



ДЕРЖАВНИЙ
ТОРГОВЕЛЬНО-ЕКОНОМІЧНИЙ
УНІВЕРСИТЕТ

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TOPIC

Participation of the Indigenous Peoples in decision-making processes and protection of their rights

HYPOTHESES

The implementation of the principle of free, prior, and informed consent in decision-making processes affecting indigenous peoples contributes to the fuller protection of their rights. It is a key factor in ensuring justice, sustainable development, and international security. The ongoing process of enhancing of indigenous peoples' participation in the work of the UN should be one of the examples of such implementation, which can serve as a basis for improving national legislation on the realization of indigenous peoples' rights.

The ideas of the study are based on recognized international standards for the realization of the rights of indigenous peoples, which are continually evolving, and thus can serve as an excellent example for Ukrainian lawmakers. Moreover, the ongoing harmonization process of Ukrainian legislation with international, particularly European, standards—especially in the field of ethno-national policy—requires a more detailed study of this area. The proposed study will also become an essential component of the process of de-occupation and reintegration of the Autonomous Republic of Crimea and the city of Sevastopol.

RESEARCH QUESTIONS

What are the approaches to the implementation of the principle of free, prior and informed consent in decision-making processes affecting indigenous peoples?

What international and national mechanisms exist to ensure the participation of indigenous peoples in decision-making processes? How effective are these mechanisms?

Are existing international universal and regional mechanisms for the protection of indigenous peoples' rights effective?

How can indigenous peoples protect their rights at the national level? What examples of international practices exist, and what results have they achieved?

What is the connection between the realization of indigenous rights and national security? To what extent are these two interdependent?

How can mechanisms for the participation of indigenous peoples in decision-making processes be introduced into Ukrainian legislation? What practical steps would be required for implementation?

Purpose of Research

A comprehensive clarification of the theoretical foundations and practical implementation of the international legal approach to the inclusion of indigenous peoples in decision-making processes and protection of their rights. This includes regulating mechanisms aimed at ensuring the realization of indigenous peoples' rights and building a democratic, inclusive society. The goal is to identify strengths and weaknesses, as well as to develop recommendations for the implementation of relevant international standards and approaches in national legislation.

RESEARCH METHODS

Historical and legal analysis of the development of the concept of indigenous peoples' rights and their implementation at the international and national levels.

Comparative legal analysis of international standards and legislation of foreign countries.

Empirical analysis of Ukrainian case law, foreign case law, international case law and decisions of international institutions.

A system-functional method to determine the relationship between the protection and realization of indigenous peoples' rights and the sustainability of national security.