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INTERNATIONAL ECONOMIC LAW DISCOURSE IN ENGLISH AND SPANISH: A SHORT OVERVIEW

ДИСКУРС МІЖНАРОДНОГО ЕКОНОМІЧНОГО ПРАВА: КОРОТКИЙ ОГЛЯД

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The aim of this article is to prove international economic law discourse autonomous character and to distinguish its basic peculiarities from other types of discourse in English and Spanish, i.e. from economic and international legal ones.

Descriptive, contrastive and critical discourse analysis (CDA) methods are used to achieve this objective. Although English is a lingua franca now, Spanish is also chosen to represent international economic law discourse as it is one of the official languages in some universal (World Trade Organization) and regional organizations (Mercosur – Mercado Común del Sur, NAFTA – North American Free Trade Organization). In particular, extracts from General Agreement on Tariffs and Trade (GATT), General Agreement on Trade in Services (GATS), Tratado de Libre Comercio de América del Norte were selected in order to exemplify this discourse main features.

Such basic peculiarities of international economic law discourse in English and Spanish were distinguished as: use of economic and legal terminology; prolixity; imperative character; categorization; institutionalization; more precise character in comparison with the international legal and economic discourses; solemnity only in the preambles; complex and compound sentences prevalence; regulation as a main pragmatic aim of the international economic law discourse; its homogeneous nature despite its existence on two different levels – universal/global (WTO, World Bank, International Monetary Fund) and regional ones (MERCOSUR, EU).

The results of this article allow us to conclude that international economic law discourse is an autonomous type of discourse that gradually changes and reveals perspectives for the future research. In particular, corpus study can be applied in order to investigate its main pragmatic and semantic features in detail.

Key words: international economic law discourse, economic discourse, international legal discourse, institutionalization, prolixity, terminology.

Метою цієї статті є підтвердження автономного характеру дискурсу міжнародного економічного права та виділення його головних особливостей у порівнянні з іншими видами дискурсу в англійській та іспанській мовах, зокрема, з економічним та міжнародно-правовим.

З цієї метою використані наступні методи: описовий, контрастивний та критичний аналіз дискурсу. Незважаючи на те, що англійська мова зараз є lingua franca, іспанська також була обрана, щоб представити дискурс міжнародного економічного права, тому що вона є однією з офіційних мов у деяких універсальних (Світова Організація Торгівлі) та регіональних організаціях (Mercosur – Mercado Común del Sur, NAFTA – North American Free Trade Organization). Зокрема, були обрані окремі положення з ГАТТ, ГАТС, та угоди про створення НАФТА, щоб надати приклади головних рис цього дискурсу.

Були виявлено такі визначальні особливості дискурсу міжнародного економічного права в англійській та іспанській мовах, як: вживання економічної та правової термінології, багатослівність, імперативний характер, створення категорій, інституціоналізація, більш чіткий характер у порівнянні з міжнародно-правовим та економічним дискурсами, урочистість тільки в преамбулах, пріоритет складнопідрядних та складносурядних речень, регулювання як головна його прагматична мета, його гомогенна природа, незважаючи на його існування на двох рівнях – універсальному/глобальному (СОТ, Міжнародний валютний фонд, Світовий банк) та регіональному (НАФТА, Меркосур).

Результати цієї статті дозволяють нам зробити висновок, що дискурс міжнародного економічного права є автономним видом дискурсу, який поступово змінюється та відкриває перспективи для подальших досліджень. Зокрема, корпусне дослідження можна застосувати, щоб детально розглянути його головні семантичні та прагматичні риси.

Ключові слова: дискурс міжнародного економічного права, економічний дискурс, міжнародно-правовий дискурс, інституціоналізація, багатослівність, термінологія.

Problem statement. After the end of the WWII the first international financial organisations (International Monetary Fund, World Bank, etc.) were

established in order to promote economic growth and stability. Nevertheless, World Trade Organisation was created only in 1994 as a direct consequence of

the Soviet Union collapse and transition economies emergence.

Analysis of recent research and publications.

Although international economic law discourse plays a significant role in the global economy regulation there are still no fundamental linguistic works dedicated to this concept, there is only a number of researches concerning related discourses – international legal and economic ones. At the same time such scholars as N. Kravchenko, A. Pozhar, F. Azadbakht, O. Butko, N. Nikolska, J. Smolka, B. Pirker thoroughly study international legal discourse [10; 16; 1; 19; 4; 24] when N. Saveliuk, M. Aimenova, E. Alcaraz Vary, M.C. Álvarez García, J. Bachiller, E. Fraile, M. Bielenia-Grajewska, S.A. Busquet, O. Butko, M. Loma-Osorio Fontecha, F. Rainer, J. Schnitzer, A. Redondo Redondo, G. Grenier, W. Zhang investigate economic one [5; 7; 8; 9; 11; 12; 13; 14; 20; 21; 22; 23; 27].

The purpose of this research is to prove international economic law discourse autonomous character and to distinguish its basic peculiarities from other types of discourse in English and Spanish.

Research methods. Descriptive, contrastive and critical discourse analysis (CDA) methods are used to achieve this objective [2; 3; 26]. Although English is a lingua franca now, Spanish is also chosen to represent international economic law discourse as it is one of the official languages in some universal (World Trade Organization) and regional organizations (Mercosur – Mercado Común del Sur, NAFTA – North American Free Trade Organization) [15]. In particular, extracts from General Agreement on Tariffs and Trade, General Agreement on Trade in Services, Tratado de Libre Comercio de América del Norte were selected in order to exemplify this discourse main features [6, 17, 18, 25].

Presentation of the main material. International economic law discourse is connected with two related discourses – economic and international legal ones as it was created on their overlap only following the end of the WWII. Despite this fact we can explore unique features of this relatively new discourse.

When we open any international economic law instrument first of all we pay attention to its specific vocabulary. In fact, international economic law discourse includes both economic and legal terms.

With respect to any measure covered by this Agreement, each Member shall accord immediately and unconditionally to services and service suppliers of any other Member treatment no less favourable than that it accords to like services and service suppliers of any other country [18, Article II].

Las disposiciones del apartado a) no se interpretarán en el sentido de que impongan a ningún Miembro la obligación de establecer tales tribunales o procedimientos cuando ello sea incompatible con su estructura constitucional o con la naturaleza de su sistema jurídico [6, Artículo VI].

International economic law discourse can be defined by prolixity since detailed descriptions meet its pragmatic aim – to regulate international economic relations. As a rule, any international economic law agreement involves a list of main terms that are clearly and even excessively explained. For example, the General Agreement on Tariffs and Trade as well as annexes to it try to illustrate any legal or economic term.

Institutionalization plays a significant role for international economic law discourse because all its sources are designed under the aegis of international economic organizations (World Trade Organization, World Bank, International Monetary Fund, etc.).

At the same time these organizations establish some important categories (*developed countries, developing countries, least-developed countries* – World Trade Organization, *original members, other members* (Eng.), *miembros fundadores, otros países miembros* (Sp.) – International Monetary Fund).

In comparison with international legal discourse imperative character is one of international economic law discourse indispensable characteristics. For instance, any WTO member may refer to the Dispute Settlement Body in order to end or prevent any trade war. Furthermore, countermeasures are regulated in certain areas (dumping, subsidies, etc.) in WTO

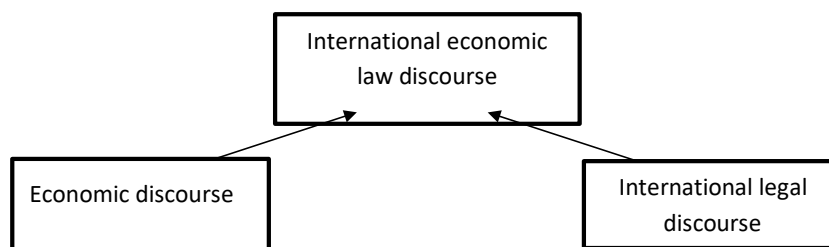


Table 1. International Economic Law Discourse

instruments. From the linguistic point of view it is expressed through use of modal verbs.

The CONTRACTING PARTIES may, at any time, in special circumstances, authorize a contracting party to enter into negotiations for modification or withdrawal of a concession included in the appropriate Schedule annexed to this Agreement subject to the following procedures and conditions...* [17, Article XXVIII].

Las Partes podrán acordar por escrito la modificación del Anexo 104.1, para incluir en él cualquier enmienda a uno de los acuerdos a que se refiere el párrafo 1, y cualquier otro acuerdo en materia ambiental o de conservación [25, Artículo 104].

International economic law discourse is very clear and nearly unambiguous that distinguishes it from both related types of discourse – economic and international legal ones. As for economic discourse it can be sometimes too metaphoric as one of its pragmatic aims is to persuade its target audience [14]. At the same time ambiguity is a key international legal discourse feature originating from the diplomatic discourse [16]. This peculiarity can be easily explained: the main pragmatic aim of the international economic law discourse is to regulate global economy to a maximum possible extent.

Despite this fact, solemnity as a part and parcel of international legal discourse ambiguity can be found in any international economic law agreement preamble:

... Recognizing that their relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, developing the full use of the resources of the world and expanding the production and exchange of goods,

Being desirous of contributing to these objectives by entering into reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade and to the elimination of discriminatory treatment in international commerce,

Have through their Representatives agreed as follows: [17].

We can make a conclusion that any preamble language is blurred enough because it is always created only to express the will of the parties to sign any agreement.

Complex and compound sentences prevalence is a direct prolixity consequence. Colons and semicolons are widely used in the international economic law discourse.

As well as international legal discourse international economic law one exists on two different levels – universal/global (WTO, World Bank, IMF) and regional ones (MERCOSUR, EU). Nevertheless, it doesn't mean this discourse fragmentation. We can come to the conclusion that the regional level discourse is in fact governed by the universal one. In fact, such prominent international economic organizations as International Monetary Fund, World Bank and World Trade Organization can be called three pillars of the contemporary international economic law discourse as their activity designs its fundamental vocabulary and directs its further development.

Conclusions. Therefore, we can distinguish such main peculiarities of international economic law discourse in English and Spanish as:

1. Use of economic and legal terminology.
2. Prolixity.
3. Imperative character.
4. Categorization.
5. Institutionalization.
6. More precise character in comparison with the international legal and economic discourses.
7. Solemnity only in the preambles.
8. Complex and compound sentences prevalence.
9. Regulation as a main pragmatic aim of the international economic law discourse.
10. Its homogenous nature.

Furthermore, the aforementioned allows us to conclude that international economic law discourse is an autonomous type of discourse that gradually changes and reveals perspectives for the future research. In particular, corpus research can be applied in order to investigate its main pragmatic and semantic features.

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