

Constructing Youth as Progress: Tracing Shared Efforts of the League of Nations and the United Nations

Julian Hettihewa*

Institute for Public International Law, University of Bonn, Bonn, Germany
julian.hettihewa@fu-berlin.de

Abstract	843
Keywords	844
I. Thinking with Youth and Young People	846
II. Between Progress and Decline: a Mini-History	850
III. Continuity and Commonalities	858
IV. Conclusion	863

Abstract

A more comprehensive understanding of progress and international law can be obtained if youth is included in the analysis. While youth is gaining increasing prominence in international law, it continues to be neglected by international legal scholarship. This is especially problematic in the context of progress and international law as youth is constructed by international law as progress. This article presents a historical account of youth's construction as progress, focusing on the efforts of the League of Nations (LoN) and the United Nations (UN) to educate youth in order to promote peace, to prevent another world war. This contribution highlights the continuity of historical patterns and identifies the function of youth as progress as an instrument to conceal power-differentials. Furthermore, this article reveals structural commonalities between international law and youth. Both embody the Messianic announcement of something universally and inherently good, albeit always postponed: progress.

* PhD candidate, Institute for Public International Law, University of Bonn; law clerk (*Rechtsreferendar*), Higher Regional Court of Cologne. This paper is based on parts of my doctoral thesis, which is currently under review and has not yet been published. In particular, sections II. and III. of this paper are shortened and redrafted versions of parts of my thesis (147-158; 221-233). I wish to express my gratitude to Professor Thomas Skouteris for his valuable comments on an earlier draft of this paper during and after the AjV-DGIR conference. Similarly, I would like to thank Professor Sundhya Pahuja for her helpful and insightful remarks on my method. Special thanks are also due to the reviewers, the editors, as well as Levi Pfeuffer-Rooschütz, MA, who enriched the paper with their feedback.

Keywords

Education – International Legal History – League of Nations – Legal Theory – Peace and Security – United Nations – Young Approaches to International Law – Young People – Youth

‘[Y]outh are not born; they are made by historical circumstances.’¹

It must have been 2019. Young people marched through the streets of the world demanding climate action, unleashing nothing short of a ‘youth quake’.² No. It must have been 2022 when the valiant youth of Ukraine proved to be full of ‘energy’ in the face of certain defeat.³ Or could it have been 1985 – the International Youth Year?⁴ Or 2010, the other International Youth Year?⁵ Or 1965? Or 1937? Or 1926? Under which historical circumstances was youth constructed as bright future, as vessel of hope, as dream, as progress? What is the role of international law in this context? I argue that a more comprehensive understanding of progress and international law can be gained if youth is included in the analysis.⁶ More explicitly, I wish to exhibit how youth was – and continues to be – constructed in international law as promise/peril, dream/nightmare, progress/decline. In doing so, I aspire to add youth as a category to the scholarship on progress in international law. While the notion of progress is used in various forms in international legal discourse,⁷ I wish to explore the relationship between the conceptions of ‘international law as progress’⁸ and ‘youth as progress’.

Youth is gaining increasing prominence in international law. In 2022, the Office of the United Nations High Commissioner for Human Rights created

¹ Jean Comaroff and John Comaroff, ‘Reflections on Youth, from the Past to the Postcolony’ in: Melissa S. Fisher and Greg Downey (eds), *Frontiers of Capital: Ethnographic Reflections on the New Economy* (Duke University Press 2006), 267–281 (273).

² UNDESA, ‘Young People are Changing the World’, 8 April 2019, <<https://www.un.org/development/desa/en/news/intergovernmental-coordination/young-people-are-changing-the-world.html>>, last access 13 December 2024.

³ Sorbonne Université, ‘Volodymyr Zelensky in Dialogue with the French Youth’, 16 May 2022, <<https://www.sorbonne-universite.fr/en/news/volodymyr-zelensky-dialogue-french-youth>>, last access 13 December 2024.

⁴ UNGA Res 34/151 of 17 December 1979, A/RES/34/151, operative para. 1.

⁵ UNGA Res 64/134 of 18 December 2009, A/RES/64/134, operative para. 1.

⁶ For an illuminating inquiry into the production and function of progress in international legal discourses in a broader sense (i.e. without a focus on youth and young people): Thomas Skouteris, *The Notion of Progress in International Law Discourse* (Leiden University Scholarly Publications 2008).

⁷ Skouteris (n. 6), 5.

⁸ Skouteris (n. 6), 6. Italics removed.

a Youth Advisory Board.⁹ The Director-General of the World Health Organization initiated his Youth Council in the middle of the COVID-19 pandemic in December 2020.¹⁰ During the height of the global school strikes in 2019, the UN Secretary-General created his Youth Advisory Group on Climate Change.¹¹ In 2017, during the so-called ‘European migration crisis’, the UN High Commissioner for Refugees established a Global Youth Advisory Council.¹² The list of international organisations institutionalising and proliferating youth participation goes on and on. Yet young people and youth continue to be neglected by international legal scholarship.¹³ This is especially problematic in the context of progress and international law as *youth is constructed by international law as progress*.

To support this thesis, my paper will advance in four steps. First, I will introduce my main analytical categories, youth and young people, and explain why I pursue a historical inquiry. I will then present my historical account of youth as progress in international law in a larger second step, focussing on the efforts of the League of Nations and the United Nations in the realm of education. In the third part, I will highlight the continuity of historical patterns and briefly identify structural commonalities between international law and youth. Drawing on Martti Koskenniemi’s work, I will show that structural elements of international law and youth turn out to be identical. Both embody the Messianic announcement of something universally and inherently good, albeit always postponed: progress. This is not merely coincidental; constructing ‘youth as progress’ serves the notion of ‘international law as progress’ and the policies pursued in its name. In the fourth and final part, I will conclude by briefly summarising four dimensions of my engagement with youth as progress, comprising namely an analytical, normative, functional, and structural level.

⁹ United Nations Office of the High Commissioner for Human Rights, ‘A New Youth Advisory Board Champions Youth Engagement’, 1 April 2022, <<https://www.ohchr.org/en/stories/2022/04/new-youth-advisory-board-champions-youth-engagement>>, last access 13 December 2024.

¹⁰ WHO, ‘WHO Launches Youth Council to Advise on Global Health and Development Issues Affecting Young People’, 4 December 2020, <<https://www.who.int/news-room/feature-stories/detail/who-launches-youth-council-to-advise-on-global-health-and-development-issues-affecting-young-people>>, last access 13 December 2024.

¹¹ United Nations, ‘The Youth Advisory Group on Climate Change’, <<https://www.un.org/en/climatechange/youth-in-action/youth-advisory-group>>, last access 13 December 2024.

¹² United Nations High Commissioner for Refugees (UNHCR), Women’s Refugee Commission, and UNHCR Global Youth Advisory Council, ‘UNHCR GYAC Profiles’, <<https://www.unhcr.org/au/sites/en-au/files/legacy-pdf/5c90f5254.pdf>>, last access 13 December 2024, 2.

¹³ Noting an important exception William D. Angel (ed.), *The International Law of Youth Rights* (2nd edn, Brill Nijhoff 2015). While the term ‘young people’ refers to natural persons, ‘youth’ denotes a social construct. For the distinction and meaning of the terms see ‘I. Thinking with Youth & Young People’.

I. Thinking with Youth and Young People

Present-day (critical) international legal scholarship offers plenty of categories to analyse international law. Disability Studies in international law,¹⁴ International Elder Law,¹⁵ Feminist Approaches to International Law,¹⁶ Indigenous Studies in International Law,¹⁷ Marxist Approaches to International Law,¹⁸ Queer Studies in International Law,¹⁹ as well as Third World Approaches to International Law²⁰ and Critical Race Theory,²¹ develop and employ distinct analytical categories in order, for instance, to determine the relationship between international law and certain groups, assert certain legal shortcomings, highlight certain biases, etc.²²

Youth and young people, however, have not been acknowledged by those approaches as central categories so far. The fact that youth and young people

¹⁴ For an introduction: Theresia Degener, 'International Disability Law – A New Legal Subject on the Rise: The Interregional Experts' Meeting in Hong Kong', 13-17 December 1999', Berkeley J. Int'l L. 18 (2000), 180-195; Theresia Degener, 'A Human Rights Modell of Disability' in: Peter Blanck and Eilionóir Flynn (eds), *Routledge Handbook of Disability Law and Human Rights* (Routledge 2017), 31-49.

¹⁵ Proposing the name: Israel Doron, 'From National to International Elder Law', Journal of International Aging, Law and Policy 1 (2005), 43-67. Gerontologists are increasingly rejecting the term 'elderly' and favouring the term 'older adults' instead, see for instance: Dale Avers, Marybeth Brown, Kevin K. Chui et al., 'Use of the Term "Elderly"', Journal of Geriatric Physical Therapy 34 (2011), 153-154.

¹⁶ For a groundbreaking article: Hilary Charlesworth, Christine Chinkin, Shelley Wright, 'Feminist Approaches to International Law', AJIL 85 (1991), 613-645.

¹⁷ For a formative monograph: James Anaya, *Indigenous Peoples in International Law* (2nd edn, Oxford University Press 2004).

¹⁸ For an introduction: Bhupinder S. Chimni, 'An Outline of a Marxist Course on Public International Law', LJIL 17 (2004), 1-30; Robert Knox, 'Marxist Approaches to International Law' in: Anne Orford and Florian Hoffmann (eds), *The Oxford Handbook of the Theory of International Law* (Oxford University Press 2016), 306-326.

¹⁹ For an overview: Dianne Otto (ed.), *Queering International Law. Possibilities, Alliances, Complicities, Risks* (Routledge 2018); Aeyal M. Gross, 'Sex, Love, and Marriage: Questioning Gender and Sexuality Rights in International Law', LJIL 21 (2008), 235-253.

²⁰ For an introduction: Makau Mutua, 'What is TWAIL?', ASIL Proceedings 94 (2000), 31-40; Antony Anghie, 'Imperialism and International Legal Theory' in: Anne Orford and Florian Hoffmann (eds), *The Oxford Handbook of the Theory of International Law* (Oxford University Press 2016), 156-172.

²¹ For an introduction: Derrick Bell, 'Who's Afraid of Critical Race Theory?', U. Ill. L. Rev. (1995), 893-910; Ian Haney López, *White by Law: The Legal Construction of Race* (10th edn, New York University Press 2006); for parallels between Third World Approaches to International Law and Critical Race Theory: E. Tendayi Achiume and Devon W. Carbado, 'Critical Race Theory Meets Third World Approaches to International Law', UCLA L. Rev. 67 (2021), 1462-1502.

²² Critical approaches to international law are heterogenous and ramified, decentralised networks, or even communities of scholars and friends. I am not covering every single line of thought of every approach as this would not contribute (significantly) to the aims of this section.

harbour great analytical potential has already been discovered and stressed by the multi- and interdisciplinary research field of Youth Studies:

‘why study youth? We suggest that it is important to study young people’s lives precisely because the process of transition to adult life – for each individual – reflect both an individual and a collective process. The very nature of “youth” is the result of social and political processes through which social inequality is constructed and reconstructed. [...] [*6*] It is important to study youth, because the points where young people engage with the institutions that either promote social justice or entrench social division are significant points of reference for every society. Hence, the study of youth is important as an indicator of the real “costs” and “benefits” of the political and economic systems of each society.’²³

As is already apparent, the distinction between ‘youth’ and ‘young people’ is crucial. Youth researchers Rob White and Johanna Wyn emphasise this as follows:

‘we aim in this book to explore the ways in which youth is framed and constrained (by institutions), shaped and acted on (by young people) and experienced in enactments of identity [...]. We use the term “youth” to talk about a social category (as in institutional definitions of childhood, youth, adulthood) and we use the term “young people” to talk about specific people and groups.’²⁴

I adopt this basic differentiation here. Thus, for my inquiry, ‘young people’ refers to natural persons aged ten to 35 years.²⁵ ‘Youth’, on the other hand, denotes a social construct comparable to gender and race. Feminist Approaches to International Law, to sustain the analogy, critique international law’s role in the marginalisation of women around the globe.²⁶ Similarly, young people’s

²³ Johanna Wyn and Rob White, *Rethinking Youth* (SAGE Publications 1997), 5 f.

²⁴ Rob White and Johanna Wyn, *Youth and Society* (3rd edn, Oxford University Press 2013), 5; for a slightly different wording in the new edition: Rob White, Johanna Wyn and Brady Robards, *Youth and Society* (4th edn, Oxford University Press 2017), 6. To simplify, it may be said that the task of Youth Studies is to investigate phenomena of youth as well as experiences and perspectives of young people.

²⁵ There is no universally accepted definition of young people in international law. The upper age-boundary of 35 years is used by the African Youth Charter of 2 July 2006, 3268 UNTS. International organisations like the World Health Organization and the International Telecommunication Union refer to 10 years as the lower age-boundary, WHO, *Working for a Brighter, Healthier Future. How WHO Improves Health and Promotes Well-Being for the World’s Adolescents* (2024), 3; ITU, *Youth Strategy Roadmap to 2021 and Beyond*, 1. Why exactly the age of ten and 35 have been chosen as outer limits is not subject of this paper but of my doctoral thesis, Julian Hettihewa, *Jugend im Völkerrecht*, 60-134 [submitted but not published].

²⁶ Aptly noted: ‘In fact, the international legal system fails all groups of women’, Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law. A Feminist Analysis* (Manchester University Press 2022), 2.

structural inequality in international law must be acknowledged too.²⁷ This is not to say that the forms and experiences of discrimination must be ranked or equated; it would be absurd to argue, for instance, that sexism is less severe than racism or that sexism and racism are the same. My point is rather that the categories of gender, race, and youth are comparable and useful because they demarcate and illuminate power-differentials in international law.

It also surfaces that one must differentiate between youth and another social construct: childhood. In the same vein, young people and children form different, albeit at times overlapping age-based groups. This crucial distinction has been widely explored and discussed in the research fields of Youth Studies and Childhood Studies,²⁸ and – what is perhaps even more important here – adopted by international law.²⁹ Thus, I will not imperil the focus of this paper by including international law's engagement with childhood and children.

As a social construct, youth is loaded with values and meanings, which are never fixed but always in flux.³⁰ There may be many social contexts in which notions of youth are (re-)produced, such as media, fashion, art, etc. This may bear the question why youth shall be traced in international law at all. Youth Studies certainly pay little if any attention to this area of the law.³¹ However, this indifference is unjustified. There is a certain authority attached to international

²⁷ While this cannot be treated in detail here, it is worth to point out that only two Heads of Government were under the age of 35 in 2020, Inter-Parliamentary Union, *Youth Participation in National Parliaments* (2021), 30. Globally, only 2,8 % of Members of Parliament were under the age of 30 in 2023, Inter-Parliamentary Union, *Youth Participation in National Parliaments* (2023), 7. The dates and age-boundaries were set by the reports. For a larger engagement with the situatedness, experiences, and perspectives of young people: WHO, *Global Report on Ageism* (2021), 81-91; Sharlene Swartz, Adam Cooper, Clarence M. Batan et al. (eds), *The Oxford Handbook of Global South Youth Studies* (Oxford University Press 2021); White, Wyn and Robards (n. 24); Andy Furlong, *Youth Studies. An Introduction* (Routledge 2013).

²⁸ See for a brief introduction: White, Wyn and Robards (n. 24), 3-6; Johanna Wyn, 'Thinking About Childhood and Youth' in: Johanna Wyn and Helen Cahill (eds) *Handbook of Children and Youth Studies* (Springer 2015), 3-20; Yen Yen Woo, 'Age' in: Nancy Lesko and Susan Talburt (eds), *Keywords in: Youth Studies. Tracing Affects, Movements, Knowledges* (Routledge 2012), 111-116 (112 f.).

²⁹ To share only one example, international law comprises distinct human rights protections with regard to young people and children. There is not only the Convention on the Rights of the Child of 20 November 1989, 1577 UNTS 3, but also the African Youth Charter as well as the Iberoamerican Convention on the Rights of Youth of 11 October 2005, 3295 UNTS.

³⁰ For the parallel category of old age in Gerontology: Andrew W. Achenbaum, 'Ageing and Changing: International Historical Perspectives on Ageing' in: Malcolm L. Johnson (ed.), *The Cambridge Handbook of Age and Ageing* (Cambridge University Press 2005), 21-29; for the parallel notion of (dis-)ability in Disability Studies: Anne Waldschmidt, *Disability Studies zur Einführung* (Junius Verlag 2020), 38.

³¹ For an insightful exception in this context: Noah W. Sobe, 'Transnational Governance' in: Nancy Lesko and Susan Talburt (eds) *Keywords in Youth Studies. Tracing Affects, Movements, Knowledges* (Routledge 2012), 97-102.

law, which may also be understood as a social phenomenon.³² This authority gains even further relevance if we take international law's promise of universality seriously. A local newspaper, for instance, does not purport to be relevant in another region. International law, however, claims meaning around the globe. We cannot escape international law; 'if you don't do the law, the law will do you'.³³

It is therefore that I seek to understand why and how international law produces meanings of youth. This is very much connected to the question of *when* international law found interest in youth. Admittedly, there is a considerable debate on when and where youth emerged as a distinct social category.³⁴ In order to strive in the context of international law towards universality, however, I wish to seek the points in time when the League of Nations and the United Nations – two international organisations, which pursue(d) universal membership and universal thematic scope –³⁵ imagined youth as progress.

The historical inquiry corresponding to this question is inspired by David Kennedy's call to 'trace the references', to 'trace the [...] repetitions'.³⁶ Despite institutional, normative, or linguistic changes in international law, I believe in continuities, in repetitive patterns of power-differentials.³⁷ In this context, my focus rests on discourse or narratives. This is not to say that meanings of youth do not have real-life implications. I perceive this, however, as a secondary question which moves beyond the scope of this paper. Likewise, I will not restate why the notion of progress is crucial to international law and why studying the same is a worthwhile exercise.³⁸

³² For a similar argument in the context of race and domestic law: Richard Delgado and Jean Stefancic, 'Critical Race Theory: Past, Present, and Future', *Current Legal Probs.* 51 (1998), 467–491 (477).

³³ Robert Knox, 'Strategy and Tactics', *FYBIL* 21 (2010), 193–229 (224).

³⁴ See only Stefan Ruppert, *Recht hält jung. Zur Entstehung der Jugend aus rechtshistorischer Sicht: Deutschland im langen 19. Jahrhundert (ca. 1800–1919)* (Vittorio Klostermann 2023), 40–45.

³⁵ This is borrowed from Hannah Birkenkötter, "'What the Secretariat Makes It': How International Civil Servants Shape Contemporary International Law", *International Organizations Law Review* 20 (2023), 426–456 (435).

³⁶ David Kennedy, 'A New Stream of International Law Scholarship', *Wis. Int'l L.J.* 7 (1988), 1–49 (10 f.).

³⁷ This scepticism is borrowed from Critical Race Theory: Derrick Bell, 'Racial Realism', *Conn. L. Rev.* 24 (1992), 363–379.

³⁸ See only: 'progress narratives are no longer descriptions of an objective reality but powerful rhetorical strategies of (de)legitimation.', Skouteris (n. 6), 1; 'The notion of progress is firmly embedded at the core of international law discourse.', Alexander Holzer, Lisa Kujus, Rebecca Kruse et al., 'Introducing the Symposium "Progress and International Law: A Cursed Relationship?"', *Völkerrechtsblog*, 18 September 2023, doi: 10.17176/20230918-100718-0, <https://voelkerrechtsblog.org/de/introducing-the-symposium-progress-and-international-law-a-cursed-relationship/>, last access 13 December 2024; for a brief overview: Thomas Skouteris, 'The Idea of Progress' in: Anne Orford and Florian Hoffmann (eds), *The Oxford Handbook of the Theory of International Law* (Oxford University Press 2016), 939–953.

On a final note, thinking with youth and young people certainly enables us not only to revisit the history (or rather histories) of international law. As Youth Studies have shown, youth and young people can be found in various areas.³⁹ Similarly, I believe international law offers an infinite space that can be explored using the above-mentioned categories.⁴⁰ The sensibility and curiosity that place youth and young people at the centre of an international legal analysis can be understood as part of – if someone wants to put a label on it – Young Approaches to International Law (YAIL). While this constructed label offers language, it does not yet create community (like, for instance, Third World Approaches to International Law). The creation of community is a long-term project to which this article – irrespective of the exercise of labelling or branding – aims to contribute.

II. Between Progress and Decline: a Mini-History

Historically, youth has been constructed by international law as progress.

Acknowledging that history itself is a construct,⁴¹ I want to narrate a specific story; a story of untold sorrow and reaffirmed faith, of heroes and villains, of a celebrated dream and a feared nightmare, of progress and decline. With these poles, I believe, a certain continuity can be grasped and traced throughout a century and two international organisations.

³⁹ To offer a small glimpse of the breadth of the field: Daniel Marshall, 'What Is Queer Youth History?' in: Daniel Marshall (ed.), *Queer Youth Histories* (Palgrave Macmillan 2021), 1-40; Adam Cooper, Sharlene Swartz, Clarence M. Batan et al., 'Realigning Theory, Practice, and Justice in Global South Youth Studies' in: Sharlene Swartz, Adam Cooper, Clarence M. Batan et al. (eds), *The Oxford Handbook of Global South Youth Studies* (Oxford University Press 2021), 2-16; Jenny Slater, *Youth and Disability. A Challenge to Mr Reasonable* (Routledge 2015); Angela McRobbie and Jenny Garber, 'Girls and Subcultures' in: Angela McRobbie (ed.), *Feminism and Youth Culture. From 'Jackie' to 'Just Seventeen'* (Macmillan Education 1991), 1-15.

⁴⁰ Proving this is the aim of my doctoral thesis: Hettihewa (n. 25). To illustrate this here, even such – subjectively speaking – 'remote areas' as the Council of the Baltic Sea States can be explored, see: Julian Hettihewa and Stefan Talmon, 'The Bornholm Declaration – Another Example of Germany's Support of Youth Participation in International Organisations?' in: Stefan Talmon (ed.), *German Practice in International Law 2020 Volume 2* (Cambridge University Press 2023), 342-343.

⁴¹ Following New Stream's critique of international legal history, we have to differentiate between the past (what has happened) and history (what we tell has happened), the latter allowing numerous accounts, see Thomas Skouteris, 'Engaging History in International Law' in: José María Beneyto and David Kennedy (eds), *New Approaches to International Law. The European and the American Experiences* (T. M. C. Asser Press 2012), 99-121 (112 f.).

Our point of departure is the immediate aftermath of World War I. During the early days of the newly founded League of Nations, a large number of initiatives were introduced aiming at educating youth in the spirit of the values of the international organisation.⁴²

The first resolution dealing with the education of youth was adopted during the fourth Assembly of the League of Nations on 27 September 1923, with the following wording:

[t]he Assembly urges the Governments of the States Members to arrange that the children and youth in their respective countries where such teaching is not given be made aware of the existence and aims of the League of Nations and the terms of its Covenant.⁴³

Education surfaces in the international arena as a means to promote the purposes of an international organisation. More precisely, the wording ('aims of the League of Nations') and the preparatory history of the resolution underline that education is placed in a specific service: the maintenance of peace.⁴⁴ Not Heads of State or Government were to be educated, but youth. Indeed, that the maintenance of peace and thus the success of the League depended in particular

⁴² For instance, as early as 13 May 1919, an 'Education Commission' within the system of the League of Nations was proposed, which was to promote the exchange of school and university students, see: LoN, Educational Problems – Proposed Education Commission under the League of Nations – Transmits note from Dr. Fisher to Lord R. Cecil, and minutes thereon, relative to proposed Education Commission under the League of Nations, 13 May 1919, United Nations Archives at Geneva – Reference Code: R636/12/114/269, (PDF, 5).

⁴³ Assembly of the League of Nations, 4th Assembly, 27 September 1923, Work of the Committee on Intellectual Co-Operation, Res VIII, United Nations Archives at Geneva – Reference Code: R1059/13C/30862/30862, 4 (PDF, 18).

⁴⁴ For instance, on 5 August 1921, the Federal Leadership of the German Pacifist Student League ('Bundesleitung des Deutschen Pazifistischen Studentenbunds') proposed to the League of Nations that the League Assembly may decide 'that each State shall include in its constitution an article with the following content: "League of Nations Studies is a subject in schools. Every pupil shall receive a copy of the League of Nations Covenant at the completion of compulsory education."' ('dass jeder Staat in seiner Verfassung einen Artikel folgenden Inhalts: "Völkerbundskunde ist Lehrfach der Schulen. Jeder Schüler erhält bei Beendigung der Schulpflicht einen Abdruck der Völkerbundsverfassung." aufzunehmen hat.', translated by the author). The Under-Secretary-General at the time reacted quite positively to the proposal: 'I sincerely hope that your desire to introduce instruction on the League of Nations in all the schools of States Members of the League may be realised. The same idea has been communicated to me from various quarters and certainly the education of youth in the spirit and tradition of peace is the most efficacious method of averting war.' This illustrates the essential idea of the resolution: the education of youth in the spirit of the League of Nations to maintain peace. For the proposal of the German Pacifist Student League: LoN, Inclusion in Curriculum of Schools of State Members of Matters concerning the League, 5 August 1921, United Nations Archives at Geneva – Reference Code: R1712/44/14534, (PDF, 12). For the reply: LoN (n. 44), (PDF, 11).

on youth was a widespread idea.⁴⁵ However, triumph is anything but certain, while the consequences of failure would clearly be devastating: youth must be saved by education, as otherwise youth will fall victim to itself. Youth appears as threat to peace, as naturally leaning towards violence and war. It is exactly this haunting nightmare which justifies the paternalistic education of young people; a howl which shall echo through time.

On 19 October 1937, less than two years before the outbreak of World War II, the ‘Declaration Regarding the Teaching of History (Revision of School Text-Books)’ was opened for signature in Geneva under the auspices of the League of Nations.⁴⁶ This declaration, consisting of four preambular paragraphs and six ‘principles’, was aimed in particular at the revision of history textbooks in schools to combat prejudices against other States.⁴⁷ Here, too, the educated youth was to serve the maintenance of peace, while the violent, bellicose youth functioned as a grim warning sign.⁴⁸ Under the

⁴⁵ ‘Politicians who had helped to design the Geneva institutions placed substantial hopes in young people, and particularly in university students.’, Daniel Laqua, ‘Activism in the “Students” League of Nations’: International Student Politics and the Confédération Internationale des Étudiants, 1919-1939’, *English Historical Review* 132 (2017), 605-637 (622); ‘the recovery of international dialogue seemed to depend on the capacity of youth to develop peaceful relations with former enemies’, Joëlle Droux, ‘Children and Youth: A Central Cause in the Circulatory Mechanisms of the League of Nations (1919-1939)’, *Prospects* 45 (2015), 63-76 (65); in agreement: Tobias Flessenkemper, ‘The European Year of Youth 2022. Aspects of a Genealogy of European Youth Cooperation’, *Policy Paper Note De Recherche* 132 (2022), 1-4 (4).

⁴⁶ LoN, Declaration Regarding the Teaching of History (Revision of School Text-Books), 2 October 1937, 5C/32347/32347, United Nations Archives at Geneva – Reference Code: R4063/5C/32347/32347, 2-3 (PDF 13-14). The declaration came into force on 24 November 1937, LoN, Declaration Regarding the Teaching of History (Revision of School Text-Books), 24 March 1938, 5C/33051/32347, United Nations Archives at Geneva – Reference Code: R4063/5C/33051/32347, (PDF 21). See generally on textbook revision in the system of the League of Nations: Eckhardt Fuchs, ‘Der Völkerbund und die Institutionalisierung transnationaler Bildungsbeziehungen’, *Zeitschrift für Geschichtswissenschaft* 54 (2006), 888-899 (892-894); Elly Hermon, ‘The International Peace Education Movement, 1919-1939’ in: Charles Chatfield and Peter van den Dungen (eds), *Peace Movements and Political Cultures* (University of Tennessee Press 1988), 127-142 (130-135).

⁴⁷ LoN, Declaration Regarding the Teaching of History (Revision of School Text-Books), 2 October 1937, 5C/32347/32347, United Nations Archives at Geneva – Reference Code: R4063/5C/32347/32347, 2nd Principle, 2 (PDF, 13).

⁴⁸ To quote the first three preambular paragraphs: ‘[d]esirous of strengthening and developing the good relations uniting them [Governments] with other countries; Convinced that those relations will be further strengthened if the younger generation in every country is given a wider knowledge of the history of other nations; Realising the necessity of obviating the dangers that may arise through the tendentious presentation of certain historical events in school text-books’, LoN, Declaration Regarding the Teaching of History (Revision of School Text-Books), 2 October 1937, 5C/32347/32347, United Nations Archives at Geneva – Reference Code: R4063/5C/32347/32347, preambular paras 1-3, 2 (PDF, 13). See Otto Göppert, *Der Völkerbund. B. Organisation und Tätigkeit des Völkerbundes* (W. Kohlhammer 1938), 660-661.

impression of World War II and the low acceptance rate, the declaration is considered a failure.⁴⁹

The League's engagement with youth can also be observed institutionally in this context. On 3 August 1926, the Sub-Committee of Experts for the Instruction of Children and Youth in the Existence and Aims of the League of Nations (Sub-Committee of Experts) met for the first time.⁵⁰ The task of the Sub-Committee was described as follows:

'consider the best methods of co-[*2*]ordinating all official and non-official efforts designed to familiarise young people throughout the world with the principles and work of the League of Nations and train the younger generation to regard international co-operation as the normal method of conducting world affairs.'⁵¹

To this end, Member States could voluntarily share information on their efforts with the Leagues' Secretary-General⁵² who then prepared a report⁵³ which was forwarded to the International Committee on Intellectual Cooperation (ICIC).⁵⁴

Quite strikingly, the United Nations Educational, Scientific and Cultural Organization (UNESCO) took up the education of youth again shortly after World War II. This is remarkable insofar as the International Institute for Intellectual Co-operation can be regarded as UNESCO's predecessor.

⁴⁹ See the position of Romania, whose role shall be explained later, on the declaration: UNGA, 15th session, 1050th meeting, UN Doc. A/C.3/SR.1050, 9 December 1960, 346, para. 7; Ken Osborne, 'Creating the "International Mind": The League of Nations Attempts to Reform History Teaching, 1920-1939', *History of Education Quarterly* 56 (2016), 213-240 (228).

⁵⁰ Sub-Committee of Experts, 1st session, 1st meeting, 3 August 1926, Minutes of the First Meeting, held at Geneva at 10 a.m. on August 3rd, 1926, C.I.C.I./E.J./Ie session/P.V.1. (1), United Nations Archives at Geneva – Reference Code: R1024/13/53014/48790, 1 (PDF, 167).

⁵¹ Assembly of the League of Nations, 6th Assembly, 22 September 1925, Work of the International Committee on Intellectual Co-Operation. Resolutions Adopted by the Assembly on September 22nd, 1925 (morning), A.107.1925.XII, United Nations Archives at Geneva – Reference Code: R1018/13/46053/41815, para. 2 lit. (c), 1-2 (PDF, 5-6).

⁵² Assembly of the League of Nations (n. 51), para. 2 lit. (a), 1 (PDF, 5).

⁵³ See for instance: LoN Secretary-General, Instruction of Children and Youth in the Existence and Aims of the League of Nations. Supplementary Report by the Secretary-General, 9 July 1926, A.15.1926.XII, United Nations Archives at Geneva – Reference Code: R1023/13/52901/48790, 1-18 (PDF, 20-37).

⁵⁴ Assembly of the League of Nations, 6th Assembly, 22 September 1925, Work of the International Committee on Intellectual Co-Operation. Resolutions Proposed by the Second Committee and Adopted by the Assembly on September 22nd, 1925 (morning), A.107.1925.XII, United Nations Archives at Geneva – Reference Code: R1018/13/46053/41815, para. 2 lit. (b), (c), 1 (PDF, 5).

sor.⁵⁵ This forerunner was founded by the ICIC in 1925 with the task of supporting the ICIC in the implementation of its projects.⁵⁶ In 1947, the Executive Board of UNESCO agreed to work towards an 'Educational Charter for Youth', 'which would state the terms of equal educational opportunities without distinction of race, sex or social position'.⁵⁷ The goal of an 'Educational Charter for Youth' was never reached.⁵⁸

A few years later, on 19 August 1960, Romania proposed the agenda item 'Measures designed to promote among youth the ideas of peace, mutual respect and understanding between peoples' for the 15th session of the UN General Assembly.⁵⁹ A normative point of reference for this was Art. 26 of the Universal Declaration of Human Rights.⁶⁰ More decisive, however, might be the maintenance of peace and security in accordance with the UN Charter, in particular the first paragraph of its preamble:

'[t]he outcome of the efforts to save succeeding generations from the scourge of war largely depends on the spirit in which the youth, called tomorrow to lead the

⁵⁵ Angel (n. 13), 7; Daniel Laqua, 'Transnational Intellectual Cooperation, the League of Nations, and the Problem of Order', *Journal of Global History* 6 (2011), 223-247 (224 f.); Jean-Jaques Renoliet, *L'UNESCO oubliée: La Société des Nations et la coopération intellectuelle (1919-1946)* (Publications de la Sorbonne 1999), 7; Otto-Ernst Schüddekopf, 'History of Textbook Revision 1945-1965' in: Council for Cultural Co-Operation of the Council of Europe (ed.), *History Teaching and History Textbook Revision* (Strasbourg 1967), 11-41 (17).

⁵⁶ ICIC, 5th session, Report by the Committee to the Council, 27 May 1925, C.288.1925.XII, United Nations Archives at Geneva – Reference Code: R1035/13C/44165/14297, 1 (PDF, 10). For a more detailed account of the relationship between the two institutions: '[t]he Committee does not regard the Institute as an artificial improvisation; it considers it to be a natural extension of itself and as the outcome of the work accomplished by it since August 1st, 1922, down to the present day. It describes the Institute as a technical secretariat and an executive organisation placed at its disposal in order to enable it to attain the double object for which the Committee itself was founded by the League of Nations, namely, to work for moral disarmament and international reconciliation by developing intellectual co-operation among all countries throughout the world and to assist scientific work and place intellectual life on a higher level by that co-operation.' For a more comprehensive account of the International Institute for Intellectual Co-Operation from the perspective of a member: Alfred Zimmermann, 'The League and International Intellectual Co-Operation' in: Committee of the Geneva Institute of International Relations (ed.), *The Problems of Peace. Lectures Delivered at the Geneva Institute of International Relations at the Palais des Nations August 1926* (Oxford University Press 1927), 144-150.

⁵⁷ UNESCO, General Conference, 2nd session, Teachers' Charter, an Educational Charter for Youth, 5 October 1947, 2C/46, Digital Archives UNESCO – Catalog number: 222186, 2, (PDF, 2), <<https://digital.archives.unesco.org/en/collection/governing-documents/detail/7e625628-962f-11e8-8718-d89d6717b464/media/6e8396d4-eb8e-1cdb-aba0-bb736fd96ef5>>, last access 13 December 2024.

⁵⁸ Angel (n. 13), 22-23.

⁵⁹ UNGA 15th session of 19 August 1960, UN Doc. A/4442.

⁶⁰ UNGA 15th session (n. 59), 2, para. 1. For the Universal Declaration of Human Rights see: UNGA Res 217 (III) of 10 December 1948, A/RES/217(III).

society, is brought up today. Hence, is it possible not to be deeply concerned about acts of racial intolerance and hatred, as well as about acts of instigation of aggression and revanche that are still encouraged? It is not by accident that such acts occur precisely where the education of youth in a spirit of militarism, of national and racial hatred has been promoted or where the fight against them has been neglected.⁶¹

The education – not the emancipation – of youth was thus deemed to be of ‘special importance for the maintenance and strengthening of peace and for the implementation of the Charter of the United Nations’, which made it urgent to regulate the education of youth under international law.⁶² The paternalistic impetus, grounded in and legitimised through the imagination of youth as nationalistic, militarised threat, as ‘aggression’, reverberates.

While Romania proposed various options to address the problem outlined, such as a UN General Assembly resolution recommending certain actions to governments, cooperation between the UN, especially UNESCO, and individual States, and a convention on education programmes,⁶³ the first proposal seems to have prevailed.

An intermediate step towards this was a resolution adopted on 18 December 1960 by the Third Committee of the UN General Assembly, entitled ‘Measures designed to promote among youth the ideals of peace, mutual respect and understanding between peoples’.⁶⁴ Romania was aware of the path it was following, referring during the meeting of the Committee to the ‘Declaration Regarding the Teaching of History (Re-vision of School Text-Books)’ as well as to the role of UNESCO and its efforts to achieve a binding treaty.⁶⁵ It was precisely this formal goal that Romania wanted to take up again with the initiated resolution: ‘the time had come to frame an international instrument imposing legal obligations on States’.⁶⁶ In terms of substance, Romania’s intention was, as already described, to realise the purposes of the UN according to Art. 1 of the Charter:

‘[t]he future of the world depended, to a large extent, on the atmosphere in which the young were brought up. If, as they grew up, they absorbed peaceful ideas and were taught to respect the rights, culture and way of life of other peoples,

⁶¹ UNGA 15th session (n. 59), 2, para. 2.

⁶² UNGA 15th session (n. 59), para. 4.

⁶³ UNGA 15th session (n. 59), para. 5 f.

⁶⁴ UNGA Res 1572 (XX) of 18 December 1960, A/RES/1572; for information on the further development of the declaration: UNGA, 20th session, UN Doc. A/6120, 29 November 1965.

⁶⁵ UNGA, 15th session (n. 49), 346, para. 7.

⁶⁶ UNGA, 15th session (n. 49). However, this goal was never to be achieved in this form either.

one of the objectives of the United Nations Charter would be achieved thereby. If, on the other hand, hatred, prejudice, a liking for violence and feelings of racial superiority were inculcated into them, the chances of international peace and understanding would be much reduced.⁶⁷

Youth, therefore, should not acquire autonomy through education, but be gained and used as an instrument for *the* peace as defined by an international organisation. Once more, Romania tied this paternalistic policy to the regressive notion of youth as violence, as a threat consuming nothing less than '[t]he future of the world'. Youth reappears as a Janus-faced master over the fate of the international community.

About five years later, on 7 December 1965, the UN General Assembly proclaimed the awaited 'Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples'.⁶⁸ The declaration marks the preliminary climax of the presented decades-long engagement with youth and education in international law, and emerged as a crucial 'reference[s]'⁶⁹ for future documents.⁷⁰ Again, continuity was intended as the contributions of UNESCO 'towards the education of young people in the spirit of international understanding, cooperation and peace' were recognised in the declaration.⁷¹ Even more, a certain resemblance with the mentioned resolution of the League's Assembly from 1923 can be inferred too.⁷²

The declaration consists of eleven preambular paragraphs and six principles. Already the preambular paragraphs charge youth with an important task: 'young people [...] are destined to guide the fortunes of mankind'.⁷³ What these fortunes are is defined by Principle I which loads youth with expectations: 'equal rights for all human beings and all nations, economic and social progress, disarmament and the maintenance of international peace and security'⁷⁴ – all of this is to be championed by youth. But this bright future rests upon a premise in the present:

⁶⁷ UNGA, 15th session (n. 49), 345, para. 1. Romania understood young people to be persons between the ages of five and 19, and thus included only a limited part of the group defined here, see: UNGA, 15th session (n. 49), 345, para. 5.

⁶⁸ UNGA Res 2037 (XX) of 7 December 1965, A/RES/2037 (XX).

⁶⁹ Kennedy (n. 36), 10.

⁷⁰ See Hannah Birkenkötter, Heidrun Fritze and Ann-Christine Niepelt, 'Jugendarbeit als Jugendpartizipation – Die Deutsche Gesellschaft für die Vereinten Nationen und Jugend' in: Norman Weiß and Nikolaus Dörr (eds) *Die Deutsche Gesellschaft für die Vereinten Nationen (DGVN). Geschichte, Organisation und politisches Wirken, 1952-2017* (Nomos 2017), 155-192 (158).

⁷¹ UNGA Res 2037 (XX) (n. 68), preambular para. 4.

⁷² Angel (n. 13), 9.

⁷³ UNGA Res 2037 (XX) (n. 68), preambular para. 7.

⁷⁴ UNGA Res 2037 (XX) (n. 68), Principle I.

‘[y]oung people must become conscious of their responsibilities in the world they will be called upon to manage and should be inspired with confidence in a future of happiness for mankind’.⁷⁵

Thus, once more, youth has to be educated as the preambular paragraphs suggest.⁷⁶ However, this endeavour is balanced on a knife-edge. The resolution recalls ‘that under the terms of the Charter of the United Nations the peoples have declared themselves determined to save succeeding generations from the scourge of war’.⁷⁷ The term ‘succeeding generations’ is to be equated with ‘young people’ as the declaration is devoted to ‘youth’, ‘young people’, and ‘the young’ (terms which are used interchangeably), and as Romania – the State which initiated the declaration – clarified explicitly.⁷⁸ In this context a menacing image surfaces again: only an educated youth can save itself for the good of all. Youth re-emerges as the bright idealistic promise and as the looming disastrous betrayal.

With this account, the League’s remarkable institutional and normative engagement with youth as well as its reception in the UN system becomes visible. The impetus always remained the same: the education of youth to maintain peace, to prevent another world war. Youth appears as ideal and as deviation. The nightmare of youth plunging the world into war haunts international law which dreams of youth honouring the promise of peace. As youth is charged with such important responsibilities as human rights, economic and social development, disarmament, and the maintenance of international peace and security, international law must act as regulator. Youth must be educated by States to not fall victim to itself. Youth’s autonomy must thus yield to fear-induced paternalism. Social-anthropologists Jean and John Comaroff have identified and stressed youth’s ‘intrinsic bipolarity, its doubling’.⁷⁹ International law has historically idealised and demonised youth, which can be grasped best as a dichotomy.⁸⁰ International

⁷⁵ UNGA Res 2037 (XX) (n. 68), Principle VI, para. 2.

⁷⁶ UNGA Res 2037 (XX) (n. 68), preambular paras 4, 9, 10.

⁷⁷ UNGA Res 2037 (XX) (n. 68), preambular para. 1.

⁷⁸ ‘In adopting this Declaration, the United Nations, whose Charter opens With the words: “We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [...]” for the first time addresses the new generation directly and solemnly, calling upon it to concentrate its efforts on the noble purposes of ensuring international peace and security based on the indestructible principles of mutual respect and understanding between peoples.’, UNGA, 20th session, 1390th meeting, UN Doc. A/PV.1390, 7 December 1965, 3, para. 31.

⁷⁹ Comaroff and Comaroff (n. 1), 280.

⁸⁰ Gill Jones uses ‘heroes and villains’, albeit less as a dichotomy and more as a description: Gill Jones, *Youth* (Polity Press 2009), 2; see also: Sobe (n. 31), 99.

law has constructed youth as promise/peril, dream/nightmare, as progress/decline.⁸¹

III. Continuity and Commonalities

This is not an account of the past. Despite the alluring international legal discourses on youth participation and youth protection, youth's construction can still be appreciated through the progress/decline dichotomy. To illustrate this, I will draw only on one, yet authoritative example: the UN Security Council.

Since 2015, the UN Security Council has adopted three 'Youth, Peace and Security resolutions' (YPS resolutions) as part of its 'Youth, Peace and Security Agenda' (YPS Agenda).⁸² In these resolutions youth is constructed as 'unique demographic dividend that can contribute to lasting peace and economic prosperity',⁸³ as 'positive role models in preventing and countering violent extremism',⁸⁴ as 'agents of change in countering terrorism and violent extremism',⁸⁵ youth reappears as the promise of peace. Youth is further idealised as its manifold qualities are listed: 'maintenance and promotion of peace and security',⁸⁶ 'prevention and resolution of conflicts',⁸⁷ 'success of peacekeeping and peacebuilding',⁸⁸ 'justice and reconciliation'⁸⁹ – if the instrument of youth is only employed in the right manner, all those dreams may come true.

But there is a dark side to youth. The UN Security Council explicitly recognises 'the rise of radicalization to violence and violent extremism,

⁸¹ This is not to say that this is the sole dichotomy of youth (re-)produced by international law (just like there is more than one dichotomy with respect to gender, for instance), but rather that it is the one studied here.

⁸² UNSC Res 2250 of 9 December 2015, S/RES/2250; UNSC Res 2419 of 6 June 2018, S/RES/2419; UNSC Res 2535 of 14 July 2020, S/RES/2535.

⁸³ UNSC Res 2250 (n. 82), preambular para. 9; UNSC Res 2535 (n. 82), preambular para. 12.

⁸⁴ UNSC Res 2250 (n. 82), preambular para. 12.

⁸⁵ UNSC Res 2535 (n. 82), preambular para. 16.

⁸⁶ UNSC Res 2250 (n. 82), preambular para. 7; see also UNSC Res 2250 (n. 82), preambular para. 17; UNSC Res 2419 (n. 82), preambular para. 9; UNSC Res 2535 (n. 82), preambular para. 7; see also UNSC Res 2535 (n. 82), preambular para. 13.

⁸⁷ UNSC Res 2250 (n. 82), preambular para. 8; UNSC Res 2419 (n. 82), preambular para. 10; UNSC Res 2535 (n. 82), preambular para. 7.

⁸⁸ UNSC Res 2250 (n. 82), preambular para. 8; UNSC Res 2419 (n. 82), preambular para. 10; see also UNSC Res 2535 (n. 82), preambular para. 7.

⁸⁹ UNSC Res 2250 (n. 82), preambular para. 9; UNSC Res 2535 (n. 82), preambular para. 12.

especially among youth' which 'threatens stability and development, and can often derail peacebuilding efforts and foment conflict'.⁹⁰ Modern information and communication technologies used by terrorists – no longer history school textbooks distributed by States – incite youth to commit acts of violence and destruction.⁹¹ While the medium has changed, the pattern remains the same.

But who exactly is this youth we have to fear? The YPS resolutions are embedded in the 'Youth Bulge Theory', according to which a surplus population of young people has the potential to destabilise a State.⁹² Youth in the YPS resolutions' efforts of counterterrorism and extremism prevention is not something neutral as

'the youth bulge is personified in negative, racialized and gendered terms as an angry, young brown man from Africa, the Middle East, or parts of Asia or Latin America, often marked as a terrorist.'⁹³

The racialised and gendered conceptualisation of youth leaves the progress/decline dichotomy intact. The question is not *whether* youth must be feared but *which* youth.

For the YPS resolutions, the impetus remains the same as in 1965: 'save succeeding generations from the scourge of war'.⁹⁴ Education, though no longer the sole focus, remains of great importance. The UN Security Council recognises 'the right to education and its contribution to the achievement of peace and security'⁹⁵ and expresses concern 'that the disruption of youth's access to quality education and economic opportunities has a dramatic impact on durable peace and reconciliation'.⁹⁶ Hence, States are once again called to duty. The UN Security Council '[u]rges Member States to support, as appropriate, quality education for peace that equips youth with the ability to engage constructively in civic structures and inclusive political processes'⁹⁷ and '[c]alls upon Member States, to protect educational institutions as spaces

⁹⁰ UNSC Res 2250 (n. 82), preambular para. 10.

⁹¹ UNSC Res 2250 (n. 82), preambular para. 11; UNSC Res 2419 (n. 82), preambular para. 16; UNSC Res 2535 (n. 82), operative para. 9.

⁹² Mayssoun Sukarieh and Stuart Tannock, 'The Global Securitization of Youth', TWQ 39 (2018), 854-870 (857-859).

⁹³ Anne Hendrixson, 'Beyond Bonus or Bomb: Upholding the Sexual and Reproductive Health of Young People', Reproductive Health Matters 22 (2014), 125-134 (128).

⁹⁴ UNSC Res 2419 (n. 82), preambular para. 8; see also UNSC Res 2535 (n. 82), preambular para. 6.

⁹⁵ UNSC Res 2535 (n. 82), preambular para. 23; UNSC Res 2419 (n. 82), preambular para. 19.

⁹⁶ UNSC Res 2250 (n. 82), preambular para. 6; UNSC Res 2535 (n. 82), preambular para. 11.

⁹⁷ UNSC Res 2250 (n. 82), operative para. 12; UNSC Res 2535 (n. 82), preambular para. 11.

free from all forms of violence'.⁹⁸ More fundamentally, the Security Council promotes the protection and participation of youth (regardless of what exactly that might encompass) as a protected and participating youth delivers peace, while a neglected and ignored youth brings terror, thereby keeping an all too familiar dichotomy alive.⁹⁹

The inspiring yet haunting portrait of youth is painted anew, albeit with different colours as the UN Security Council securitises more than just education.¹⁰⁰ If youth is not saved (be it by education, employment, online protection ...), it will fall victim to itself. Youth is constructed as promise/peril, as dream/nightmare, as progress/decline.

Is this construction in any way deplorable? With the presented account, I did not only intend to describe the meaning of youth but forward a normative claim too. Instrumentalising youth for *the* peace is based on a preconception of peace. For instance, the UN Security Council may invite young people to promote peace but will never surrender its conceptual or definitional monopoly; the UN Security Council ultimately decides what peace is – not young people.¹⁰¹ The mentioned education, protection, and participation of young people appears not as an end in itself, but as a means to exert power.¹⁰² Beyond that, idealising and vilifying youth helps States and international organisations to circumvent tougher questions. For instance, during the meeting of the UN General Assembly's Third Committee in December 1960, Romania essentially acknowledged that other instruments than employing youth for the cause of peace are simply not available.¹⁰³ It is much more demanding for States to agree on a more effective and binding regime for the prohibition of the use of force. When diplomacy and negotiations fail, pointing at youth as the main bearer of all responsibility comes in handy. The

⁹⁸ UNSC Res 2419 (n. 82), operative para. 12; UNSC Res 2535 (n. 82), operative para. 12.

⁹⁹ UNSC Res 2250 (n. 82), preambular para. 17, operative para. 2; UNSC Res 2419 (n. 82), preambular para. 10, operative para. 2; UNSC Res 2535 (n. 82), preambular para. 13, operative para. 1.

¹⁰⁰ Sukarieh and Tannock (n. 92), 854–870.

¹⁰¹ See for a similar critique with regard to the Council's Women, Peace and Security Agenda: Dianne Otto, 'Beyond Stories of Victory and Danger: Resisting Feminism's Amenable to Serving Security Council Politics' in: Gina Heathcote and Dianne Otto (eds), *Rethinking Peacekeeping, Gender Equality and Collective Security* (Palgrave Macmillan 2014), 157–172 (161).

¹⁰² Again, for a feminist parallel: '[t]his feminist alliance with the Security Council enables – even encourages – the Council to present itself as a champion of feminist goals and a creator of international law, and endorses the idea that violation of women's rights could provide a trigger for the imposition of sanctions, the collective use of force or a justification for military occupation. This surely gives the Security Council and its hegemonic "law" too much power, undermining democratic and redistributive politics, and women's agency.', Otto (n. 101).

¹⁰³ UNGA, 15th session (n. 49), 345, para. 1.

role of States vanishes in the fog of a narrative. Constructing youth as progress/decline thus served – and continues to serve – to conceal power-differentials and does nothing to prevent the outbreak of wars. Instrumentalising youth as progress does not encourage empowerment, but control over young people.¹⁰⁴ Ultimately, the imagery of youth as progress forms part of a larger ‘language of progress’, which is, as Thomas Skouteris aptly observes, a ‘language of authority, to legitimize and de-legitimize’, repressing ‘competing claims or understandings’.¹⁰⁵ The rhetoric of progress thus serves particular interests and ‘policy making’,¹⁰⁶ something which I have tried to chronicle here with respect to youth and young people. Acknowledging this also means to recognise the space allocated to youth in stories of progress.

Having examined the progress/decline dichotomy, which is so inherent to youth, it may already surface that structural elements of international law and youth turn out to be identical. Martti Koskenniemi posed the question ‘what is international law for?’ and gave two answers which are of interest here.¹⁰⁷ According to Koskenniemi ‘international law’s objective is always also international law itself’ as international law offers rather form than substance.¹⁰⁸ Here rests the possibility of manifold meanings:

‘international law’s value and its misery lie in its being the fragile surface of political community among states, other communities, individuals who disagree about their preferences but do this within a structure that invites them to argue in terms of an assumed universality.’¹⁰⁹

As illustrated above, youth as such is an empty vessel; youth is loaded with different and conflicting values and meanings. As there is no agreement on the substance of youth, the notion of youth offers a structure to dispose interests. The objective of youth is always also youth itself. Youth is its own saviour; only the hero of youth can prevent the villain of youth.

While one may argue that any construct essentially embraces diverse and conflicting meanings, I want to go beyond that. To draw on Koskenniemi again, ‘international law exists as a promise of justice’.¹¹⁰ However, [t]he justice towards which international law points cannot be enumerated in sub-

¹⁰⁴ See Anita Harris, *Future Girl. Young Women in the Twenty-First Century* (Routledge 2004), 1.

¹⁰⁵ Skouteris (n. 6), 5.

¹⁰⁶ Skouteris (n. 6), 5.

¹⁰⁷ For the other two responses see Martti Koskenniemi, ‘What is International Law For?’ in: Martti Koskenniemi (ed.) *The Politics of International Law* (Hart Publishing 2011), 241–267 (265 f.).

¹⁰⁸ Koskenniemi (n. 107), 266.

¹⁰⁹ Koskenniemi (n. 107), 266.

¹¹⁰ Koskenniemi (n. 107), 266.

stantive values, interests, or objectives'.¹¹¹ International law can never fulfil its promise.¹¹² To emphasise this crucial point with Koskenniemi, '[t]here is a Messianic structure to international law, the announcement of something that remains eternally postponed'.¹¹³ To use Skouteris' categorisation, this notion of international law can be read and classified as 'international law *as progress*',¹¹⁴ meaning 'the idea that international law itself has a self-evident and immanent progressive value (for the world, for civilization, for humanity)'.¹¹⁵ It is here where structural elements of youth are fully disclosed. Youth as progress turns out to be identical to international law's 'Messianic structure'; both are united in their announcement of a brighter future, in their dream to realise 'peace and security', 'human rights', 'international co-operation', etc. Youth as progress conveys an idea of justice, which can never be grasped in substantive terms. That is why the promise of youth is used by various actors in various settings, be it the Ukrainian self-defence against the Russian aggression, the UN Secretary-General's effort to remain relevant amid the climate crisis, the League of Nations's endeavour to prevent World War II, and so on and so forth. According to Koskenniemi, '[i]t is this "to-come" that enables the criticism of the law's own violence'.¹¹⁶ Because international law has not reached the desired point of justice, international law can be condemned. Because youth has not metamorphosed into the long-awaited hero yet, the marauding villain of youth can be challenged. Hopes and aspirations are placed in youth and international law. Youth and international law are promises which are never to be kept. Youth and international law *are constructed as progress*.

How can we explain this finding? Can we make any sense of it? I believe 'youth as progress' and 'international law as progress' should not be considered as a coincidental parallel but as a strategic alliance. What I want to suggest is that the notion of youth as progress serves as an instrument for the idea of international law as progress and the policies forwarded in its name. Thus, an intimate, not a peripheral relationship emerges. Quite tellingly, Skouteris traced the use of the notion of international law as progress in the inter-war period and found that it was accepted that the future of international law, its progress, was put in the hands of a specific group:

¹¹¹ Koskenniemi (n. 107), 266.

¹¹² Koskenniemi (n. 107), 267.

¹¹³ Koskenniemi (n. 107), 266; see 'However difficult the project will be, international lawyers share an orientation to a past of sovereign states and a future of international law. The discipline looks forward, confident that we will arrive in the future with history at our side.', David Kennedy, 'When Renewal Repeats: Thinking Against the Box', N. Y. U. J. Int'l L. & Pol. 32 (2000), 335-500 (347).

¹¹⁴ For two other uses of progress in international law: Skouteris (n. 6), 6 f.

¹¹⁵ Skouteris (n. 6), 6.

¹¹⁶ Koskenniemi (n. 107), 267.

‘[i]t is ultimately the duty of public international lawyers to educate the general public, especially the youth, and to do everything within their means to disseminate the new internationalist spirit that endorses the idea of a community of democratic states.’¹¹⁷

Self-evidently, the future of international law is linked to the fate of youth.¹¹⁸ A progressing youth contributes to international law reaching its destination, finally. This is a one-sided, hierarchical, paternalistic relationship. In this story of youth as progress, youth will remain a tool, which needs to be educated, protected, sharpened, tamed, etc., by international law(-yers). To use Koskenniemi one last time, international law as Messiah has found in youth its disciple. This conception enables us to order the shared structural elements of youth and international law as well as their relationship: youth as progress furthers international law as progress.

IV. Conclusion

In the foregoing, I have presented four dimensions of the notion of youth as progress, which certainly overlap but may be divided in the following terms. First, on an analytical level, I have explored when and how youth was constructed as progress in international law. Second, on a normative level, I have argued that this construction is alarming as the content of progress is not defined by young people, but, for instance, the UN Security Council. Third, on a functional level, I have tried to show that constructing youth as progress serves as an instrument to conceal the role of States, to further their policies and to extend their reach over young people. In this sense, far from being an emancipatory tool, constructing youth as progress upholds or even fosters power-differentials. Fourth, on a structural level, I have suggested that the notion of ‘youth as progress’ was and is gladly employed by and (re-) produced in international law because youth and international law share certain structural commonalities. In this light, I have condensed their relationship to a simple formula, proposing that youth as progress furthers international law as progress.

¹¹⁷ Thomas Skouteris, ‘The Vocabulary of Progress in Interwar International Law: An Intellectual Portrait of Stelios Seferiades’, *EJIL* 16 (2005), 823-856 (836); similarly also: Skouteris (n. 117), 841; this idea or conviction has been mentioned before, see above, ‘II. Between Progress and Decline: a Mini-History’, 10.

¹¹⁸ In this context, the story of international law as progress serves an idea of democracy, Skouteris (n. 117), 833-838. However, Skouteris stresses that narratives of progress may serve various purposes (within the meaning of democracy and beyond), Skouteris (n. 6), 9-15.

