known as election management bodies, method of voting, etc. It was in fact Annex 3 of the Dayton Peace Agreement that laid the foundation for the first Rules and Regulations on elections and opened the door to development of the first permanent election law of Bosnia and Herzegovina.

The relevance of this register comes from the fact that that the constitutional setup of Bosnia and Herzegovina is rather complex and the fact that Annexes to the Dayton Peace Agreement were never officially translated. Official translation in Bosnia and Herzegovina means that every piece of legislation has to be published in the official gazettes. Many experts have even questioned adequateness of the Dayton Agreement's translation, which has become the Constitution of Bosnia and Herzegovina, although this paper will not embark on that particular adventure. This paper will compare the available, and sometimes official, translations of the original documents, and will provide suggestions and commentaries thereon with an aim of showing the evolution and importance of election register in a very complex context, where adequate translation and identification of appropriate translation equivalent had meant full conduct of the elections.

## 2. Methodological framework

The aim of this paper is to present problems and challenges in finding adequate translation equivalents, as well as to illustrate the significance of this register and its development. Qualitative research was used, including desktop research, to present an overview of Annex 3 of the Dayton Peace Agreement, 1996 Rules and Regulation, problems with translating terms that were unknown at that time, new terminological solutions and the method that made them publicly accepted. The corpus of original texts of Annex 3 of the Dayton Agreement and the 1996 Rules and Regulations<sup>2</sup> of the OSCE Mission to BiH and their translations were collected through online research and by contacting the OSCE Mission to Bosnia and Herzegovina. As presented in the Introduction, emergence of a new reality in Bosnia and Herzegovina had meant seeking new translation equivalents for certain words and phrases that had never been used before. The main objective of this paper is to provide an overview of existing translation of the two documents, commenting appropriateness of such translation and showing importance of the election register and its proper compilation for the conduct of democratic elections in Bosnia and Herzegovina.

The analysis will provide the context in which certain words and phrases appear, as the context is of utmost importance for the adequate and appropriate identification of translation equivalents. The “first” Reference Guide for translators will be also referred to in the paper. The Guide was prepared by the Elections Department of the OSCE Mission to BiH and was revised on May 11, 1999<sup>3</sup>.

Annex 3 of the Dayton Agreement in the English language is found on the website of the Office of the High Representative to BiH. The Office of the High Representative (OHR) is an ad hoc international institution responsible for overseeing implementation of civilian aspects of the Peace Agreement ending the war in Bosnia and Herzegovina<sup>4</sup>. The 1996 Rules and Regulations in the English and the Bosnian language and the Translation Reference Guide were provided by the OSCE Mission to BiH following an official request to access the documents. As previously stated the Annexes to the Dayton Peace Agreement have never been officially translated and published in the official gazettes, and therefore an online search was done as to find the translation of Annex 3 in any of the official languages of Bosnia and Herzegovina. A

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<sup>2</sup> Access provided by the OSCE Mission to Bosnia and Herzegovina on October 28, 2022 in line with the author's access to information request.

<sup>3</sup> *Ibid.*

<sup>4</sup> <https://www.ohr.int/about-ohr/general-information/>

version the Dayton Peace Agreement in the Croatian language was found on the website of the Canton Sarajevo Government and it is the one used for this paper, since it was the first result of the search. It should be also noted that the translation into Croatian language does not entirely adhere to the standards of the Croatian language, but this aspect will not be addressed in this paper.

The methodology employed in this paper involves selecting examples from the original text and comparing them with translations found in available documents. Subsequently, an analysis is conducted, along with suggestions for improvement to better convey the message. Finally, proposals are made for a more appropriate translation when necessary.

Ultimately, the paper will delve into the evolution of the election register over time, tracing its development and examining how its significance is reflected in the proper conduct of the elections in BiH.

### **3. Theoretical framework**

It is very important to differentiate two major notions applied to this paper. It is the notion of a register, and the notion of equivalence, where consideration is taken of different translation strategies that have been used to provide the appropriate translation of documents that have laid down the foundation of today's democracy in Bosnia and Herzegovina.

According to the Cambridge Dictionary we use the term "register" to refer to particular varieties or styles of speaking and writing. Registers vary because the language is used for different purposes, in different context and for different audiences. For example, there is a legal register, a register of advertising, a register of banking and an election register, which is in focus of this paper. The registers are usually very easily recognized because of their specialized vocabulary, but also because of particular use of grammar. The term register can be also used to refer to whether language is being used formally or informally.

Equivalence is a crucial notion in any consideration of translation. It has become an essential feature of translation theories in the 1960s and 1970s, where equivalence was mean to indicate that source text (ST) and target text (TT) share some kind of "sameness" (Panou 2013: 4). Numerous scholars have endeavored to analyze the equivalence paradigm, including Vinay and Darbelnet (1958), Jakobson (1959), Nida and Taber (1969), Catford (1965), Baker (1992), Pym (2010), and others, approaching the concept of equivalence in various ways and often reflecting their own theoretical frameworks and perspectives.



Vinay and Darbelnet distinguish between *direct* and *oblique* translation, where the former refers to literal translation and the latter to free translation. They emphasized the importance of finding functional equivalents that convey the same meaning in the target language, and proposing seven procedures to achieve this: borrowing, calque, literal translation, transposition, modulation, equivalence and adaptation, claiming that the stylistic impact of the source-language text can be maintained in the target-language text (Vinay and Darbelnet 1958: 30).

*Borrowing* is usually used to overcome a linguistic gap in the target language, particularly when new concepts are being introduced as it is the case with the introduction of new election system in Bosnia and Herzegovina. *Calque* is based on the borrowing, as it is a special kind of borrowing whereby a language borrows an expression form of another, but then translates literally each of its elements (Vinay and Darbelnet 1958: 32).

*Literal translation* is in fact direct transfer of a SL text into a grammatically and idiomatically appropriate TL text in which the translators' task is limited to observing the adherence to the linguistic servitude of the TL (Vinay and Darbelnet 1958: 33). *Transposition* as a technique involves replacing one word class with another without changing the meaning of the message, and there are two distinct types of transposition: obligatory and optional (Vinay and Darbelnet 1958: 59). *Modulation* refers to a technique where the translator adjusts the meaning, perspective, or tone of the source text in order to better suit the target language and audience without changing the core message or intention. The other two remaining techniques are *equivalence* and *adaptation*.

The goal of achieving an equivalence is to ensure that the translated text accurately reflects the content, style, and intent of the original while accounting for linguistic and cultural differences between languages. Equivalence can be achieved at various levels, including lexical (word-for-word equivalence), syntactic (sentence structure), semantic (meaning), and pragmatic (communicative function). *Adaptation* involves modifying elements of the source text to better suit the linguistic, cultural, or social context of the target audience. Unlike equivalence, which aims to maintain fidelity to the original, adaptation acknowledges the need for adjustment to ensure the relevance, acceptability, and effectiveness of the translated text in the target language.

Roman Jakobson differentiates between three kinds of translation: *intralingual*, *interligual* or *translation proper* and *intersemiotic*. Interligual translation is an interpretation of verbal signs by means of some other language. Jakobson notes that on the level of interlingual translation there is ordinarily no full equivalence between code-units, while messages may serve as adequate interpretation of alien code units or messages (Jakobson 1959: 233).

Translation proper refers to the act of translating the content, style, and intent of a source text into a target language while considering linguistic and cultural nuances. At its essence, translation proper seeks to convey not just the surface meaning of a text but also its essence, tone, and underlying purpose. This involves taking into account linguistic details like idiomatic expressions, wordplay, and cultural allusions, which may pose challenges in finding direct equivalents in the target language.

Additionally, translation proper acknowledges the ever-evolving nature of language and culture, understanding that what resonates in one context may not necessarily translate seamlessly into another. The translators must employ creativity and flexibility to ensure that the translated text speaks effectively to the intended audience while remaining true to the original. In the context of this paper, grasping and implementing the principles of translation proper is essential for thoroughly scrutinizing and assessing the translation methods employed in documents relevant to the formation of democracy in Bosnia and Herzegovina. This entails not only pinpointing linguistic disparities but also delving into the cultural and historical significance embedded within the texts under examination.

In her coursebook on translation “In other words”, Mona Baker discusses one-to-one relationship between word and meaning, difference between words and morphemes as the smallest elements of meaning in a language and problems of non-equivalence. Baker also gives common problems of non-equivalence, such as being culture-specific concepts, the source-language concept is not lexicalized, the source-language is semantically complex, the source and target language make different distinctions in meaning, the target language lacks a superordinate in the target language, and so on.

Furthermore, Baker presents strategies that can be used by professional translators to overcome the problem of non-equivalence. Some of the strategies include: a) translation by a more general word; b) translation by a more neutral/less expressive word; c) translation by cultural substitution; d) translation using a loan word or loan word plus explanation; e) translation by paraphrase using a related word; f) translation by paraphrase using unrelated word; g) translation by omission and h) translation by illustration (Baker 1992: 26).

Relying on these views of equivalence, this paper will use selected examples of translation techniques and strategies to examine the actual level of equivalence achieved in translation. This paper takes into account the importance of the election register for the quality of democratic processes in our country and the need for clarity and accuracy of language used to express or explain all the novelties these original texts included at the time of their appearance in our everyday life.

## 4. Analysis of the Corpus

### 4.1. Annex 3 to the Dayton Agreement

Annex 3 to the Dayton Agreement is called the Agreement on Elections and consists of five Articles and a preamble. This document has never been officially translated and a translated version of this document is available on the website of the Sarajevo Canton Government<sup>5</sup> in the Croatian language and will be used for the purpose of the analysis. Annex 3 will be analyzed from the beginning, starting with preamble, and going through every Article therein. First detailed review of Annex 3 reveals that paragraph numbering has not been properly transposed into the translation, which may cause issues when providing references. As previously said, this is not an official translation, but nevertheless the translator/s did not have sufficient understanding of the content covered by the text or the situation described by the terms used in Annex 3 to the Dayton Agreement was conceived as to make appropriate equivalence.

The preamble reads:

In order to promote free, fair, and democratic elections and to lay the foundation for representative government and ensure the progressive achievement of democratic goals throughout Bosnia and Herzegovina, in accordance with relevant documents of the Organization for Security and Cooperation in Europe (OSCE), the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (“the Parties”) have agreed as follows...

and the translation reads:

S ciljem promicanja slobodnih, poštenih i demokratskih izbora i postavljanja temelja reprezentativne uprave te osiguranja postupnog postizanja demokratskih ciljeva u cijeloj Bosni i Hercegovini, u skladu s odgovarajućim dokumentima Organizacije za sigurnost i suradnju u Europi (OESS), Republika Bosna i Hercegovina, Federacija Bosne i Hercegovine i Republika Srpska (“strane”) sporazumjele su se kako slijedi...

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<sup>5</sup> Available at

[https://propisi.ks.gov.ba/sites/propisi.ks.gov.ba/files/opci\\_okvirni\\_sporazum\\_za\\_mir\\_u\\_bosni\\_i\\_hercegovini.pdf](https://propisi.ks.gov.ba/sites/propisi.ks.gov.ba/files/opci_okvirni_sporazum_za_mir_u_bosni_i_hercegovini.pdf)

The phrase *representative government* was translated as *reprezentativna uprava*, but having in mind the fact that this phrase relates to representative democracy as a form of government, which according to the Encyclopedia Britannica means “political system in which citizens of a country or other political entity vote for representatives to handle legislation and otherwise rule that entity on their behalf”. It thus does not denote an administration, which according to the Britannica Dictionary means “the activities that relate to running a company, school, or other organization”, and the better choice of words in the Croatian language for *representative government* would be *reprezentativna vlast*. This is an example where altering vocabulary choices ensures clarity and fluency, which is a feature of linguistic modulation.

Article I, paragraph (2) reads

The Parties request the OSCE to certify whether elections can be effective under current social conditions in both Entities and, if necessary, to provide assistance to the Parties in creating these conditions.

and the translation to the Croatian language reads as follows:

Stranke traže od OEES potvrdu mogu li izbori biti uspješni pod sadašnjim društvenim uvjetima u oba entiteta, te ako je potrebno, pružanje pomoći Strankama u stvaranju takvih uvjeta.

In this case the entire paragraph was not translated properly as to convey the message of the SL, and the word of confusion can possibly be *effective*, which can mean either *djelotvoran*, *učinkovit*, *uspješan* or in military terms also *spreman*. According to Merriam-Webster Dictionary synonyms for *effective* are *efficient*, *useful*, *valuable* and this example illustrates the inability to understand the context in which the elections will be held, since elections can be either successful or unsuccessful only if they are conducted. This example also depicts inability of the translator/s to acknowledge the need for adjustment to ensure the relevance, acceptability, and effectiveness of the translated text in the target language. More appropriate translation of this paragraph would be achieved by using adaptation:

Strane traže da OEES potvrdi da li se izbori mogu uspješno održati u oba entiteta pod trenutnim društvenim uvjetima i ako je potrebno, pruži pomoći Stranama u stvaranju takvih uvjeta.

Some omissions, which unfortunately have not been used as a translation strategy, have been detected going forward through the document. This is a blatant example of how omissions in the target language that do not serve the purpose of achieving equivalence can entirely modify the message to be conveyed by the source language.

Article II, paragraph (2) reads as follows:

The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for the House of Representatives of Bosnia and Herzegovina; for the Presidency of Bosnia and Herzegovina; for the House of Representatives of the Federation of Bosnia and Herzegovina; for the National Assembly of the Republika Srpska; for the Presidency of the Republika Srpska; and, if feasible, for cantonal legislatures and municipal governing authorities.

and the translation reads as follows:

Strane zahtijevaju od OESS-a da nadzire, na način koji odredi OESS, a u suradnji s drugim međunarodnim organizacijama koje OESS smatra potrebnima, da pripremi i provede izbore za Zastupnički dom Bosne i Hercegovine; za Predsjedništvo Bosne i Hercegovine; za Zastupnički dom Federacije Bosne i Hercegovine; za Narodnu skupštinu Republike Srpske; za Predsjedništvo Republike Srpske; i, ako to bude izvedivo, za kantonalna zakonodavna tijela i općinska tijela vlasti.

Once more, this example highlights the failure to comprehend the context and utilize suitable translation techniques. The initial segment of this sentence has not been adequately adjusted to the context and backdrop within which it was translated. Additionally, the transformation of the noun *preparation* into the verb *to prepare* has resulted in a shift in word class, failing to achieve the desired outcome of this translation approach. In essence, the meaning conveyed by the source language has been completely distorted. Translation proper has not been effectively applied in this instance, as it not only overlooked linguistic disparities but also failed to grasp the cultural and historical significance embedded within the translated text

This paragraph pertains to the OSCE's engagement in the preparation and conduct of elections in Bosnia and Herzegovina in terms of its supervisory role, as outlined in this Annex. The subsequent paragraph indeed demonstrates that the OSCE's role was not to prepare and conduct the elections but rather to supervise the entire election process:

To this end, the Parties request the OSCE to establish a Provisional Election Commission (“the Commission”).

Considering the observations mentioned earlier, a more suitable translation would be:

Strane traže da OESS nadzire, na način koji odredi i u suradnji s drugim međunarodnim organizacijama čiji angažman smatra neophodnim, pripremu i provedbu izbora za Zastupnički dom Bosne i Hercegovine; za Predsjedništvo Bosne i Hercegovine; za Zastupnički dom Federacije Bosne i Hercegovine; za Narodnu skupštinu Republike Srpske; za Predsjedništvo Republike Srpske; i, ako to bude izvedivo, za kantonalna zakonodavna tijela i općinska tijela vlasti.

It is evident that the meaning of the sentence has fundamentally changed after meticulous translation. This underscores how disputes can arise from the interpretation of differently translated documents, which are meant to serve as the foundation of democracy in this country and should be entirely unambiguous. The unofficial translation implies that the OSCE is solely responsible for preparing and conducting elections, whereas in reality, the OSCE’s role is limited to supervising the preparation and conduct of elections.

In Article III, paragraph (1), which reads as follows:

Rules and Regulations. The Commission shall adopt electoral rules and regulations regarding: the registration of political parties and independent candidates; the eligibility of candidates and voters; the role of domestic and international election observers; the ensuring of an open and fair electoral campaign; and the establishment, publication, and certification of definitive election results.

and the translation reads as follows:

Pravila i propisi. Povjerenstvo usvaja izborna pravila i propise glede: registracije političkih stranaka i nezavisnih kandidata; zakonske podobnosti kandidata i glasača; uloge domaćih i međunarodnih promatrača izbora; osiguranja otvorene i poštene izborne kampanje; te utvrđivanja, objavljivanja i ovjere konačnih izbornih rezultata.

This example illustrates diversity of the target language, which differentiates between *birač* and *glaslač*, whilst there is a single word for both “types” of voters in the English language. According to the Merriam-Webster dictionary word *voter* means: *one that votes or has the legal right to vote*. Achieving the proper translation of this term necessitates a thorough understanding of the context and background to differentiate between the two words in the target language, each of which conveys a subtle difference. Utilizing proper vocabulary, as exemplified by modulation, can lead to clearer and more accurate translations.

The BiH Election Law<sup>6</sup> in Article 1.1a, paragraph (2), item 14) defines *birač* as: “*Eligible voter (loc. birač)*”, for the purpose of this Law, shall mean a national of Bosnia and Herzegovina registered in the Central Voters’ Register”. Each of the official languages in Bosnia and Herzegovina differentiates between those who are registered to vote (*birači*), and those who are registered to vote and go to the polls (*glaslači*). Article 3 of Annex 3 makes a reference to the eligibility of both candidates and voters, which means that they had to meet certain conditions to be registered as such and more appropriate translation would be *birač* as those will be the people who had met all the conditions to be registered as voters.

Thus, more appropriate translation would be:

Pravila i propisi. Povjerenstvo usvaja izborna pravila i propise glede: registracije političkih stranaka i nezavisnih kandidata; zakonske podobnosti kandidata i birača; uloge domaćih i međunarodnih izbornih promatrača; osiguranja otvorene i poštene izborne kampanje; te utvrđivanja, objavljivanja i ovjere konačnih izbornih rezultata.

While the correctness of the Croatian language is not the focus of this paper, it should be noted that some terms in the translation do not align with Croatian language norms. Similar omissions have been identified throughout the document in Croatian, yet they have not been altered in the translation, as it falls outside the scope of this paper

Indent (d), paragraph (2) of Article III reads:

Ensuring that action is taken to remedy any violation of any provision of this Agreement or of the electoral rules and regulations established pursuant to this Agreement, including imposing penalties against any person or body that violates such provisions;

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<sup>6</sup> Available at <https://www.izbori.ba/Documents/documents/English/Laws/BIHElectionlaw.pdf>



and was translated as follows:

Osiguranje mjera za ispravljanje kršenja bilo koje odredbe ovoga Sporazuma ili izbornih pravila i propisa ustanovljenih temeljem ovoga Sporazuma, uključujući nametanje kazni protiv svake osobe ili tijela koje krši te odredbe;

*Ensuring the action is taken* means that one has to make sure that actions are taken to remedy any violation, and the text in the Croatian language is a literal translation. The definition of violation according to the Britannica Dictionary is *the act of doing something that is not allowed by a law or rule*, which can be translated either as *kršenje* or *povreda* in the Croatian language. *Povreda* is in this case more appropriate translation. Here, the decision to use *povreda* instead of *kršenje* involves a transpositional choice to better capture the intended meaning in Croatian while maintaining fidelity to the original concept, while adaptation is used to ensure clarity and appropriateness.

The phrase *impose penalties against* cannot be literally translated, as neither the Bosnian, Serbian nor Croatian language has the structure *nametanje kazni protiv*, which would be the literal translation of the phrase. Adequate equivalent in the Croatian language is *izricanje kazni*, since it implies that there is a body responsible for imposing penalties.

More appropriate translation would be:

Poduzimanje mjera za ispravljanje povrede bilo koje odredbe ovog Sporazuma ili izbornih pravila i propisa utvrđenih temeljem ovog Sporazuma, uključujući izricanje kazni osobi ili tijelu koje krši te odredbe.

This is an example of how translation strategies such as adaptation and omission can provide for an understandable and more semantically correct translation.

Moving on to Article IV, Eligibility, the sentence:

A citizen who no longer lives in the municipality in which he or she resided in 1991 shall, as a general rule, be expected to vote, in person or by absentee ballot, in that municipality, provided that the person is determined to have been registered in that municipality as confirmed by the local election commission and the Provisional Election Commission.

was translated as follows:

Zapravo se od državljana koji više ne žive u općini u kojoj su prebivali 1991. očekuje da u toj općini glasuju, bilo osobno bilo u odsutnosti, pod uvjetom da je utvrđeno kako je ta osoba bila prijavljena u toj općini, što potvrđuje mjesno izborno povjerenstvo i Privremeno izborno povjerenstvo.

The translation provided is a literal rendition of the original text, capturing the essence but lacking in structural refinement. To enhance the translation, applying additional strategies such as adaptation and modulation could have improved its coherence and accuracy. It has to be mentioned that the notion of residence has two slightly different meanings in the Croatian language, and can be translated as either *boravište* or *prebivalište*, meaning temporary or permanent residence. “As a general rule” functions as an adverbial phrase modifying the verb “shall be expected.” It describes the manner or circumstance under which the action of being expected to vote occurs. There is a literal translation of that idiom in the Croatian language *u pravilu*, which is a more suitable option for the translation.

More appropriate translation of this paragraph would be:

U pravilu se od državljanina koji viši ne živi u općini u kojoj je imao prebivalište 1991. godine očekuje da glasuje, bilo osobno bilo u odsutnosti, u toj općini pod uvjetom da je utvrđeno kako je ta osoba bila prijavljena u toj općini, što potvrđuje lokalno izborno povjerenstvo i Privremeno izborno povjerenstvo.

The phrase *in which he or she resided in 1991* can be translated as *u kojoj je imao prebivalište 1991. godine* since the year 1991 was the last year in which a population census was conducted, and that census was taken as reference point for suffrage. The year 2013 marked the conduct of a new population census in Bosnia and Herzegovina, following the war. Despite this, the 1991 Census remains a primary reference point in many legal documents concerning elections and suffrage.

The sentence:

Such a citizen may, however, apply to the Commission to cast his or her ballot elsewhere.

was translated as:

Takav državljanin može, međutim, zatražiti od komisije da svoj glas dade drugdje.

It is evident that the translator overlooked the context of this Article, failing to connect this sentence with the preceding one, which addresses citizens who no longer reside in their municipality of 1991 and the methods through which they can exercise their right to vote.

The phrase *to cast the ballot* was translated as *dade glas*, but it actually means to vote as the Bosnian/Croatian/Serbian language does not use the phrase *dati glas* in this context, and if used it has to be accompanied by a noun as in *dati glas na izborima* (*vote in an election*). The definition provided by the Merriam-Webster dictionary is “*to cast vote/ballot – to vote in an election*”, meaning *glasati na izborima*.

More adequate translation would be:

Međutim, državljanin s naprijed navedenim statusom može od komisije zatražiti da glasa na drugom mjestu.

Adaptation and paraphrasing were employed here to effectively convey the meaning of the source text in the target language. This approach enhances readability, improves comprehension, and addresses linguistic differences between the source and target languages.

The term *Parties (to the agreement)* was translated as *Stranke* throughout the entire document, except for Article III, paragraph (1)

Rules and Regulations. ... The Parties shall comply fully with the electoral rules and regulations, any internal laws and regulations notwithstanding.

which was translated as follows:

Pravila i propisi. ... Strane su obvezne u potpunosti se držati izbornih pravila i propisa, neovisno o bilo kojim internim zakonima i propisima.

This example illustrates inconsistency in the use of appropriate equivalents throughout the document, possibly stemming from multiple translators or a single translator's oversight in maintaining consistency. Although the more appropriate term *Strane* was used in the Croatian language in a single instance, its consistent application was lacking.

## 4.2. Rules and Regulations

Since Annex 3 served as a guideline for the preparation of Rules and Regulations, which were originally written in English and then translated into local languages, the next section of the paper will provide an overview of how the Rules and Regulations were translated. These translations would ultimately form the foundation for the first election law of Bosnia and Herzegovina.

Given that the Dayton Peace Agreement tasked the OSCE with overseeing the conduct of elections in Bosnia and Herzegovina, the translation challenges highlighted in this paper underscore the criticality of accurately translating legal documents. As demonstrated by the examples provided, failure to grasp linguistic nuances and historical context can result in translations that do not faithfully reflect the original meaning. This underscores the need for developing certain “rules of the game” for the first post-war elections in BiH. In this instance, these rules took the form of Rules and Regulations that covered the fundamental aspects of the electoral process in Bosnia and Herzegovina.

By comparing the original Rules and Regulations in English, which covered the Decisions taken by the Provisional Election Commission until July 16, 1996, with the OSCE’s official translation, one cannot overlook the inaccuracies present at that particular point in time. However, in the subsequent analysis, we will explore whether the translation has evolved and what is considered as “acceptable” or “appropriate” translation today.

Rules and regulations constituted the initial legislation to govern the electoral process in Bosnia and Herzegovina. It will be intriguing to examine how translators navigated new, and perhaps unfamiliar, words and phrases in their translations.

The Rules and Regulations in the English language, as well as their translation in the Bosnian language were provided by the OSCE Mission to BiH following a written request to access the documents<sup>7</sup>.

Article 1 of the Rules and Regulations reads:

The Rules and Regulations regulate the elections to be held in Bosnia and Herzegovina.

Where a matter is not covered by these Rules and Regulations, existing law shall apply.

and was translated as:

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<sup>7</sup> Documents accessed on October 28, 2022.

Pravila i propisi regulišu izbore koji treba da se održe u Bosni i Hercegovini. Tamo gdje slučaj nije pokriven ovim Pravilima i propisima, primjenjivaće se postojeći zakoni.

The phrase *to be held* was translated as *koji treba da se održe*, although *to be held* is a passive construction indicating that an event will take place in the future. It suggests that the event is scheduled or planned to occur at a later time. Furthermore, Merriam-Webster dictionary defines *matter* as *a subject of disagreement or litigation* and *a subject under consideration*, and in this case the word *matter* could be translated as *pitanje* or more precisely as *određeno pitanje*, which is peculiarity of the legal register and the Bosnian language. Taking all these facts into consideration, a more suitable translation would be:

Pravila i propisi uređuju izbore koji se održavaju u Bosni i Hercegovini. Postojeći zakoni će se primjenjivati tamo gdje određeno pitanje nije riješeno ovim Pravilima i propisima.

The last paragraph of Article VI reads as follows:

Those qualified to vote will have a period of six weeks from the date of publication in which to check that their names appear correctly on the List and, if they wish, to make application for changes in the List.

was translated as follows:

Oni koji su kvalifikovani da glasaju imaju period od šest sedmica od datuma objavljivanja da provjere da li se njihova imena nalaze tačno na Spisku, i ako to žele, mogu podnijeti prijavu za izmjenu na Spisku.

The term *qualified to vote* was translated as *kvalifikovani da glasaju*. Merriam-Webster dictionary provides the following definition of *qualified*: *fitted (as by training or experience) for a given purpose, meaning competent or having complied with the specific requirements or precedent conditions, meaning eligible*. If we were to analyze further the word *eligible* means to satisfy a specific condition. In this instance the term *qualified to vote* means *ispunjavati uslove za glasanje* or *za ostvarivanje biračkog prava*, and the latter, in addition to the adaptation, would also involve linguistic modulation, as *to vote* can be replaced by *exercise the right to vote*, which is how it would be translated into the target language.

It can be also observed that there are several elements that had required more attention during the translation. *A period of six weeks* can in this context be adapted and translated as *rok od šest sedmica* as it is a period in which something has to be done i.e. a deadline, which according to the Merriam-Webster dictionary means “*a date or time before which something must be done*”.

Furthermore, part of the sentence *to check that their name appear correctly on the list* refers to the process of checking if the names are spelled correctly, and not as it was translated *da provjere da li se njihova imena nalaze tačno na Spisku*. Translation of this paragraph would again require use of adaptation and modulation, and even rephrasing as the word *names* had to be translated as *lični podaci* and *appear correctly* as *ispravno navedeni*. This ensures clarity and precision in conveying the concept of verifying the accuracy of personal information on the list.

Back-translation of *podnijeti prijavu* would be *to lodge an application* or in case of a judicial procedure *to press charges*, but in this case it refers to *zahtjev i.e. a request*, meaning “*the act or an instance of asking for something*”, which is a definition provided by the Merriam-Webster dictionary. This translation choice aligns with the context of the document and accurately reflects the act of requesting something.

A more suitable translation would thus be:

Osobe koje ispunjavaju uslove za ostvarivanje biračkog prava imaju rok od šest sedmica od datuma objavljivanja Spiska da provjere da li su njihovi lični podaci ispravno navedeni na Spisku i po potrebi mogu podnijeti zahtjev za njegovu ispravku.

Appropriateness of the suggested translation is substantiated by Article 3.13, paragraph (2) of the BiH Election Law (consolidated text) in the Bosnian language:

Svaki državljanin BiH ima pravo izvršiti uvid u izvod iz Centralnog biračkog spiska i zahtijevati njegove ispravke ako se radi o ispravci njegovih ličnih podataka. Zahtjev se podnosi u pisanom obliku organu iz stava (4) ovog člana.

This example demonstrates the evolution of the election register in the period from 1996 to 2001, which is the year in which the first election law in Bosnia and Herzegovina was adopted. It illustrates the gradual alignment with linguistic and semantic standards of the Bosnian language, ultimately resulting in improved accuracy and clarity of the norm.

Articles 5, 7, 9, 11 and 15 of the Rules and Regulations are based on the original wording of the Dayton Peace Agreement. However, when it comes to the translation it is evident that in case of Article 5 the translator did not have access to any of the unofficial translations of the Dayton Peace Agreement. Translation of Articles 7 through 15 are taken over from Annex 3, but were translated differently than presented in Section 4.1 of this paper.

Article 5 of the Rules and Regulations, which is based on the original wording of Annex 3 to the Dayton Peace Agreement:

Any citizen of Bosnia and Herzegovina aged 18 or older whose name appears on the 1991 census for Bosnia and Herzegovina shall be eligible, in accordance with the electoral rules and regulations, to vote.

was translated as:

Bilo koji građanin Bosne i Hercegovine koji ima 18 godina ili je stariji a čije se ime pojavljuje na Popisu stanovništva u Bosni i Hercegovini iz 1991. imaće pravo da glasa u skladu sa izbornim pravilima i propisima.

and comparison to the translation of Article IV of Annex 3 to the Dayton Peace Agreement:

Svaki državljanin Bosne i Hercegovine s navršenih 18 godina čije je ime na Popisu stanovništva Bosne i Hercegovine iz 1991. ima, u skladu s izbornim pravilima i propisima, pravo glasovanja.

actually reveals how different translators had addressed, what I believe to be, some critical points in the text. Proper combination of the two translations actually produces a good one. The translation of this Article in the Rules and Regulation is much better as *any citizen* is translated as *svaki građanin*. Namely, adjective *any* has several meanings and according to Merriam-Webster Dictionary it can either mean *one or another taken at random*, or *all used to indicate a maximum or whole*, latter being applicable in this case. Translation of this paragraph requires use of adaptation and rephrasing as to convey the message of the SL. The phrase *in accordance with the electoral rules and regulations* functions as an adverbial phrase specifying the conditions or criteria under which the eligibility to vote applies. Specifically, it clarifies that a citizen of Bosnia and Herzegovina aged 18 or older whose name appears on the 1991 census is eligible to vote if they meet the requirements outlined in the electoral rules and regulations.

This phrase provides additional context and qualification to the eligibility criteria stated in the sentence, indicating that eligibility is contingent upon adherence to the electoral laws and regulations in place. *Biračko pravo* is more commonly used and directly translates to *voting right* or *electoral right*. It emphasizes the broader concept of the right to participate in elections and choose representatives.

*Pravo da glasa* translates to *the right to vote* but may focus more specifically on the act of casting a vote or exercising the right to vote itself. In many contexts, these terms are used interchangeably and can convey similar meanings. However, the choice between them may depend on the specific emphasis or context and in this case it refers to the eligibility to cast the ballot. By recognizing and synthesizing the strengths of each translation, it becomes possible to create a more cohesive and faithful rendition of the original text. This process underscores the importance of careful analysis and collaboration in achieving high-quality translations, particularly when dealing with complex or critical content.

Svaki državljanin Bosne i Hercegovine s navršenih 18 godina čije je ime na Popisu stanovništva Bosne i Hercegovine iz 1991. ima biračko pravo u skladu s izbornim pravilima i propisima.

The suggested translation actually correctly and unambiguously conveys the message of the SL.

It also has to be noted that the Rules and Regulations, as a piece of legislation regulating elections, had not been entirely written using the modal verb *shall* indicating something that must be done rather than some that could be done. Although *shall* had been used in Article 5, its translation is not correct, as the definition of *shall* according to the Black's Law Dictionary is: "As used in statutes, contracts, or the like, this word is generally imperative or mandatory. In common or ordinary parlance, and in its ordinary signification, the "term shall" is a word of command, and one of which has always or which must be given a compulsory meaning, and it is generally imperative or mandatory." However, in Article 5 the words *shall be eligible to vote* were translated as *imaće pravo da glasa*, failing to convey the mandatory or obligatory nature of the modal verb *shall* in this case. Applicable translation of this Article has been provided in Section 4.1 on Annex 3.

Article 6, last paragraph reads as follows:

Copies of this list are being made available in all municipalities in both Entities and in the places outside Bosnia and Herzegovina where refugees are living. Those qualified to vote will have a period of six weeks from the date of publication in which to check that their names appear correctly on the List and, if they wish, to make application for changes in the List.



and translation is:

Kopije ovog spiska se daju na raspolaganje u svim opštinama u oba Entiteta i u mjestima izvan Bosne i Hercegovine gdje žive izbjeglice. Oni koji su kvalifikovani da glasaju imaće period od šest sedmica od datuma objavljivanja da provjere da li se njihova imena nalaze tačno na Spisku, i ako to žele, mogu podnijeti prijavu za izmjenu na Spisku.

*This list* refers to the Voters' List mentioned in the first paragraph of this Article and some translation strategies and techniques such as adaptation and modulation could have been used here to translate the words *this list* as *kopije biračkog spiska*. It can be observed again that the modal verb shall has not been used, but having in mind the nature of this document a translator could have freely conveyed the mandatory nature of this sentence. The synonym for *made available*, according to the Merriam-Webster Dictionary, is *accessible*, thus translation *daju se na raspolaganje* is not appropriate since the Election Law of BiH in Article 3.11 in the Bosnian language sets forth that

Objavljivanje podataka iz Centralnog biračkog spiska i stavljanje sadržaja na uvid javnosti vrši se vodeći računa o principima zaštite ličnih podataka, a u skladu sa Zakonom o zaštiti ličnih podataka.

The statement emphasizes that the Voters' List is accessible for scrutiny in all municipalities and locations outside Bosnia and Herzegovina. In this context, the phrase *dati na raspolaganje* is interpreted as *made available for scrutiny*. However, it is important to note that this does not imply unlimited discretion or authority to use the Voters' Lists as one chooses. The subsequent sentence of the paragraph indicates that corrections can be made, suggesting that scrutiny is intended for verification purposes rather than unrestricted use. A more appropriate translation of this sentence has been provided in Section 4.1 of Annex 3.

The translation of the first sentence of this paragraph should read:

Kopije biračkog spiska biće dostupne u svim opštinama u oba entiteta i na mjestima izvan Bosne i Hercegovine gdje žive izbeglice.

Translation of Article 7, which uses the wording of Article IV of Annex 3, is the same, except for one word. *Local election commission* was here translated as *lokalna izborna komisija* instead of *mjesna* as it was translated in Annex 3 of the Dayton Peace Agreement, which is a variant of the Bosnian/Serbian/Croatian language. The translator has opted for modulation and has chosen different vocabulary, but neither of the presented translation of the word *local* are wrong.

A more appropriate translation of the second sentence of this paragraph has been provided in Section 4.1 on Annex 3.

The word *citizen* in Articles 7 and 9 were translated as *građanin*. The definition of the word *citizen* according to Merriam-Webster Dictionary is *a native or naturalized person who owes allegiance to a government and is entitled to protection from it, a member of a state, an inhabitant of a city or town especially: one entitled to the rights and privileges of a freeman, and a civilian as distinguished from a specialized servant of the state.*

Considering the context of the document, and the fact that the word refers to a national of a state, in this case the state of Bosnia and Herzegovina, the proper translation would be *državljanin*. This word was properly translated in the unofficial translation of Annex 3 to the Dayton Peace Agreement.

In Article 14, the first sentence reads:

Within a period of six weeks after publication of the Provisional Voters' List, citizens not listed in the 1991 Census must apply to the Provisional Election Commission to be added to the List if they:

and was translated as follows:

U toku perioda od šest sedmica nakon objavljivanja Privremenog biračkog spiska, građani koji se ne nalaze na popisu stanovništva iz 1991. moraju se prijaviti Privremenoj izbornoj komisiji da budu dodani na Spisak, ako:

Again, as in Article VI of Annex 3 to the Dayton Peace Agreement, *within a period of six weeks* was translated as *u toku perioda*. Considering the fact that there is a deadline given in which something has to be done i.e. there is a sense of obligation, hence the use of modal verb *must*, a more suitable translation would be:

U roku od šest sedmica nakon objavljivanja Privremenog biračkog spiska, građani koji se ne nalaze na popisu stanovništva iz 1991. moraju se prijaviti Privremenoj izbornoj komisiji da budu dodani na Spisak, ako:

The last paragraph of this Article reads:

Within the same period, any person or organization may lodge, with the Provisional Election Commission, an application to have a name deleted from the List either because the person concerned has died or because he or she did not have citizenship of Bosnia and Herzegovina at the time of the 1991 Census.

and it was translated as follows:

U toku istog perioda bilo koje lice ili organizacija može da podnese prijavu Privremenoj izbornoj komisiji da se izbriše neko ime sa spiska, jer je dotična osoba preminula, ili zato što on ili ona nisu imali državljanstvo Bosne i Hercegovine u vrijeme popisa stanovništva iz 1991.

*May lodge an application* was translated as *podnijeti prijavu*. According to the Merriam-Webster Dictionary the word *to lodge (v)* means *to lay (something, such as a complaint) before a proper authority, to file* and the word *application* means a *request* or a *petition*, implying that a more appropriate translation would be *podnijeti zahtjev*.

Furthermore, appropriate grammatical construction has not been used in the TL as *may* is the modal auxiliary indicating possibility, and *lodge* is the base form of the verb, indicating the action that can be taken. It can be translated both as *može da podnese* and *može podnijeti*, the latter being more formal and in this case a more suitable option. The translator should have used several translation techniques and strategies in order to adapt the translation of this paragraph in terms of linguistic accuracy and clarity, including modulation, adaptation and omission. The proposed translation is the following:

U toku istog perioda bilo koje lice ili organizacija može podnijeti zahtjev Privremenoj izbornoj komisiji za brisanje imena sa spiska zbog smrti osobe ili činjenice da nije imala državljanostvo Bosne i Hercegovine u vrijeme popisa stanovništva iz 1991.

Article 15 of the Rules and Regulations relates to the limitations to active and passive suffrage and reads:

No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina.

and was translated as follows:

Niti jedna osoba koja izdržava kaznu određenu od strane Međunarodnog Tribunala za bivšu Jugoslaviju, i niti jedna osoba koja je pod optužnicom Tribunala a koja se nije povinovala naredbi da se pojavi pred Tribunalom, ne može biti kandidat niti obavljati bilo kakvu javnu funkciju na koju bi mogla biti naimenovana ili izabrana na teritoriji Bosne i Hercegovine.

Definition of *person* according to the Merriam-Webster Dictionary is *human, individual* and it was literally translated into the TL, although TL has several words by which the word *person* can be translated: *osoba, lice, individua, jedinika, itd.* The phrase “*is serving*” in the sentence refers to the present continuous tense of the verb “*serve*” indicating an ongoing action or state. In the context of the sentence, it refers to the period during which a person is actively fulfilling a sentence imposed by the International Tribunal for the Former Yugoslavia, and could be translated as *izdržava kaznu ili je na izdržavanju kazne*, which are nuances of the Bosnian language.

*To impose a sanction* according to the Cambridge Dictionary means *to officially force a rule, tax, punishment, etc. to be obeyed or received* and in the Bosnian language *kazna se izriče*. Passive should be avoided as to secure clarity and, and the Bosnian language prefers use of active construction as to clearly identify subject of the action. Furthermore, the word *Tribunal* was literally translated as *Tribunal* and definition provided by the Merriam-Webster Dictionary is *a court or forum of justice*.

Translation suggested for this Article is as follows:

Nijedno lice koje je na izdržavanju kazne izrečene od Međunarodnog suda za bivšu Jugoslaviju, i nijedno lice koje je pod optužnicom Suda, a koje se nije povinovalo naredbi da se pojavi pred Sudom, ne može biti kandidat, niti obavljati bilo koju imenovanu, izbornu ni drugu javnu funkciju na teritoriji Bosne i Hercegovine.

Article 16 of the Rules and Regulations lists all the identification documents that a voter can use to prove his/her identity. Below is a table illustrating the way in which the names of these documents were translated into Bosnian language.

Original text of the Rules and Regulations	Translation into the Bosnian language
ID-Card	Lična karta
Citizenship-Certificate	Uvjerenje o državljanstvu
Passport	Pasoš
Birth-Certificate	Rodni list
Resident-Certification	Potvrda o mjestu prebivališta
Driving-License	Vozačka dozvola
Military-Booklet	Vojna knjižica
Health-Booklet	Zdravstvena knjižica
Certificate of registration of change of name	Uvjerenje o registraciji promjene imena

Table 1. Translation of ID documents

It seems as if the names of original documents were not been written by a native English speaker. All the words are given as hyphenated compound words although they are not (citizenship certificate, birth certificate, resident certificate, etc.), and the translation is accurate taking into account the original text. However, the Bosnian language differentiates between the permanent (*prebivalište*) and temporary place of residence (*boravište*), which in this case has not been observed. Since the translation could not determine if the Resident Certification refers to either permanent or temporary place of residence the appropriate translation for Resident Certification would be *potvrda o mjestu boravka* as to avoid any ambiguities.

The last paragraph of Article 16 reads:

This declaration should be made in presence of one of the following: magistrate, religious authority, municipal official, two reputable persons whose names are on the Provisional Voters List.

and it is translated as follows:

Ova izjava se treba dati u prisustvu jedne od sljedećih osoba: mirovnog suca, ministra vjere, opštinskog dužnosnika, dvije ugledne osobe čija imena se nalaze na Privremenom biračkom spisku.

Due to the lack of available information regarding the existence of *mirovni sudac* (peace judge or justice of the peace), or *minister vjere* (minister of religion), I proceeded to conduct an interview with Irena Hadžiabdić<sup>8</sup>, an informant with considerable expertise in the election procedures and election management. The interviews were conducted on three separate occasions, namely on July 3, 2023, on July 21, 2023 and on August 4, 2024 in the premises of the Central Election Commission of Bosnia and Herzegovina.

It was brought to my attention that the words *magistrate* and *religious authority* were incorrectly translated. *Magistrate* was translated as *mirovni sudac* and the Merriam Webster Dictionary defines magistrate as *a local official exercising administrative and often judicial functions*, which in this context means that more appropriate translation would be either *sudija* or *opštinski sudija*. *Religious authority* was translated as *ministar vjere*, which can be back-translated as *minister of religion*, a position that did not exist at that time or any time afterwards. A more suitable translation would be *vjerski službenik* since there are several denominations in Bosnia and Herzegovina and a religious authority could be a member of any denomination existing in BiH. Furthermore, the word *official* was not translated into the appropriate target-language as *dužnosnik* is a Croatian word. The word *zvaničnik* should be used in the Bosnian language.

Articles 18 through 36 pertain to electoral bodies, a novel concept introduced after the Dayton Peace Agreement. It will be intriguing to observe how translators have approached the translation of certain unfamiliar terms.

Article 18 reads:

The Election Commissions shall be appointed by the appropriate authorities for all elections. They shall be responsible for the conduct of the elections under the supervision of the OSCE and the Provisional Election Commission and execute other actions as instructed by the Provisional Election Commission.

and was translated as follows:

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<sup>8</sup> Mrs. Hadžiabdić holds a Ph.D. degree in law. She has been working the field of elections since 1997. First in the Elections Department and the Democratization Department of the Organization for Security and Cooperation in Europe (OSCE) in Travnik and Zenica, and then as Executive Director of the International Foundation for Electoral Systems (IFES) for BiH. She has been member of the Central Election Commission of Bosnia and Herzegovina since 2007. She is author of the book “Elections in Bosnia and Herzegovina – A long path to the democratic standards”.

Izborne komisije biće naimenovane od strane nadležnih vlasti za sve izbore. One će biti odgovorne za sprovođenje izbora pod nadzorom OSCE-a i Privremene izborne komisije i obavljace druge djelatnosti prema uputstvima Privremene izborne komisije.

Once again, it is evident that the translator overlooked a crucial distinction between our legal tradition and the expression of legal norms in English, particularly concerning the use of verb tenses. In the Bosnian language, the present tense denotes an absolute obligation, whereas English often uses the auxiliary verb *shall*. Furthermore, the translator employed a passive construction, which may hinder the natural and fluent readability of the text in the target language. To accurately convey the meaning of the original text while adapting it to the linguistic and cultural context of the target audience, the translator should have employed transposition

Here the appropriate translation would be:

Nadležne vlasti imenuju izborne komisije za sve izbore. Izborne komisije su odgovorne za sprovođenje izbora pod nadzorom OSCE-a i Privremene izborne komisije i obavljaju sve druge poslove po nalogu Privremene izborne komisije.

The auxiliary verb *shall* was again incorrectly translated in Article 19, as well as in Article 21, which reads:

Election Commissions shall comprise present and former judges of the Courts of Bosnia and Herzegovina. In the case that there is not a sufficient number of judges, then lawyers and other persons of high professional standing and appropriate experience and knowledge who can efficiently perform the work of the commission shall be appointed.

and translated as follows:

Izborne komisije će biti sastavljene od sadašnjih i bivših sudija sa sudova Bosne i Hercegovine. Ukoliko nema dovoljan broj sudija na raspolaganju, onda u tom slučaju pravnici i druge osobe visokog profesionalnog nivoa i sa odgovarajućim iskustvom i znanjem, koje mogu efikasno obavljati poslove komisije, će biti naimenovane.

There are several mistakes made in the translation of this Article. The first, as I said before, is the translation of the auxiliary verb *shall*. Furthermore, Article was translated literally, attempting to follow the word order or the form of the SL, which in this case lead to a very awkward translation into the Bosnian language. The translation of this paragraph requires

deployment of several translation techniques and strategies such as modulation, transposition, adaptation and omission as to produce a text that reads naturally and fluently in the target language.

This Article should read as follows:

Izborne komisije čine sadašnje i bivše sudije sudova u Bosni i Hercegovini. U slučaju nedovoljnog broja sudija imenuju se pravnici i druge osobe visokog profesionalnog položaja i s odgovarajućim iskustvom i znanjem, koje mogu efikasno obavljati poslove komisije.

Article 22 reads as follows:

The Provisional Election Commission may refuse the appointment or employment of any person by a Local Election Commission. The decision of the Provisional Election Commission shall be final. Appointment of members of the Local Election Commissions will be confirmed by the Provisional Election Commission.

and was translated:

Privremena izborna komisija može odbiti naimenovanje ili zaposlenje bilo koje osobe od strane Lokalne izborne komisije. Odluka Privremene izborne komisije će biti konačna. Naimenovanje članova Lokalne izborne komisije će biti potvrđeno od strane Privremene izborne komisije.

Again, the auxiliary verb has not be properly translated, and the word order of the TL should be arranged differently, avoiding, where possible, use of passive constructions in the target language.

The proposed translation of this paragraph is the following:

Privremena izborna komisija može odbiti imenovanje ili zaposlenje bilo koje osobe od strane Lokalne izborne komisije. Odluka Privremene izborne komisije je konačna. Privremena izborna komisija potvrđuje naimenovanje članova Lokalne izborne komisije.

The next section “Relationship of the Election Commissions with the provisional Election Commission” is again characterized by an erroneous transition of the auxiliary verb shall in all four Articles of this section.



Article 23 reads:

Authorized agents of the Provisional Election Commission, Supervisors, observers, and other members of the international community accredited by the Provisional Election Commission shall have access to all documents, records and be permitted to attend working groups, planning meetings and official sessions of the Election Commissions.

and the translation is as follows:

Ovlašteni satupnici Privremene izborne komisije, nadglednici, posmatrači, te ostali članovi međunarodne zajednice koje je akreditovala Privremena izborna komisija, će imati pristup svim dokumentima, zapisnicima i biće im dozvoljeno da prisustvuju radnim grupama, sastancima za planiranje i oficijelnim sjednicama Izbornih komisija.

I believe that translation of the word *agent* as *satupnik* is a mere spelling mistake and that it should read *zastupnik* or even better *predstavnik*. The word *official*, which does have an equivalent in Bosnian language, was translated as *oficijelno* instead of *zvanično*. If there is an equivalent for a word in the TL, which is not a word borrowed from another language, as it the case with *official*; borrowed from the Old French word *officier*, meaning *to perform a function* or *to serve*; it is better to use the equivalent available in the TL.

A more suitable translation of this Article would be:

Ovlašteni predstavnici Privremene izborne komisije, nadglednici, posmatrači, te ostali članovi međunarodne zajednice koje je akreditovala Privremena izborna komisija imaju pristup svim dokumentima, zapisnicima i dozvoljeno im je da prisustvuju radnim grupama, sastancima za planiranje i zvaničnim sjednicama Izbornih komisija.

The next section relates to the responsibilities of the Election Commissions and Article 28 was erroneously translated. It reads:

The Election Commissions in consultation with the OSCE and the Provisional Election Commission shall provide geographic descriptions of the areas to be covered by polling stations and select sites for polling stations.

and was translated as follows:

Izborne komisije će, u konsultacijama sa OSCE-om i Privremenom izbornom komisijom obezbijediti geografske opise područja koja će biti pokrivena biračkim mjestima, te će odabrati biračka mjesta.

The same mistake concerning the translation of the auxiliary verb *shall* is repeated in this Article, as well as in all other Articles of the section. Furthermore, certain omissions in the translation were made, but not as part of a translation strategy, which renders the translation in Bosnian incomplete. The accurate translation should read as follows:

Izborne komisije osiguravaju, u konsultacijama sa OSCE-om i Privremenom izbornom komisijom, geografske opise područja koja će biti pokrivena biračkim mjestima, te biraju lokacija za biračka mjesta.

It is evident that the omission of the word *sites* in the translation results in a different meaning in the target language. The election commissions are responsible for selecting sites for the polling stations, not the polling stations themselves, as they are not established immediately, but only a month before the elections

Article 31:

The Election Commissions, under the supervision of the OSCE and the Provisional Election Commission, shall provide transport and security for materials from OSCE Regional Centers and Field Offices to and from Municipalities and to and from Polling Stations (for voting materials) including the:

is translated as follows:

Izborne komisije će pod nadzorom OSCE-a i Privremene izborne komisije obezbijediti transport i sigurnost za materijale iz OSCE-ovih Regionalnih centara i terenskih ureda za i iz opština i za i iz biračkih mjesta (za biračke materijale) uključujući:

As to have the text in the TL read naturally and fluently it is necessary to use several translation techniques and strategies, including modulation and adaptation. The phrase *under the supervision of the OSCE and the Provisional Election Commission* functions as an adverbial modifier in the sentence, providing additional information about the circumstances or manner in which the action of the main clause (providing transport and security) is carried out, and it cannot be moved in the TG as well. However the last part of the sentence can be adapted as *to* was translated as *za*, which back-translated is *for* and *from* was translated as *iz*. Usage options for *to* according to the Merriam-Webster Dictionary are: *as a function word to indicate movement or an action or condition suggestive of movement toward a place, person, or thing reached; used as a function word to indicate direction; used as a function word to indicate contact or proximity*, while usage options for *from* are: *used as a function word to indicate a*

*starting point of a physical movement or a starting point in measuring or reckoning or in a statement of limits; used as a function word to indicate the starting or focal point of an activity.* Therefore, *za* and *iz* are not appropriate equivalents, and the following translation provides higher degree of equivalence:

Izborne komisije, pod nadzorom OSCE-a i Privremene izborne komisije, osiguravaju transport i sigurnost materijala iz OSCE-ovih Regionalnih centara i terenskih ureda do i od opština, te do i od biračkih mjesta (za glasačke materijale) uključujući:

Furthermore the words *voting materials* have, in fact, been translated as *birački materijal*, which would imply that *birači* use that material, while *birači* are all people on the Voters' List and *glasači* are the ones who come to the polls to cast the ballot, as it was explained during analysis of In Article III, paragraph (1) of Annex 3 mentioned earlier.

Article 34 reads:

The Election Commissions shall keep applicable records.

And it was translated as follows:

Izborne komisije će čuvati potrebne zapisnike.

Here, again, the auxiliary verb *shall* has not been translated as present tense, but rather as future tense. The phrase *to keep the records* has been translated as *čuvati zapisnike*, which is wrong. According to the Longman Dictionary of Contemporary English the phrase *to keep a record* means *to regularly record written information somewhere*, which would mean that more appropriate translation of this Article to Bosnian language would be:

Izborne komisije vode potrebne evidencije.

Even though many of the comments and observations given in this paper so far mostly relate to correctness of the translation, I believe that it is important to follow how translation has evolved over the period of 26 years. It is, of course, not all about the register, but it is also very important to capture the true meaning of a sentence, as all these documents are binding and must be understood clearly by all election stakeholders.

When it comes to translation of Article 36 in the section titled Divided Municipalities the translator seems to have struggled with part of the sentence and tenses again.

Article 36 reads:

The Governments of the Federation of Bosnia and Herzegovina and Republika Srpska shall appoint ad hoc Election Commissions in all parts of divided municipalities without a municipal capital city in its territory:

- a) where the government has determined that there is a sufficient voting population to warrant the establishment of such ad hoc Election Commissions; and
- b) when the government has decided not to merge the parts of divided municipalities with other municipalities.

This Article was translated as follows:

Vlade Federacije Bosne i Hercegovine i Republike Srpske će naimenovati ad hoc Izborne komisije u svim dijelovima podijeljenih opština bez glavnog dijela opštine na svojoj teritoriji:

- a) gdje je vlada utvrdila da ima dovoljno lica za glasanje da se opravda oformljenje takve ad hoc Izborne komisije; i
- b) ako vlada odluči da ne integriše dijelove podijeljenih opština sa drugim opštinama.

It can be noted that the translator failed to understand a part of the first sentence:

*“...in all parts of divided municipalities without a municipal capital city in its territory...”*

Translating it as

*“...u svim dijelovima podijeljenih opština bez glavnog dijela opštine na svojoj teritoriji”.*

It is evident that the phrase that *without municipal capital city* was translated *bez glavnog dijela opštine*, which as such does not render any meaning, and when backtranslated it means *without main part of the municipality*. The importance of knowing the context against which these Rules and Regulations were prepared is very important. Many municipalities in Bosnia and Herzegovina are divided between the two entities, the Federation of BiH and the Republika Srpska. Consequently, the municipal or administrative center cannot exist on the territory of both entities or may even be divided between them. Here, *the municipal capital city* refers to

the principal city within a municipality that serves as its administrative and political center, and therefore adaptation should have been applied. Hence, a more suitable adaptation should have been applied in the translation. Furthermore, item b) of this paragraph was translated in future tense instead of utilizing this form to indicate present tense.

A more suitable translation of this Article would be:

Vlade Federacije Bosne i Hercegovine i Republike Srpske imenuju ad hoc Izborne komisije u svim dijelovima podijeljenih opština bez opštinskog glavnog grada na njihovom teritoriju:

a) gdje je vlada utvrdila da ima dovoljno lica za glasanje da se opravda oformljenje takve ad hoc Izborne komisije; i

b) ako vlada odluči da ne integriše dijelove podijeljenih opština sa drugim opštinama.

Chapter IV of the Rules and Regulations relates to registration of political parties and independent candidates. Article 42 of Chapter IV reads:

A political party that is registered at the Bosnia and Herzegovina or Entities level does not have to register also at the other levels in order to present candidates. Also, a political party registered at the canton level does not have to register also at municipal level in order to present candidates at that level. Political parties must indicate in their application whether they intend to present candidates at the lower level and must also indicate the electoral unit where they will be presenting their candidates.

and was translated as follows:

Politička stranka koja je registrovana na nivou Bosne i Hercegovine ili Entiteta ne mora se ponovo registrovati i na drugim nivoima, kako bi kandidovala svoje kandidate. Također politička stranka koja se registruje na kantonalnom nivou ne mora ponovo da se registruje na opštinskom nivou da bi učestvovala na izborima na tom nivou. Političke stranke moraju naznačiti u svojoj prijavi da li namjeravaju da kandiduju kandidate na nižem nivou i također moraju naznačiti izbornu jedinicu gdje će kandidovati svoje kandidate.

The phrase *to present candidates* was translated as *kandidovati kandidate*, which is not necessarily wrong, although in this context of getting certified to participate in the elections more appropriate translation would be *prijaviti kandidate*, as it is a more natural wording in the TL and aligns with the stages of the electoral process. Namely, a candidate must firstly be approved and/or certified by an election management body and only then he or she can stand as a candidate. Until such time the political parties are, in fact, only nominating their potential candidates, which is confirmed by Article 44 of the Rules and Regulations, which states that

A registered political party may within 48 hours replace a candidate who has been declared ineligible by the Provisional Election Commission.

It has to be noted here that words *eligibility* and *ineligibility* are differently translated either as *podoban/kvalifikovan* for *eligibility* and *nekvalifikovan/nepodoban* for *ineligibility*. Upon further analysis of available documents we will see how this word was ultimately translated and accepted by the general public.

Thus, appropriate translation would thus read:

Politička stranka koja je registrovana na nivou Bosne i Hercegovine ili Entiteta ne mora se ponovo registrovati i na drugim nivoima, kako bi prijavila svoje kandidate. Također politička stranka koja se registruje na kantonalnom nivou ne mora ponovo da se registruje na opštinskom nivou da bi učestvovala na izborima na tom nivou. Političke stranke moraju naznačiti u svojoj prijavi da li namjeravaju prijaviti kandidate na nižem nivou i također moraju naznačiti izbornu jedinicu gdje će prijaviti svoje kandidate

This Chapter also discusses signatures that voters/supporters can give to a political party for its application to participate in the elections. In this document we will see how this term has evolved from *signatures/supporting signatures/signatures of party supporters, signatures of voters who support the party*, which were used interchangeably and translated as *potpisi, potpisi birača koji podržavaju stranku*, to *signatures of support – potpisi podrške*, which is now widely accepted by both general and expert public.

Part of Article 46 was directly incorporated into the Election Law of Bosnia and Herzegovina and was made a separate Article on eligibility to stand as a candidate and be elected, with some minor changes.

Article 46 of the Rules and Regulations in English language reads:

...No person who is under indictment by the International Tribunal for the Former Yugoslavia and who has failed to comply with an order to appear before that Tribunal may stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina.

As long as any political party maintains such a person in a party position or function, that party shall be deemed ineligible to participate in the elections.

And was translated as follows:

...Niti jedna osoba koja je pod optužnicom Međunarodnog Tribunala za bivšu Jugoslaviju a koja se nije povinovala naredbi da se pojavi pred Tribunalom, ne može biti kandidat niti obavljati bilo kakvu javnu funkciju na koju može biti naimenovana ili izabrana na teritoriji Bosne i Hercegovine. Dok god bilo koja politička stranka drži takvu osobu na stranačkoj funkciji, ta stranka će se smatrati nekvalifikovanom za učešće na izborima.

However, Article 1.6 of the BiH Election Law that relates to this matter reads:

(1) Nijedno lice koje je na izdržavanju kazne izrečene od Međunarodnog suda za ratne zločine za bivšu Jugoslaviju, i nijedno lice koje je pod optužnicom Suda, a koje se nije povinovalo naredbi da se pojavi pred Sudom, ne može biti upisano u Centralni birački spisak, niti može biti kandidat (pojam kandidata u smislu ovog zakona odnosi se na lica oba pola), niti imati bilo koju imenovanu, izbornu ni drugu javnu funkciju na teritoriji Bosne i Hercegovine.

(2) Sve dok neka politička stranka ili koalicija ima na funkciji ili položaju u političkoj stranci lice iz stava (1) ovog člana, smatrat će se da ne ispunjava uslove za učešće na izborima.

Article 1.6 of the BiH Election Law, as can be seen, is almost identical to Article 46 of the Rules and Regulations, except for some additions that were made to include those serving a sentence imposed by the Tribunal and illegibility to be recorded in the Central Voters' Register. Furthermore, it can be noted that *the International Tribunal for the former Yugoslavia* was firstly translated as *Međunarodni Tribunal za bivšu Jugoslaviju*, while it was translated as *Međunarodni sud za ratne zločine za bivšu Jugoslaviju* for the purpose of the first BiH Election Law, which was adopted in 2001. However, the official translation given on the website of the

ICTY<sup>9</sup> is *Međunarodni krivični sud za bivšu Jugoslaviju*. I believe that in 1996, this website was not available as a source of reference. However, by 2001, when drafting the first Election Law, which involved many international actors, there should have been a consultation of available resources to ensure consistency in translating or using the name of the Tribunal.

As it can be seen by comparing the translation of Rules and Regulations and the original BiH Election Law in Bosnian language, there are some slight, but important, differences. For example,

*...or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina*

was translated as

*...niti imati bilo koju imenovanu, izbornu ni drugu javnu funkciju na teritoriji Bosne i Hercegovine.*

It is clear that the translation has made an omission, but not as a translation strategy, by translating *elective* as *izbornu*. Merriam-Webster Dictionary defines *elective*, inter alia, as *chosen or filled by popular elections*, meaning that it is a function/position to which a person is elected. I would rather use phrase *izabrana funkcija* as a more appropriate and accurate translation, since it is given to a person through the elections.

The next chapter relates to registration of independent candidates for legislative bodies and Article 54 item (ii) reads:

*...complete the required application for registration form and submit the necessary number of supporting signatures as follows:*

and was translated as follows:

*...da kompletira traženi prijavni obrazac za registraciju i da priloži potrebni broj potpisa podrške kako slijedi:*

Verb *complete* was translated as *kompletirati*, which is not wrong, except for the fact that the context would require adaptation to the TL in terms of choosing the best available vocabulary. Namely, Merriam-Webster Dictionary defines *complete* as: *to bring to an end and especially into a perfected state; to make whole or perfect; to mark the end of; and execute or fulfill*. If

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<sup>9</sup> <https://www.icty.org/bcs/o-mksj>



translated literary the verb *kompletirati* would be adequate, and could be even substituted with *objediniti* as a more natural notion in the Bosnian language. Considering the context of this Article, a more suitable translation would be:

...da popuni traženi prijavni obrazac za registraciju i da priloži potrebni broj potpisa podrške kako slijedi:

Article 55 could be translated using transposition to make the text read more naturally in the Bosnian language.

Article 55 reads:

Independent Candidates must include with their application for registration a signed statement whereby they declare that they will abide by the General Framework agreement for Peace in Bosnia and Herzegovina, the Code of Conduct for Political Parties and Candidates and the Rules and Regulations approved by the Provisional Election Commission.

and was translated as follows:

Nezavisini kandidati moraju priložiti uz prijavu za registraciju potpisanu izjavu kojom izjavljuju da će se pridržavati Opšteg okvirnog sporazuma za mir u Bosni i Hercegovini, Kodeksa ponašanja za političke stranke i kandidate i Pravila i propisa usvojenih od strane Privremene izborne komisije.

By rearranging the word order, the translation more closely adheres to the conventions of the target language while still accurately conveying the original meaning of the phrase. This ensures that the translated text is both grammatically correct and contextually appropriate for the intended audience. A more suitable translation would be:

Uz prijavu za registraciju nezavisini kandidati moraju priložiti potpisanu izjavu kojom izjavljuju da će se pridržavati Opšteg okvirnog sporazuma za mir u Bosni i Hercegovini, Kodeksa ponašanja za političke stranke i kandidate i Pravila i propisa usvojenih od strane Privremene izborne komisije.

Article 57 is the same Article 46, which was elaborate earlier in this paper. Article 57 introduces electoral units. Inspection of the relevant documents, including the BiH Election Law, it was concluded that *izborna jedinica* has been translated as constituency, which is not wrong. However, encyclopedia Britannica defines constituency as: *basic electoral unit into which*

*eligible electors are organized to elect representatives to a legislative or other public body. The registration of electors is also usually undertaken within the bounds of the constituency.* The Election Law of BiH uses *electoral unit* and *constituency* interchangeably, and basic constituency for *osnovna izborna jedinica*, which in this case is redundant as constituency already means basic electoral unit.

Furthermore, the Chapter also introduces terms such as polling station, absentee polling station, registration process, ballot box, voting screens, absentee ballot, etc. Table 2 shows how specific election-related terms were translated.

Original text of the Rules and Regulations	Translation into the Bosnian language
Polling station	Biračko mjesto
Absentee polling station	Biračko mjesto za glasanje u odsustvu
Absentee ballot	Glasački listić za glasanje u odsustvu
Registration process	Postupak registracije
Ballot box	Glasačka kutija
Voting screens	Biračka kabina
Political party	Politička stranka
Polling station poll book	Knjiga biračkog mjesta
Independent candidate	Neovisni kandidat
Coalition	Koalicija
List of candidates	Lista kandidata
Application form	Prijavni obrazac
Voters' list	Birački spisak

Table 2. Overview of election-related terms introduced to the public for the first time

A new word is introduced in Article 69 of the English version of Rules and Regulations: *voting station*, which has not been used before. The word was translated as *biračko mjesto* although it could not be found in the Translators Reference Guide. The terms *voting station* and *polling station* were both used interchangeably, but the term *voting station* was only used twice in the entire text, so there is a lack of consistency of the side of the persons drawing up the Rules and Regulations in English.

Article 69 reads:

Any complaints by the independent candidate representatives or the registered political party representatives must be submitted to the Polling Station Committee Chairman at the voting station or counting center and will become part of official record of the polling station or Counting Center.

and the translation reads as follows:

Sve žalbe od strane predstavnika registrovanih nezavisnih kandidata ili predstavnika registrovanih političkih stranaka moraju se podnijeti predsjedavajućem biračkog odbora na biračkom mjestu ili u centru za prebrojavanje, i postaće dio zvaničnog zapisnika biračkog mjesta ili centra za prebrojavanje.

The word *complaint* was inappropriately translated as the electoral process in BiH differentiates between a complaint and an appeal, first being translated as *prigovor*, while the second is translated as *žalba*. Merriam-Webster Dictionary defines *a complaint* as: *a formal allegation against a party*, and an *appeal* as: *a legal proceeding by which a case is brought before a higher court for review of the decision of a lower court*. The difference in meaning is quite obvious, since complaint is a formal allegation, which is an initial step in a process to get to the appeal. In BiH's justice system an appeal can be lodged only after a body renders its decision on a particular matter, which is not the case in this Article.

In fact, more appropriate translation of this Article would be:

Svaki prigovor predstavnika registrovanih nezavisnih kandidata ili predstavnika registrovanih političkih stranaka mora se podnijeti predsjedavajućem biračkog odbora na biračkom mjestu ili u centru za prebrojavanje, i postaje dio zvaničnog zapisnika biračkog mjesta ili centra za prebrojavanje.

Chapter V of the Rules and Regulations addresses polling stations and the criteria for their establishment in Bosnia and Herzegovina. This chapter has been translated with a high level of accuracy. The only inconsistency lies within the original Rules and Regulations, which did not maintain consistency throughout this article. Namely, different words are used to denote a person, who is accredited to observe the electoral process. In Article 75 it is a monitor, while in Article 84 it is an observer. However, the translator managed to consistently use the word *posmatrač* in the TL.

There is a mention of a poll book in Article 80, which reads:

No weapons or arms allowed in the polling station unless the Polling Station Committee Chairman asks for the assistance of the security personnel. Details of any disturbance will be noted in the poll book. Specific times will be recorded showing when the polling station was closed, when it was reopened and the adjustment to the 19:00 hours closing time.

and was translated as follows:

Nije dozvoljeno nošenje oružja na biračkim mjestima izuzev ako Predsjedavajući Biračkog odbora zatraži pomoć osoblja za bezbjednost. Detalji o svim ometanjima će biti zabilježeni u biračku knjigu. Biće zabilježeno vrijeme koje će pokazati kada je biračko mjesto zatvoreno, kada je ponovno otvoreno, te usklađivanje sa vremenom zatvaranja koje je predviđeno za 19:00h.

Review of the Translators Reference Guide shows that the translation provided there relates to the polling station poll book and was translated as *knjiga biračkog mjesta*. It is obvious that the translator failed to consult the Guide and translated the poll book as *biračka knjiga*. This might not be perceived as an error, as it was a new concept and something a translator may not have been aware of without deeper involvement in the process. The poll book is a booklet utilized by the polling station committee to document all aspects of the Election Day, including the station's opening, presence of observers, disruptions to the process, and so forth. The correct translation into the Bosnian language would be *zapisnik o radu biračkog odbora*, which has been defined by the BiH Election Law. This example demonstrates the evolution of translation, from the initial introduction of the word to its subsequent refinement for better suitability in the target language.

The next part of the Rules and Regulation covers disruptions of the voting process. This section was translated quite accurately except for Article 86, item d), where some improvements in the translation can be made. This item reads:

...if peace and order have not been restored within a reasonable time and it appears to the Chairman that the possibility of peace and order being restored within a reasonable time is not likely, then the Chairman may postpone voting to the next day if possible; if that is not possible, then the Chairman of the Local Election Commission in conjunction with the senior OSCE agent in the area must designate another day, but no later than

seven days from the day of the interruption; if the voting cannot be held within seven days, then the Provisional Election Commission shall decide when the vote shall be taken.

and was translated as follows:

Ako red i mir nisu ponovno uspostavljeni u razumnom vremenskom roku, i ako Predsjedavajućem ne izgleda da postoji mogućnost za ponovnu uspostavu reda i mira u razumnom vremenskom roku, onda Predsjedavajući može da odloži glasanje do sljedećeg dana, ako je to moguće; ako to nije moguće, onda Predsjedavajući Lokalne izborne komisije zajedno sa višim zastupnikom OSCE-a sa tog područja mora da odredi neki drugi dan, ali ne kasnije od 7 dana od dana prekida; ako se glasanje ne može obaviti u roku od 7 dana, onda će Privremena izborna komisija odlučiti kada će se glasati.

The sentence in SL is structured in a complex but clear manner, using conditional clauses, modal verbs, and passive voice to convey the conditions under which the Chairman may postpone voting. The phrase *...appears to the Chairman .....is not likely* has led to an awkward construction in the TL, where *it appears to the Chairman* was translated as *ne izgleda*, using a negation to express probability of having peace and order restored within a reasonable time. One of the definitions of *appear* provided by the Merriam-Webster Dictionary is *to become evident or manifest; to be or come in sight and to show up* and the translation provided corresponds to this definition. However, the translation requires modification of the length and structure to maintain coherence and readability. Suggested translation is:

Ako red i mir nisu ponovno uspostavljeni u razumnom vremenskom roku i ako Predsjedavajući smatra da ne postoji mogućnost za ponovnu uspostavu reda i mira u razumnom vremenskom roku, onda Predsjedavajući može da odloži glasanje do sljedećeg dana, ako je to moguće; ako to nije moguće, onda Predsjedavajući Lokalne izborne komisije zajedno sa višim zastupnikom OSCE-a sa tog područja mora da odredi neki drugi dan, ali ne kasnije od 7 dana od dana prekida; ako se glasanje ne može obaviti u roku od 7 dana, onda će Privremena izborna komisija odlučiti kada će se glasati.

The next Chapter is very interesting as it introduces new methods of voting, which have not been used before. It is named process of voting and Article 91 describes the proportional representation system.

The Article reads:

The system of Proportional Representation to be used will be a simple quota system in which the initial allocation of seats will be made by dividing the total number of votes cast in the election by the number of seats, and then dividing the number of votes cast for each party by the resulting figure. Any remaining seats are then allocated to the parties with the largest remainder, provided that that party has already won at least one seat in the initial allocation. A chart showing how this system will work is attached (See Article 115, p.27).

This Article was translated as follows:

Sistem proporcionalne zastupljenosti koji će se koristiti, biće jednostavan quota sistem u kom će se doći do inicijalne dodjele odborničkih mjesta podjelom ukupnog broja glasova datih na izborima sa brojem mjesta, i zatim podjelom broja glasova datih za svaku stranku cifrom koju smo dobili; preostala mjesta se onda dodjeljuju strankama sa najvećim ostatkom, pod uslovom da je stranka već dobila najmanje jedno mjesto na inicijalnoj dodjeli. Priložen je grafik koji prikazuje kako će sistem funkcionisati (vidi član 115 str. 27).

It can be observed that there are several novelties. Firstly the proportional representation system itself, quota system and the way the seats are allocated. The word quota was not translated, although there is a suitable translation in the TL, *kvota*. The definition of quota in Merriam-Webster Dictionary is *a proportional part or share, the number of amount constituting a proportional share, and a fixed number or percentage of minority group members or women needed to meet the requirements of affirmative action*. One of the meanings of the word *kvota* in the Bosnian language is *razmjernan dio, iznos ili količina*, meaning that that word is a suitable equivalent for the English word *quota*. Furthermore, the word seat in terms of elections is usually translated as *mandat* and not *mjesto* since if someone has won a mandate it means that she or he has the seat in a body. Although words mandates and seats are used interchangeable in the original text, it is more natural to use mandate/mandat in the Bosnian language

Following the explanation above, a more suitable translation of this Article would be:

Sistem proporcionalne zastupljenosti koji će se koristiti je jednostavan sistem kvota u kom se inicijalna dodjela mandata vrši podjelom ukupnog broja glasova datih na izborima sa brojem mandata, dijeleći zatim broja glasova datih za svaku stranku

količnikom iz prethodne podjele; preostali mandati se onda dodjeljuju strankama sa najvećim ostatkom, pod uslovom da je stranka već osvojila najmanje jedan mandat na inicijalnoj dodjeli. U prilogu je grafički prikaz načina na koji će sistem funkcionisati (vidi član 115 str. 27).

Articles 93 and 94 explain in more detail how members of the Presidency of BiH and the Presidency of the Republika Srpska are elected. There are some things that could be improved in the TL. The Articles read:

Article 93 The Presidency of the Republika Srpska and the Republika Srpska Member of the Presidency of Bosnia and Herzegovina will each be elected by a single direct ballot of voters registered in the Republika Srpska, the candidate receiving the largest number of votes being elected.

Article 94 The Bosniac and Croat Members of the Presidency of Bosnia and Herzegovina will be elected by a single direct ballot of voters registered in the Federation, each voter having a single vote and the Bosniac and Croat candidates receiving the largest number of votes among the candidates of their nationality being elected.

The notion of single direct ballot is mentioned for the first time in these Articles. Merriam-Webster Dictionary defines *ballot* either as *a sheet of paper used to cast a secret vote, action or system of secret voting or the right to vote*. Here the notion of a single ballot actually means the action of voting and implies that the voters are the ones who elect a representative directly as opposed to indirectly when it is done by another body. However, these Articles were translated as follows:

Član 93 Predsjedništvo Republike Srpske i član Republike Srpske u Predsjedništvu Bosne i Hercegovine će svaki biti izabrani pojedinačnim direktnim glasačkim listićem birača registrovanih u Republici Srpskoj, kandidat koji dobije najveći broj glasova biće izabran.

Član 94 Bošnjački i hrvatski članovi Predsjedništva Bosne i Hercegovine će biti izabrani pojedinačnim direktnim glasačkim listićem birača registrovanih u Federaciji, tako što će svaki birač imati pojedinačni glas, a bošnjački i hrvatski kandidati koji dobiju najviše glasova među kandidatima njihove nacionalnosti, biće izabrani.

As it can be seen the single direct ballot was translated as *pojedinačnim direktnim glasačkim listićem*, which is actually not wrong but it does not reflect the process itself. However, the translator should have used adaptation and modulation in terms of the register and the context as to make it comprehensible to the target audience. It can also be observed that *single vote* was translated as *pojedinačni glas* which would have a notion of individual, but in fact denotes one vote, meaning that a single voter can either vote for a Bosniac or a Croat member of the BiH Presidency and not for both. Since Bosnia and Herzegovina is a very complex state, the notion of nationality is grasped differently than in the rest of the world. Here nationality was used to denote ethnic groups (one has to know the background of the 1992-1995 aggression), but it was translated as *nacionalnost*, which is not wrong since the Merriam-Webster Dictionary defines nationality as *an ethnic group constituting one element of a larger unit (such as a nation)* although it has an entirely different meaning in the TL, where it denotes belonging to a nation or a country. The translator could have used *etnička pripadnost* as a more appropriate equivalent in the Bosnian language. Suggested translation of these Articles is as follows:

Član 93 Predsjedništvo Republike Srpske i člana Republike Srpske u Predsjedništvu Bosne i Hercegovine neposredno biraju birači registrovani u Republici Srpskoj, a izabran je kandidat koji osvoji najveći broj glasova.

Član 94 Bošnjačkog i hrvatskog člana Predsjedništva Bosne i Hercegovine neposredno biraju birači registrovani u Federaciji, tako što svaki birač ima jedan glas, a izabran je bošnjački i hrvatski kandidat koji osvoji najveći broj glasova među kandidatima svoje nacionalnosti.

Next section of the Rules and Regulations relates to voter education and information dissemination. The only mistake observed in this section is translation of *informational voter education material*. In Article 116 it was translated as *informacioni edukacioni materijal za birače*, while in Article 117 *informational voter education messages* were translated as *informacione poruke za edukaciju birača*. The word *informacione* in the TL refers to information technologies and do not convey the meaning the word *informational* in the SL, which refers to information dissemination. Appropriate translation would be *informativni materijal za edukaciju birača* and *informativne poruke za edukaciju birača*.

Articles from 119 through 136 cover code of conduct for political parties and candidates as well as the media and reporting, and their translation was found to be accurate and appropriate.



Section VIII of the Rules and Regulations introduced new bodies – supervisory bodies, Election Appeals Sub-Commission and Media Experts Commission. These bodies were introduced for the first time and Election appeals sub-commission was translated as *Izborna apelaciona potkomisija*, although during the interview with the informant Irena Hadžiabdić it was concluded that the name of the commission in the Bosnian language was *Apelaciono vijeće za prigovore i žalbe*, which is an excellent example of paraphrasing.

Article 138 provides an explanation on the duties of the sub-commission stating that it is responsible to ensure compliance with the electoral Rules and Regulation and adjudicate complaints with regard to the electoral process. The difference between a complaint and an appeal was explained earlier in this paper, and it can be observed that the translation in Bosnian language is more adapted to the genuine duties of the sub-commission, as it does not only address complaints, but also appeals.

Article 140 of this section reads:

The Election Appeals Sub-Commission will have the right to impose appropriate penalties and/or fines against any individual, candidate, party or body that violates the Rules and Regulations established by the Provisional Election Commission. In applying penalties and/or fines the Election Appeals Sub-Commission shall take the following factors into account:

and translated as follows:

Izborna apelaciona potkomisija će imati pravo da odredi odgovarajuće kazne i/ili novčane kazne protiv bilo kojeg pojedinca, kandidata, stranke ili tijela koje krši Pravila i propise Privremene izborne komisije. Primijenjujući kazne i/ili novčane kazne, Izborna apelaciona potkomisija će uzeti sljedeće faktore u obzir:

It can be seen that the sub-commission had the right to impose penalties and/or fines. In this case penalty was translated as *kazna*, while fine was translated as *novčana kazna*. However, more appropriate translation of the word penalty in this case would be *sankcija*. The Croatian encyclopedia defines the word *sankcija* as “*Dio pravne norme u kojem se određuju pravne posljedice za postupanje protivno naredbi iz dispozicije*”, meaning that it is part of a legal norm defining legal consequence for acting contrary to the order set forth in the disposition. Merriam-Webster dictionary defines penalty as “*the suffering or the sum to be forfeited to which a person*

*agrees to be subjected in case of nonfulfillment of stipulations*” meaning that penalty relates to legal consequences in case of noncompliance.

The translation of this Article would be as follows:

Apelaciono vijeće za prigovore i žalbe će imati pravo da odredi odgovarajuće sankcije i/ili novčane kazne protiv bilo kojeg pojedinca, kandidata, stranke ili tijela koje krši Pravila i propise Privremene izborne komisije. Primijenjujući sankcije i/ili novčane kazne, Izborna apelaciona potkomisija će uzeti sljedeće faktore u obzir:

In Article 145 of the section on Media Experts Commission the idiom *in relation to* was incorrectly translated and the meaning was altered. The Article reads:

A Media Experts Commission has been established in order to assist the Governments of the Parties to Annex 3 of the General Framework Agreement for Peace in Bosnia and Herzegovina in the fulfillment of their obligations in relation to the media, in particular with respect to freedom of movement, full and equal access of the media and all other media activities related to the elections. The Media Experts Commission will also ensure that the media themselves observe the Standards of Professional Conduct.

And the translation reads as follows:

Komisija eksperata za medije je oformljena s ciljem da pomogne Vladi Strana iz Aneksa 3 Opšteg okvirnog sporazuma za mir u Bosni i Hercegovini u ispunjavanju njihovih obaveza u odnosima sa medijima, posebno u pogledu slobode kretanja, punog i jednakog pristupa medija i svih ostalih medijskih aktivnosti vezanih za izbore. Komisija eksperata za medije će također osigurati da se mediji sami pridržavaju Standarda profesionalnog ponašanja.

As it can be seen the idiom *in relation to* was translated as *u odnosima sa*. Merriam-Webster dictionary defines this idiom as: *used to compare to the size, shape, or position of (some other part of the same thing); used to talk about what something is like by seeing how it is related to something else; about (something or someone): in reference to*, therefore more appropriate translation, which does not involve relations with the media, as it was translated to mean, would be *u vezi s*.

Thus the Article would read:

Komisija eksperata za medije je oformljena s ciljem da pomogne Vladi i Strani iz Aneksa 3 Opšteg okvirnog sporazuma za mir u Bosni i Hercegovini u ispunjavanju njihovih obaveza u vezi s medijima, posebno u pogledu slobode kretanja, punog i jednakog pristupa medija i svih ostalih medijskih aktivnosti vezanih za izbore. Komisija eksperata za medije će također osigurati da se mediji sami pridržavaju Standarda profesionalnog ponašanja.

## 5. CONCLUSION

The process of developing democracy in Bosnia and Herzegovina has been very difficult and complex, as it is proved by the fact that the Dayton Peace Agreement has never been officially translated and there is not body, either domestic or international, that can provide the official translation. Inspection of the two documents, the Dayton Peace Agreement, its Annex 3 in particular, and the Rules and Regulations revealed that, although there were some inconsistencies and errors, the documents were translated fairly good. However, what has been observed in Annex 3 and during my work in an election management body, i.e. the BiH Central Election Commission, is the fact that Article II, paragraph (2) of Annex 3 was not properly translated and many have been convinced, even to this day, that the true mandate of the OSCE Mission was to organize the elections and that is mainly due to poor and inadequate translation. This Article has been elaborated in more detail earlier in the paper.

The OSCE Mission to BiH had at that time tried to provide a reference manual for the translator in order to have consistent translation of all election-related materials, but it is not certain to what extent they have consulted experts in the field of law and political sciences. This paper proves that good background knowledge of any matter, and consultations with the experts, can yield good translation. However, as we could see in this paper, it is also necessary to have a good knowledge of the target language grammar in order to produce consistent and accurate translation.

It was noticed thought the paper that auxiliary verb shall was not properly translated, but it has to be noted that the Rules and Regulations, as a piece of legislation, was not properly written. The auxiliary verbs shall and will were used interchangeable throughout the text, although shall, as a notion of obligation, should have been used consistently.

The translation of both the electoral process and the mandate allocation process, both of equal importance, was performed accurately. However, I believe that the translation process necessitated consultations with experts specializing in this area, as it is crucial for the precise and consistent translation of the Rules and Regulations, which served as the foundation for the initial Election Law of Bosnia and Herzegovina. While the translators were successful in identifying equivalents and conveying the true meaning to some extent, they often lacked the necessary context against which the innovations were introduced, as illustrated in the example provided in this paper.

In conclusion, this paper has utilized specific examples of translation techniques and strategies to assess the level of equivalence achieved in the translation process. Through thorough analysis, it has been determined that the two pieces of legislation under review generally exhibit a satisfactory level of equivalence. However, notable gaps in the application of translation techniques and strategies have been identified.

Overall, while the translations demonstrate a generally satisfactory level of equivalence, the importance of employing translation techniques and strategies cannot be overstated. It can be inferred that the election registry in Bosnia and Herzegovina has undergone evolution over time, as evidenced by specific examples from the current election law. Having been involved in election administration for the past 18 years, I cannot emphasize enough the importance of comprehensive collaboration between translators and experts in the respective fields. As we transition into a new era, marked by technological advancements that will also influence elections, it will be intriguing to observe further developments in the election register.

In conclusion, this paper has illustrated the significance of employing precise translation techniques, and standards, and conducting thorough analysis in the translation process. Through meticulous examination and application of these principles, it has been demonstrated that translations can closely mirror the source text, resulting in more accurate and effective communication. By avoiding ambiguous constructions and other pitfalls, translators can ensure that the intended message is conveyed faithfully to the target audience. This paper underscores the importance of proficiency and attention to detail in achieving successful translations across various contexts. Moving forward, continued emphasis on these factors is paramount for advancing the quality and reliability of translation endeavors.

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