



A Study on the Translation Strategies of Marine Legal English from the Perspective of “Maritime Power” Strategy

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Abstract. President Xi Jinping underlines that “telling the Chinese story well, spreading the Chinese voice well, and showing a true, three-dimensional and comprehensive China are important tasks to strengthen the construction of China’s international communication capacity.” The CPC Central Committee and the State Council put forward the major deployment of “building a maritime power” and put forward that a positive and good image of maritime law is the guarantee for improving the construction of international communication capacity. The interconnection of Chinese and foreign marine laws depends on the accurate translation of laws. Therefore, we should do a good job in the publicity and introduction of China’s concept of marine laws through translation, better display the image of China’s marine laws to the world, make the international community well understand the construction of China’s marine laws, and promote the exchange and communication of marine laws civilization. This paper analyzes the problems of non-standard and inconsistent translation of proper names and terms in the translation of Chinese marine law texts, as well as the mistranslation examples of translators due to their lack of professional knowledge of marine law. Combined with specific mistranslation examples, this paper expounds the translation strategies and methods of Chinese marine law texts from different dimensions and levels.

Keywords: Maritime power · Maritime law · translation strategy

1 Introduction

The 18th National Congress of the Communist Party of China put forward the strategy of “building a maritime power”, emphasizing to further concern, understand and develop the ocean. Of the total area of the world’s oceans, 109 million square kilometers are under the jurisdiction of coastal countries, of which more than 380 sea areas are delimited through consultation between adjacent or opposite countries. The 21st century is an era of competition among countries’ maritime strength. All countries should actively safeguard their maritime rights and interests, and relevant countries will have maritime contradictions and conflicts. “The sea is not only a sharp weapon for safeguarding national rights and interests, but also an important tool for political and diplomatic

struggle. It itself undertakes the functions of maritime diplomacy and military diplomacy” [1]. How to maintain national maritime security, stability and security, and how to properly solve maritime conflicts and contradictions have become one to the priorities of China’s national strategy.

Facing increasingly serious maritime security problems, such as the dispute between neighboring countries and China’s waters over Diaoyu Islands, Xisha and Nansha, our government is facing great pressure and challenges, and external risks are increasing. Our means to safeguard maritime security and rights is to use internationally accepted maritime rules to deal with all kinds of maritime threats and challenges and maintain national maritime peace. The development of national marine undertakings and the maintenance of marine rights and interests all need the support of national policies. Therefore, we should strengthen the guidance of macro policies, formulate and improve the laws and regulations for the development of national marine industry and the construction of sea power as soon as possible, accelerate the construction of marine laws and regulations system, and do a good job in the communication and connection between domestic and international marine legal system, so as to provide legal guarantee for the development of China’s marine industry. In the context of the “maritime power” strategy, the government is speeding up the drafting of a variety of marine laws to protect the construction of a maritime power, increase marine development, safeguard marine rights and interests and make use of marine resources. The strategy to achieve this macro goal is to “translate” China’s marine laws and regulations, achieve effective communication and exchange with the international community, establish a good “image of the rule of law” in the ocean, and provide legal guarantee and support for the understanding of the international community and the settlement of marine disputes.

2 Current Situation of English Translation of Maritime Law in China

2.1 Great Shortage of Marine Law English Translation Talents

With the development of global economy, English has become the medium of information communication and exchange among countries, and translation also undertakes an important tool to promote communication and development among countries. There are a lot of translators in China, but because marine legal English talents requires for the compound skills, they are high-level translators who are proficient in marine legal knowledge, mother tongue and English. Marine legal English is not only a practical interdisciplinary subject formed by the organic combination of legal science and English Linguistics [2], but also an interdisciplinary subject with the characteristics of “law + language”, but also requires translators to have complete marine scientific knowledge and be the working language of applied and compound talents.

In addition, marine legal English talents “must also study, compare, grasp and apply the equivalence, difference, interpretability and interpretability of the two legal terms” [3]. However, at present, there are few personnel engaged in marine legal English translation in China. The number and quality of marine legal professionals are far from meeting the actual needs, which seriously affects the translation quality of marine legal

texts in China and restricts China's participation in and even leading the formulation of International Marine rules. In order to become a maritime power in China, an excellent team of marine legal English talents is essential. The lack of talents is the weakness of marine legal English translation. At present, China's marine law translation force is weak and there is a great shortage of talents. It is also urgent to speed up the training of more marine law English professionals, improve the quality of marine law translation, and enhance the international community's understanding and recognition of China's marine rule of law.

2.2 Poor Translation Quality of Marine Law English

Marine law is a special law, which has the distinctive characteristics of fixed words, unified concepts and specific expression. Its translation characteristics and methods need systematic learning. Marine legal English, belonging to legal English, is a branch of English for special purposes (ESP). It is used in marine legal texts or international communication of marine legal affairs. It integrates marine science, law and English linguistics. It has obvious characteristics in vocabulary, syntax, concepts and problems.

At present, China's marine laws and regulations include the Law of the People's Republic of China on the Exploration and Development of Deep Seabed Resources, the Law of the People's Republic of China on the Territorial Sea and Adjacent Areas, the Law of the People's Republic of China on the Exclusive Economic Zone and Continental Shelf, the Law of the People's Republic of China on the Administration of the Use of Sea Areas, the Marine Environment Protection Law of the People's Republic of China, the Island Protection Law of the People's Republic of China, the Basic Law of the People's Republic of China on the Sea, Each law now has a corresponding English version. However, due to the translator's lack of extensive knowledge of marine law translation and systematic training in marine law translation, he is unable to meet the requirements of multi-domain and multi-disciplinary knowledge faced by marine law translation. The English versions are full of errors, and confused translation of professional terms, discourse and syntax, which cannot effectively promote the international dissemination and international communication of China's marine laws and regulations. These problems have weakened China's international voice in the ocean. It is not conducive to the exchange, negotiation, interpretation and dispute settlement between China and other countries in the world. Therefore, the quality and norms of marine law English translation need to be improved.

3 Translation Strategies of Marine Law

The translation of Chinese maritime legal texts is a national translation practice, which has unique stylistic and discourse characteristics. Its translation principles and strategies are also different from the general translation practice. Marine law translation requires accurate correspondence of concepts, accurate transmission of information and correct and consistent terminology. The common feature of marine law and other laws is that legal concepts correspond to legal professional terms. The research object of marine legal English is first of all the concept and the English proper name corresponding to the

concept. If the translation of the proper name is wrong, the concept will inevitably be conveyed incorrectly, because “the concept is the basis for the communication between different language and cultural systems, so the translation of the name is the top priority” [4]. In addition to proper names, the translation of terms in marine law is also an important aspect. For the same Chinese legal terms, English translations are diverse, resulting in confusion in terms translation. Next, it analyzes the problems in the English translation of proper names and terms of China’s maritime law texts, and puts forward the corresponding solutions.

3.1 Problems and Strategies of English Translation of Proper Names and Terms in Marine Law

There are two main categories of marine legal English vocabulary, namely proper names and term translation. In translation, translators translate proper names and terms according to their translation habits, resulting in mistranslation and random translation. The English translation of the proper name is inconsistent with that of the official name, and is inconsistent and nonstandard in each translated text. For example, the translation of some organizations, “Ministry of Natural Resources of the People’s Republic of China” is translated as “Ministry of Natural Resources, Department of Natural Resources”. Another example is the “State Oceanic Administration of the People’s Republic of China”, which is mistranslated as “State Bureau of Oceanic Administration” or “State Ocean Bureau”. Some translators translate “International Seabed Authority” into “International Sea-Bed Authority”. From the above examples, it is clear that incorrect and inconsistent translations of proper names in marine legal texts have seriously affected the international dissemination and publicity quality of China’s marine legal texts.

Another problem is the mistranslation of terms in marine legal texts. The translation of terms is a very important aspect of marine legal texts translation. The translation of any professional term requires the translator to have a broad and profound professional knowledge background [5], and marine legal terms are no exception. Legal terms have the characteristics of certainty, preciseness, fixed usage and single meaning. They also have solemnity like law [6]. However, in practice, confusion in the translation of proper names and terms emerges one after another, which seriously affects the process of building the image of maritime rule of law in China. In order to unify the translation norms of special terms of marine law, we should refer to the marine legal language shared by all countries in the world in order to achieve effective communication with the international world. We can mainly refer to the United Nations Convention on the Law of the Sea (UNCLS), which is jointly observed by many countries. In the translation of maritime legal texts in China, the phenomenon of terminology translation is also very chaotic. For example, “marine rights and interests” is translated into “maritime rights and interests” in the Exclusive Economic Zone and Continental Shelf Law of the People’s Republic of China and in the Territorial Sea and Contiguous Zone Law of the People’s Republic of China. And “freedom of transit passage” is translated into “free transit” or “free transit passage”. Some scholars translated “marine scientific research” into “oceanographic research” or “ocean scientific research”. According to the norms of the UNCLS, it should be marine scientific research. The translation of names of different sea areas is even more confusing. For example, “territorial sea” is translated into territorial waters, marine belt, closed sea,

etc. Many translators translate “high seas” into “international waters”, “open seas”, or “public seas”. And “contiguous zone” is translated into “adjacent area” or “contiguous area”. In addition, “land-locked States” is mistranslated into “landlocked country” or “inland state”. Translators translate these terms at will, resulting in the existence of multiple English translations of the same Chinese legal concept. There are numerous phenomena of disorderly translation of proper names and terms of China’s marine legal texts. When facing the changeable English translations, it is difficult for the international world to judge whether they refer to the same Chinese legal concept. The diversity and arbitrariness of translations are not conducive to foreign economic exchanges, which damage the image of China’s marine rule of law, and is not conducive to China’s use of marine law to safeguard legitimate maritime rights and interests.

With the increasingly frequent exchanges in various fields among countries, the construction of China’s marine legal system is inseparable from absorbing foreign cutting-edge marine legal culture. The status of marine legal English is becoming more and more important, and the translation of marine legal terms is becoming more and more important. Therefore, we should establish a corpus of marine legal English as soon as possible and standardize the translation standards of marine legal English proper names and terms. The accuracy of the translation of proper names and terms of marine law directly reflects the authority and accuracy of China’s marine law texts. It is necessary for scholars to promote the standardization of marine legal terms and establish an English index of marine law. At the same time, it is essential to timely feedback the latest and cutting-edge trends at home and abroad to the database, eliminate some outdated and impractical marine legal terms, and avoid the occurrence of inconsistencies in the translation of marine legal terms by future translators, which will affect the establishment of China’s image of marine rule of law.

In translation practice, translators should follow the principle of consistency, including the consistency of proper names and professional terms in marine law with international treaties jointly observed by the international community, which is the basis of dialogue with the international community. At the same time, the proper name should be consistent with the official name, which is an important aspect of maintaining the national image; Finally, the translation of terms in China’s marine legal texts should be consistent among legal texts, which is conducive to publicizing the concept of China’s marine law and building a scientific and systematic Chinese marine discourse system.

3.2 Mistranslation Caused by Misunderstanding of Marine Law Texts and Its Strategies

The first step of Chinese-English translation of marine law is to correctly understand the information expressed in the text and translate it in accordance with the expression habits of marine law English. If the translator lacks the knowledge of customary usage of marine law English and common knowledge of marine law, he will be very blind in understanding and word-selection. There will be information transmission errors or missing translation of the original information in the translation, which is a very serious problem in translation. Secondly, as a branch of legal language, marine legal language has rigorous structure, exquisite words and strict logic, and uses more passive voice, which is determined by the nature of the law itself. As a translator, if the expression and

characteristics of legal language are not grasped and understood clearly, various errors may also be caused in translation. In order to pursue accuracy, translators often have exquisite wording, lengthy sentences and complex structure, coupled with the influence of the original language and loopholes in professional knowledge, or lack of scrutiny of the original language, which may lead to insufficient understanding of the original language and various errors in translation. For example, Article 11 of the Maritime Traffic Safety Law of the People's Republic of China, the original Chinese text is as followed,

外国籍非军用船舶未经主管机关批准不得进入中华人民共和国的内水和港口, 但因人员病急、机件故障、遇难、避风等意外情况未及获得批准, 可以在进入的同时向主管机关紧急报告并听从指挥。外国籍军用船舶未经中华人民共和国政府批准, 不得进入中华人民共和国领海。

The official version of the translation of this paragraph is:

Non-military vessels of foreign nationality may not enter the internal waters and harbours of the People's Republic of China without the approval of its competent authorities. However, under unexpected circumstances such as critical illness of personnel, engine breakdown or the vessels being in distress or seeking shelter from weather when they do not have the time to obtain approval, they may, while entering China's internal waters of harbour, make an emergency report to the competent authorities and shall obey its directions. Military vessels of foreign nationality may not enter the territorial waters of the People's Republic of China without the approval of the Government of the People's Republic of China.

There are many translation errors, including information transmission errors. For example, “不得” is translated into the modal verb “may not”. Modal verbs in legal texts mostly have legal functions such as statute, permission, authorization, prohibition and so on. The prescriptive function of modal verbs is the most commonly used language means in legal English. The modal verb of “不得” should be “shall not”, which means “cannot do”, with mandatory meaning. “May not” means “no”, but the tone is weaker than “shall not”, which is not mandatory. Therefore, the translation of “不得” into “shall not” can accurately convey the original text information. Another obvious error in the translation is that it is inconsistent with the syntax of the original text, which leads to the destruction of the logical relationship between the subject sentence and the subordinate sentence of the original text, which is caused by the translator's error of understanding. For example, the first sentence, “外国籍非军用船舶未经主管机关批准不得进入中华人民共和国的内水和港口, 但是因...等意外情况未及获得批准,” the translation is, “...may not enter the internal waters and harbours of the People's Republic of China.... However, under unexpected circumstances such as critical illness of personnel...”, The syntactic structure of the original text shows that the logical relationship between the subject sentence and the subordinate sentence is close, “but” is the turning point of the subject sentence, including “exceptions”. The translation breaks the main sentence and subordinate sentence into two independent sentences, in which the logical relationship is broken. Therefore, the syntactic structure in the translation is not consistent with the content of the original text, which is also due to the translator's deviated understanding

of the content of the original text. Thirdly, there are many inaccurate examples in the translation of terms. For example, “人员” is translated as “personnel”, “病急” is translated as “critical illness”, “听从指挥” is translated as “obey its directions”, “领海” is translated as “territorial waters”. Some of the translations of these terms are completely wrong, and some words are not standardized. “Personnel” refers to “all employees”, which is a collective term, and it should be translated into “crew members”, which is more accurately. “Critical illness” refers to the severity of the disease, while the accurate translation of “病急” should be “acute diseases”. Moreover, “听从指挥” is translated into “obey its directions”, and the correct expression should be “obey their command”. And “领海” should be translated as “territorial sea”, rather than “territorial waters”.

To sum up, the author believes that the original translation should be revised as follows,

Article 11 Non-military vessels of foreign nationality shall not enter the internal waters and harbours of the People’s Republic of China without the approval of its competent authorities, except for contingency such as acute diseases, engine breakdown, engine breakdown or the vessels being in distress or seeking shelter from weather when they do not have the time to obtain approval, they may, while entering China’s internal waters and harbours, make an emergency report to the competent authorities and shall obey their command. Military vessels of foreign nationality shall not enter the territorial sea of the People’s Republic of China without the approval of the Government of the People’s Republic of China.

Through the above analysis of marine law translation texts, we can see that the translators of marine law texts need to have a professional and systematic knowledge system of marine law, have the translation skills and ability to use language, and be able to skillfully use the terms, discourse style, legal functions and other language means of marine law concepts. The accurate translation formed on this basis can ensure the quality of marine law translation required for building a maritime power, effectively realize the international dissemination and communication of China’s marine law information, and arouse the international community’s understanding of China’s marine law concept.

4 Conclusion

As a responsible country under the rule of law, in the process of building a maritime power, increasing marine development and safeguarding marine rights and interests, China needs the protection of marine laws and regulations when communicating with the international world. What’s more, it must strengthen the quality of English translation of China’s marine laws and regulations, so as to provide language guarantee for building the image of China’s maritime country under the rule of law and building China’s marine discourse system. There are only two ways for the international community to understand China’s maritime law, one is through written materials, the other is through Internet information. Now, China’s existing marine laws have been translated into English. However, due to the shortage of professional translators in this field, the uneven translators’ translation level, and random translation of proper names and terms, the phenomenon of random translation is serious. In addition, due to the translator’s lack

of understanding of the expression habits and characteristics of marine law English, most of them rely on their own translation habits and imagination to understand and translate the original text. There are a large number of grammatical errors, collocation errors, lengthy sentence structure, monotonous style and other problems occurred in the translation, which seriously affect the translation quality of China's marine law texts.

Based on the analysis of the above problems in the translation of marine law texts, this paper suggests the way to solve the problems, that is, to establish an English corpus of marine law as soon as possible, and further standardize the fixation of proper names, terms and the unification of concepts in the translation of marine law texts. Secondly, the translation of marine legal texts is a national translation practice, which represents China's image of the rule of law in the international community. Therefore, it is necessary to strengthen the translation skills and ability of marine legal texts, be familiar with the characteristics and methods of marine legal translation, and be able to skillfully use the language means such as terms, text style and legal functions of marine legal concepts. At present, the research on the English translation of China's marine legal texts is mostly in the basic stage. In order to connect with the national strategy and protect the construction of national maritime power, it is of great significance to improve the quality of the English translation of marine legal texts.

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