

Ten Years that Changed the World and Us

Wuhan, 11-12 December, 2018.

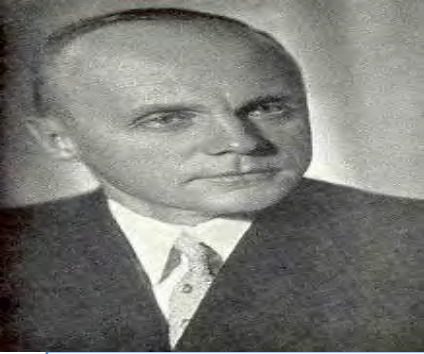


How to Think about the Impact of the CRPD

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Its Too Early Yet
to Say



How to Think about Global Impact Of a Treaty



Traditional Approach

Command Theory of
Int Law

Look for a Causative Linkage
between

Norm (reasonable accommodation)
Gap (not in Chinese law)
= New Law (with Reas Accom)

Int Law Socializing States to Right Behaviour

Focus on new framings

Focus on internalizing values

Focus on dynamics of change



How to Think about Global Impact Taking Goodman Seriously...../

1. The War of Ideas – New Framings – New High Ground.

2. Carriers for the Ideas: Specialized Agencies & Regional Organizations.

3. Bringing it Home: Domestic Ownership & Processes of Change.





Caveats.....



- You don't have to ratify a treaty to make progress
- The values behind the treaty can be the driver of the change – which may make change inevitable even without a treaty
- You can ratify, then co-opt the language, then continue as before with no change
- The treaty is just a clearer expression of those values (expressive value) and a driver of change.

A Reminder – of the Challenge

Using the Human Difference of Disability Negatively

- Objectifying people – rendering them invisible as people
- Main policy response of ‘compensation’ and ‘segregation’
- ‘Unbelonging’ viewed as natural
- Policies encrusted into institutional arrangements and practices.
Makes them even harder to dislodge



1. The War of Ideas – Critical New Framings.



From Civil Death to Visibility & Personhood

- I count as a person
- Competition between atomistic and social conception of the self
- Voice/Moral Agency 12/19.

Equality – social engineering

- Going beyond justice as relativity
- Theory of Transformative or ‘Inclusive equality’

Social Support -

- Entrapment – poverty alleviation/poverty traps
- A new philosophy of ESCR

Pushback

Innovative legislation is slow
Other treaty bodies at odds
It’s a long game

States are nowhere near
Gen Comment 6 on Inclusive
Equality – still cling to circular
theories of equality

Very hard to turn the huge ship
of existing institutional

2. Carriers for the Ideas: Specialized Agencies & Regional Organizations.

Reinforce underlying Values – help inform/drive change

UN Specialized Orgs

UN Spec Rapp

ILO

UNICEF

UNESCO

WHO

World Bank

UN ESCAP/UN ESCWA

Now a System Wide Approach

Regional Orgs

African Union

Organization of American States

European Union

Council of Europe

Sub-Regional Orgs

But not all is benign.....

EU Case Study – Confession & Avoidance

EU Ratifies CRPD

EU Internal Development Aid ‘Declared’ to be subject to CRPD provisions

New (2014) Regulations point Funds in positive direction

But many States still use EU taxpayers’ monies to build/repair institutions.

Legal Opinion of EU Legal Service (Spring 2018) says this is ok

- its for the Member States to interpret Art 19 – not the UN Committee!!!!!!!
- EU non-discrimination law only applies when a Member State ‘applies’ EU law
bot when it spends EU monies !!!!!!!



3. Bringing it Home: Domestic Ownership & Processes of Change.

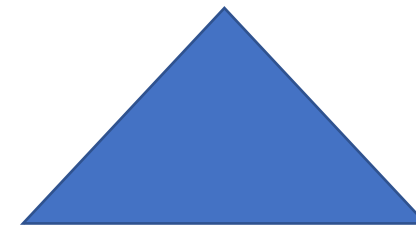


33. Institutional Architecture for Change

Smart Joined-up Government

4.3 Collective Voice

Civil Society



Reality Check – NHRIs
Universities

Governments

Lead Ministry tends to still be Welfare/Spending Ministry

Still have narrow narrative – disability costs

Averse to innovation – defects of existing system can be lived with Vs risks of new system

Underneath lurks special interests

Courts only at beginning

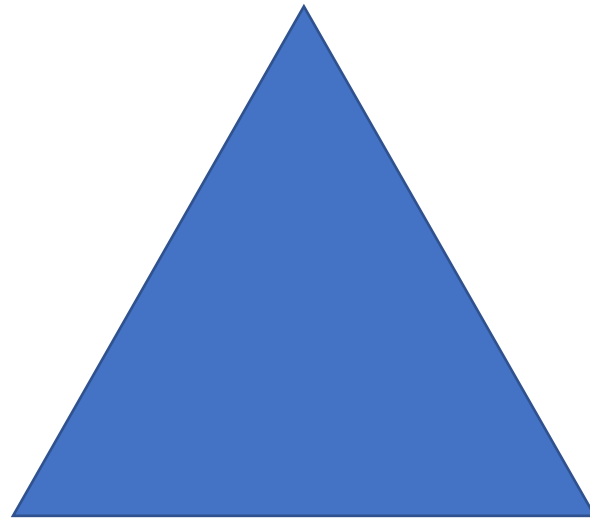
Civil Society

Huge gains

Inherent problems of maintaining
Cross-disability collective voice

Have to balance Protest with
Policy Entrepreneurship

Have to forge more alliances
Esp with NHRIs



NHRIs

Huge gains

Don't exist everywhere

Don't have capacity/resources

Universities/research growing but
Not yet at critical mas

Tentative Conclusions

Ideas/values are secure – but don't expect the medical model to die just yet.

Ideas/values are now in the DNA of Int/Reg Orgs – they are carriers for the values beyond the CRPD...but they can buckle when their own interests are at stake.

Art 33 arrangements represent the new 'politics of disability' in action...civil society is emboldened, empowered and ready to go beyond protest to co-production. New alliances are needed esp with research.

**PEOPLE WHO ARE CRAZY
ENOUGH TO THINK THEY
CAN CHANGE THE WORLD
ARE THE ONES WHO DO.**

Steve Jobs | <http://www.apple.com>



来参观吧