
K-PERITIA Seminar
5: CULTURAL
EXPERTISE &
DISABILITY RIGHTS

*Between International
& National Law*

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19 APR 2024 10.30AM CET

My Thesis



To translate:

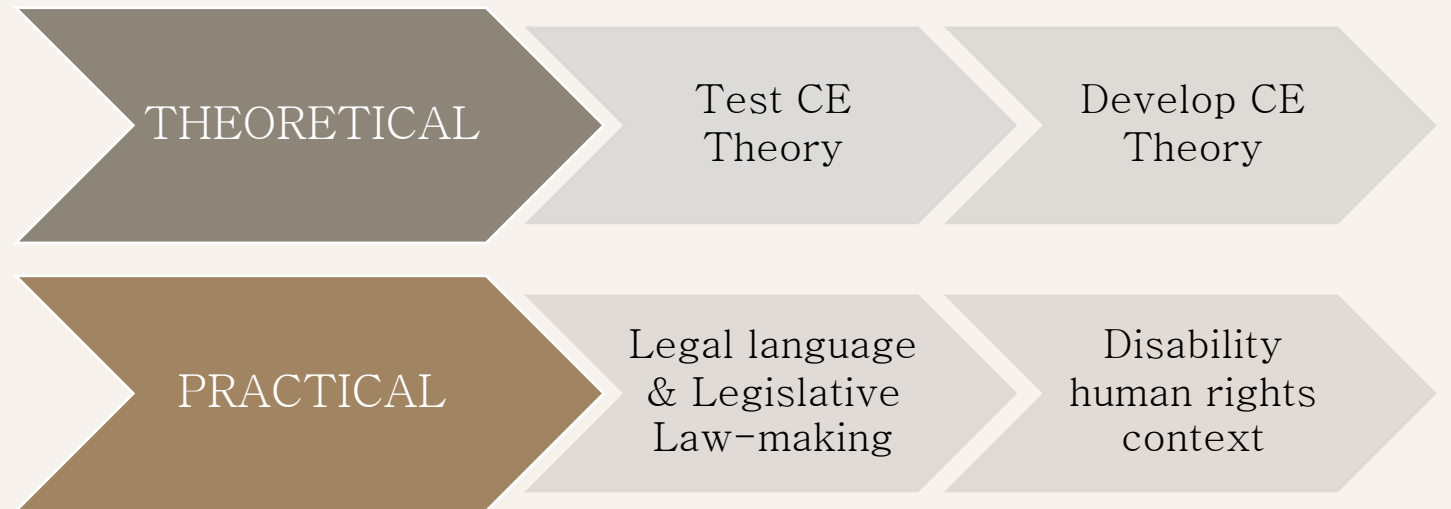
international legal precepts & universal human rights

into specific national & local cultural contexts

in a culturally effective and culturally sensitive way
for RIGHT-HOLDERS,

we need CULTURAL EXPERTS.

Global South Case-Study



Cultural
Experts?

Umbrella concept

- Native language speakers (translators)
- Legal Professionals
- **Psychologists & sociolinguists**
- Cultural mediators
- Academicians
- Country experts
- Etc

I. NATIONAL



NATIONAL

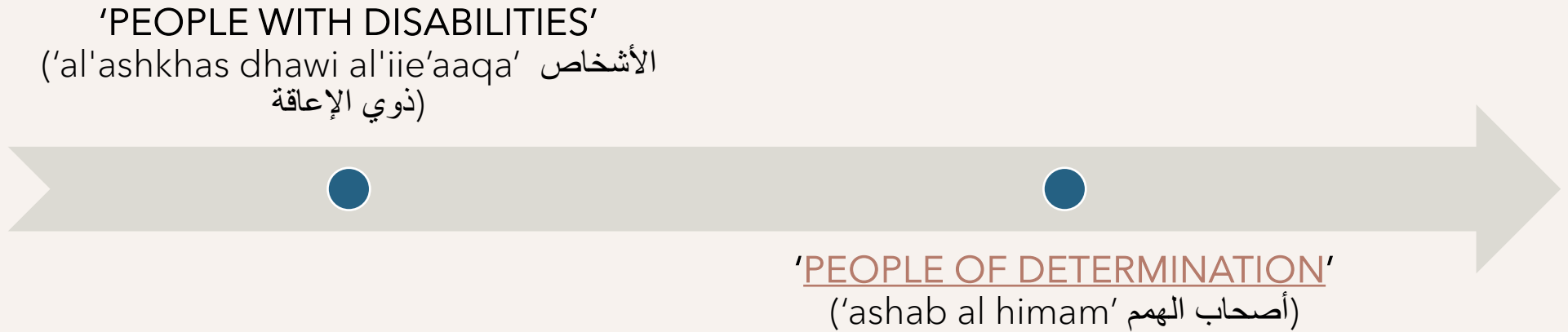


INTERNATIONAL



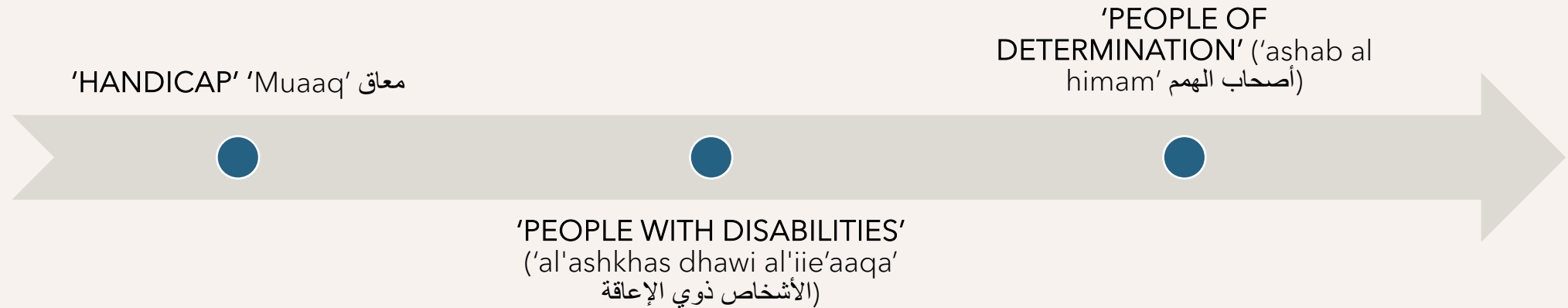
COMPARATIVE

- Party to United Nations Convention on the Rights of Persons with Disabilities ([UNCRPD](#))
- [2017](#) change in socio-legal label: [preserve culture, heritage, and traditions](#)
- Shifted legislative language from:



UNITED ARAB EMIRATES (UAE)

'Lost in Translation'



- 'Muaaq': associated socio-linguistically as an incapacity or inability in society, schools, and workplaces.
- 'lieqa' / 'iee'aaqa': Has same root as 'muaaq' with a similar connotation
- 'Himam': clean break from the past, signal to society at large and individual persons with disabilities.

الإمارات العربية المتحدة
UNITED ARAB EMIRATES



أصحاب الهمم
PEOPLE OF
DETERMINATION

2020

3 دراهم
AED

الإمارات العربية المتحدة
UNITED ARAB EMIRATES

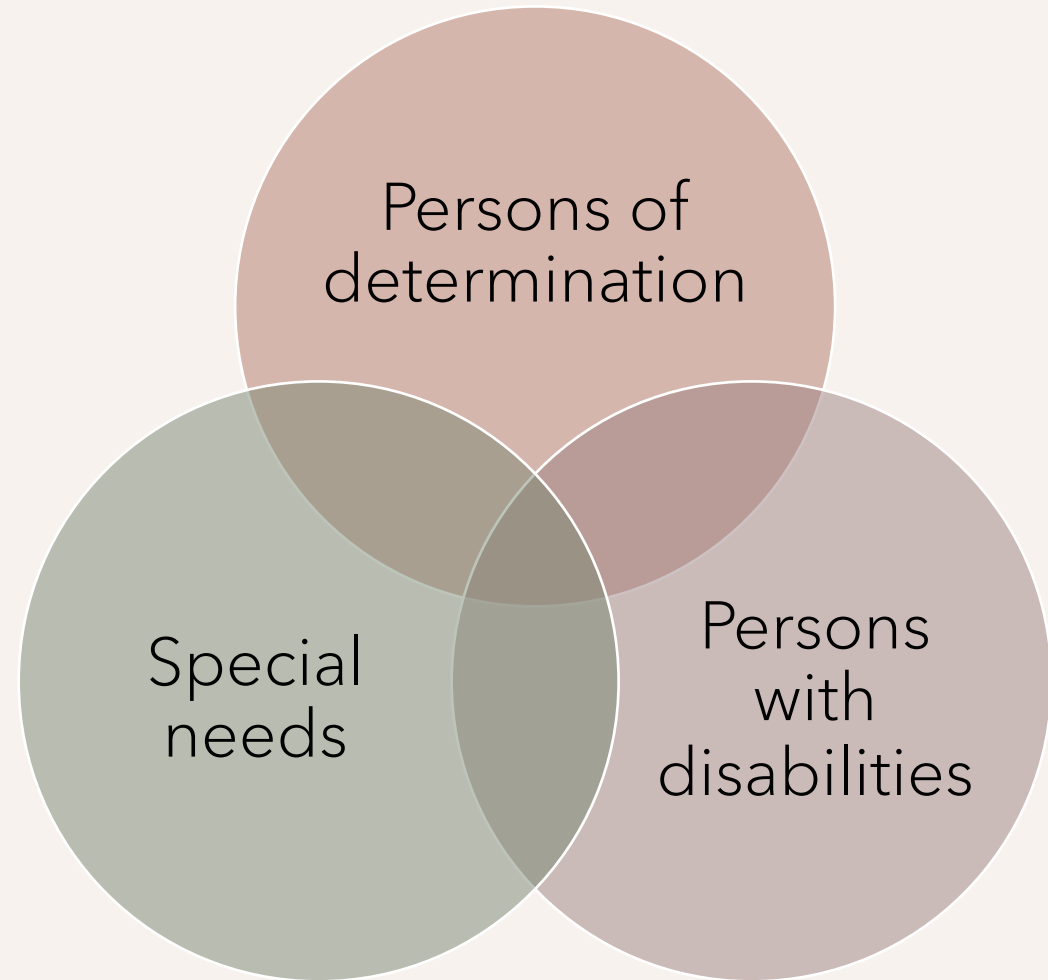


أصحاب الهمم
PEOPLE OF
DETERMINATION

2020

3 دراهم
AED

LEGAL PLURALISM IN THE UAE





The World

“to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”



The UAE

“an inclusive community, free from barriers that guarantees the empowerment and well-being of People of Determination”



People of Determination Services

“Working to support the world and UAE visions for inclusion by providing services that have been developed by International and local experts across all sectors”

II. INTERNATIONAL



NATIONAL



INTERNATIONAL



COMPARATIVE

The International Law GAP

What SHOULD BE?

- Serve a culturally & economically diverse int'l community: global north & south
- International Human Rights (IHR) 'universal'

What IS?

- Legal concepts & language from global north heritage & history
- IHR exclusively conceptualised in global north cultural intellectual contexts

Situating the Gap within International Disability Law

Not possible to study the
totality of international law

Microcosmic unit of study:
International Disability Law
and International Disability
Rights

International Disability Law & Disability Rights



Multicultural, multi-jurisdictional,
multilingual surveys in UNCPRD
drafting?



More likely, language drawn wholesale
from anglophone and francophone
juridical-linguistic heritage.

CE & Strength- based or Deficiency- based Disability?



CE HELPS US DETERMINE
WHETHER A STRENGTH-
BASED OR DEFICIENCY-
BASED FORMULATION IS
APPROPRIATE IN A SPECIFIC
CULTURAL CONTEXT.



UAE'S NEW
'DETERMINATION'
FORMULATION EMPHASISES
LESS A DESCRIPTIVE
CONDITION AND MORE SO
A NORMATIVE STANDARD?



CONSONANCE WITH THE
EMANCIPATORY SPIRIT OF
INTERNATIONAL TREATIES?

CE &
Person-First
or Identity-
First?

Person-first ('persons
with disability')

Identity-first
('disabled persons')

CE's Role in bridging the gap

01

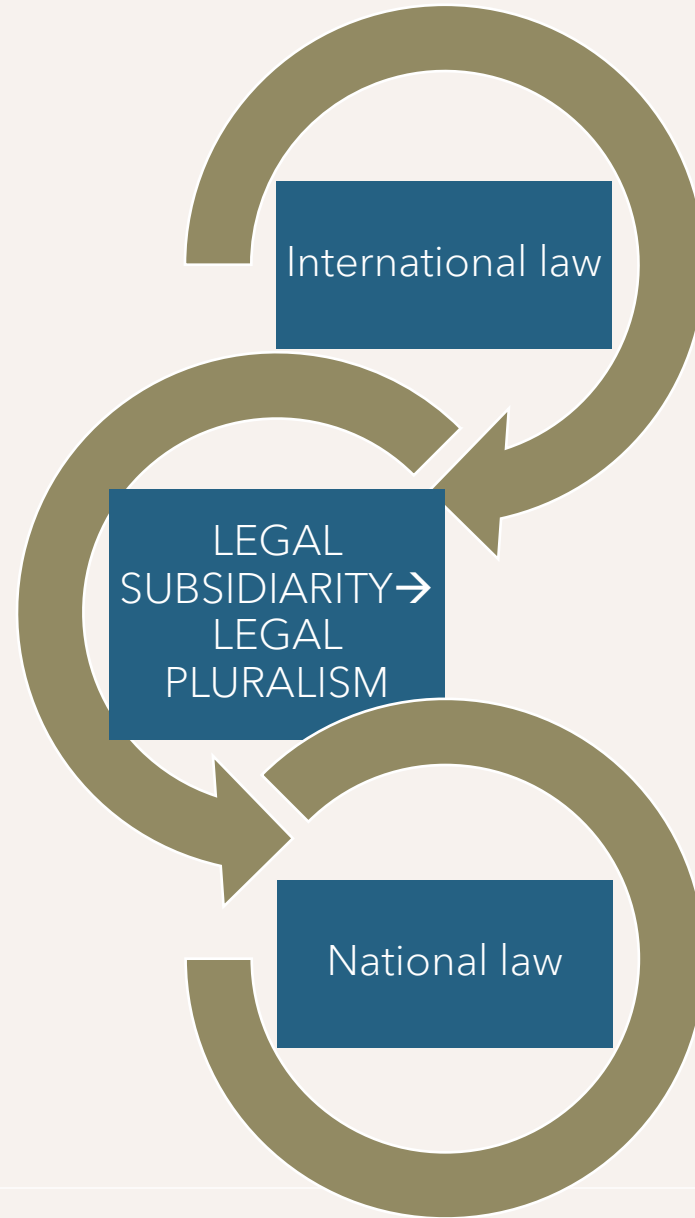
Does international law universally empower everyone? NO, due to the gap.

02

How can CE help bridge the gap between [What is?] & [What should be?]

03

Build THE LEGAL CASE FOR CE: the principle of SUBSIDIARITY

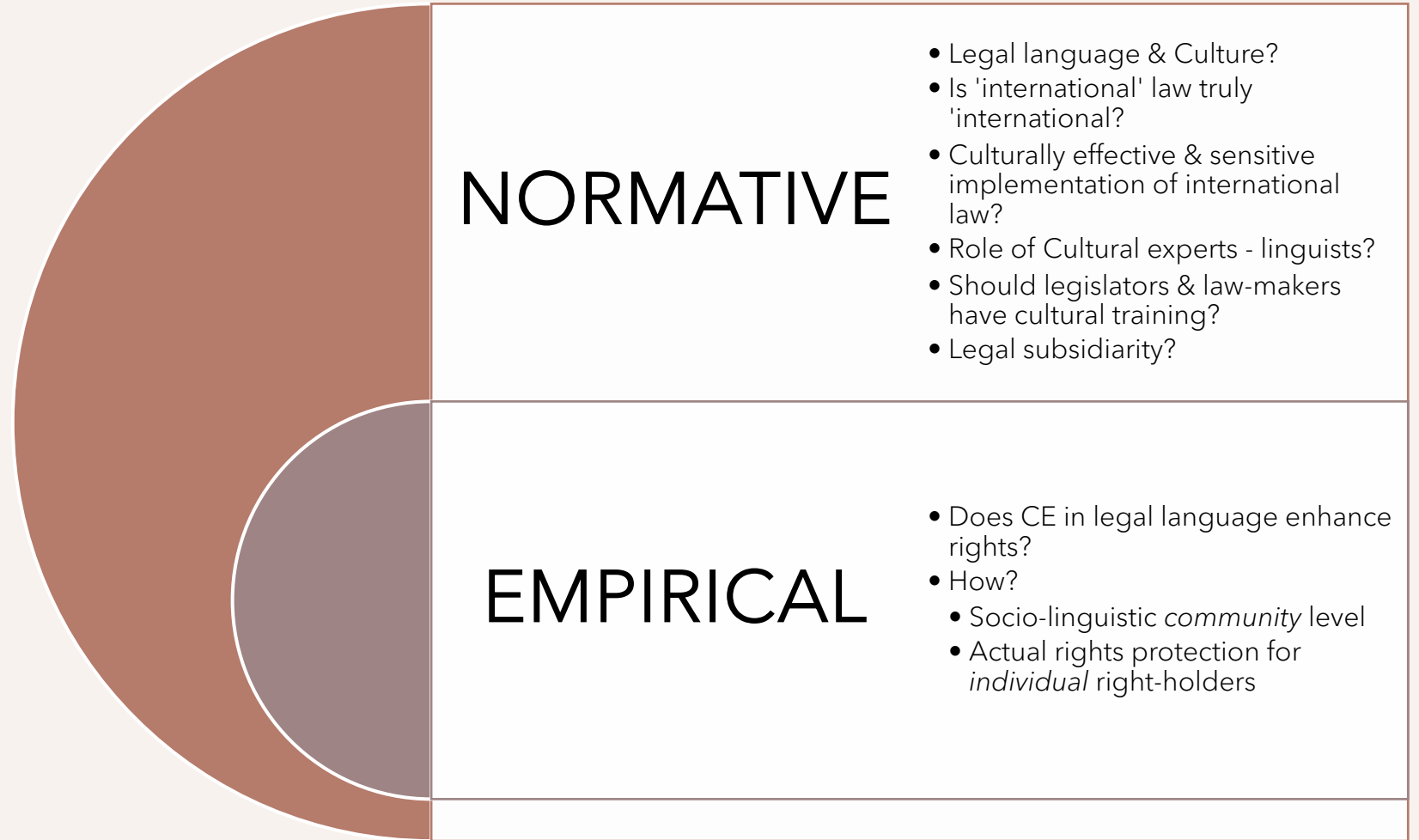


International law

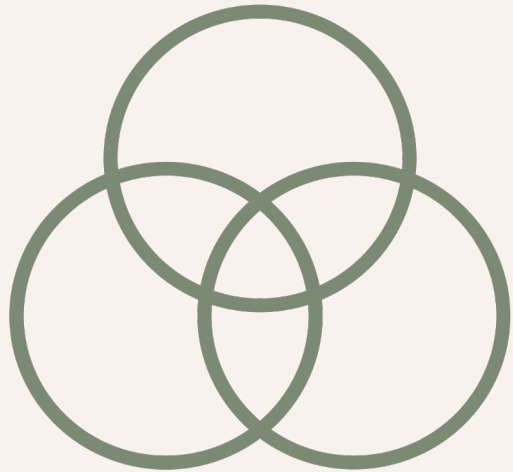
LEGAL
SUBSIDIARITY →
LEGAL
PLURALISM

National law

Two sets of Questions for CE Scholars



III. COMPARATIVE



NATIONAL



INTERNATIONAL



COMPARATIVE



US Mission to UAE  
@USAinUAE



The U.S. Embassy in Abu Dhabi is proud to support his [@HShkMohd](#)'s initiative & adopt the phrase "people of determination." We would love to see the [#UN](#) rename this international day as the "International Day of People of Determination"!

[#PeopleOfDetermination](#) [#UAE](#)



Why Alternative Formulations may not work in global north contexts?

Many global north disability activists argue against an alternative formulation.

WHY?

Can't lose hard-won rights that came out of disability advocacy.

One must acknowledge what is lacked to give people their reasonable adjustments and rights.

BECAUSE actual rights-protection flows from legal language!



BUT this is based on disability advocacy in the West (global north), it does not necessarily flow from global south disability legal histories!



SHOULD we GRAFT & TRANSPLANT concepts from global north historical contexts onto countries which do not share the same legal history?

Not just the
Global South!
E.G.
Francophone
world



Francophone world still uses 'les personnes
handicapées' (!!!)

Surprising that this 'turn-of-phrase' persists in francophonie given that French-language disability theory is very sophisticated

There is a divide between theory & practice

Maybe a task for legislators or linguists at Académie Française, or both?

Who can do the work of translation and bridge the gap between 'what is?' and 'what should be?' **CULTURAL EXPERTS!**

Socio-linguistic Expertise as a type of CE

*Overlooking CE may impede national-local
realisation of universal IHRs*

Sapir-Whorf Theory of Linguistic Relativism

01

Structure of language influences speakers' worldview or cognition
∴ languages determine and shape our perceptions of the world

02

What, if any, are the implications of Sapir-Whorf for the work of justice & empowerment that IHRs are meant to do in society?

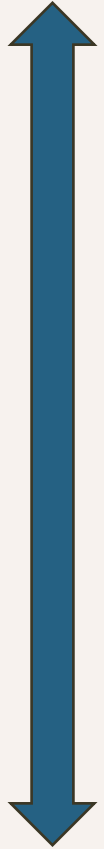
03

Thought-world created by law, legal design, and legal language.

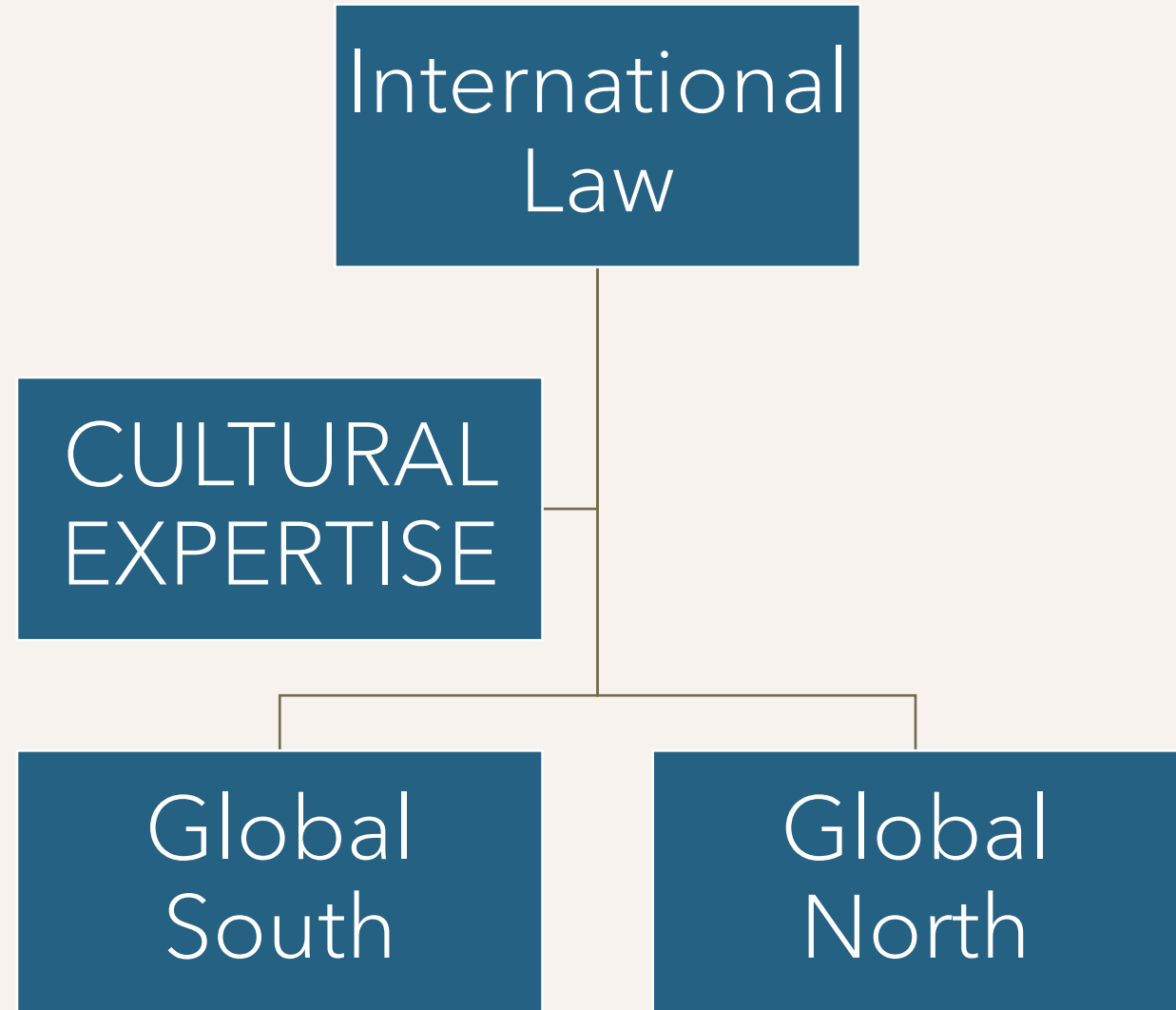
04

Who will work with lawyers on this?
Examine this? Study this? **CULTURAL EXPERTS!**

UNIVERSALISM



CULTURAL
RELATIVISM



Further Questions about Subsidiarity & CE

To what extent are right-holders 'cultural experts'? ('Nothing about us without us!')

More or less financial, economic, political, and social empowerment for right-holders?

Has the new formulation improved rights protection in schools & workplaces?

Do all citizens in anglophone/global north countries necessarily understand 'disability' in the same way as lawyers, activists, and scholars?

What about questions of politics, democracy, and economics?

etc

If there was one takeaway...

LAWYERS need CULTURAL
EXPERTS (Emirati legal and Arabic
linguists) to clarify the minutiae of
linguistic legal subsidiarity!

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& DISABILITY RIGHTS

Between International & National Law

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THE
END