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Re-thinking Youth Participation for
Environmental and Climate Issues:
Austria and Denmark in Comparison

by Laura Alessandra Nocera
Adjunct Professor in Transnational Constitution-Making
University of Milan



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University of Milan

Abstract [En]: Despite the lack of youth participation in decision-making, the actual interest for climate issues has given a new input to political and legal participation, enforcing instruments of participatory democracy for many groups of people, including youth. At many levels, young people as stakeholders have the possibility “to raise their voice”, in order to be engaged and consulted in environmental and climate instances. One of the main goals of the EU Strategy is to enable young people to be the “architects of their own lives”, since they should have the possibility to “contribute to positive change in society” and to model the future. Looking at the European example, and at some good practices in Austrian and Danish cases, the essay aims to search possible models of youth participation in climate instances to be transplanted elsewhere.

Titolo: Una prospettiva comune per la partecipazione dei giovani nelle questioni ambientali e climatiche: Austria e Danimarca in comparazione

Abstract [It]: Nonostante la carenza di partecipazione giovanile in fase di decision-making, l'attuale interesse per le questioni climatiche ha dato una nuova spinta alla partecipazione politica e giuridica, rafforzando gli strumenti di democrazia partecipativa per diversi gruppi di persone, giovani inclusi. Assumendo il ruolo di “stakeholders” in diversi livelli territoriali, i giovani hanno ora la possibilità di “sollevare la propria voce” ed essere coinvolti e consultati nelle problematiche relative all'ambiente e al cambiamento climatico. Uno degli obiettivi fondamentali della EU Strategy è quello di far diventare i giovani “gli architetti delle proprie vite”, affinché abbiano la possibilità di “contribuire ad un cambiamento positivo nella società” e di plasmare il futuro. Dopo aver osservato l'esempio europeo e alcune pratiche vincenti nei casi di Austria e Danimarca, il saggio si propone di cercare modelli di partecipazione dei giovani nelle questioni climatiche e il loro possibile trapianto altrove.

Keywords: Youth Participation, European Youth Goals, Climate Change (Actions on), Austria, Denmark

Parole chiave: Partecipazione dei giovani, Obiettivi europei per la gioventù, Cambiamento climatico (Azioni per fronteggiare il), Austria, Danimarca

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1. Questions of Terms¹

‘To re-think’ is not a common verb to use in a dissertation. Etymologically, it’s a neologism built on the simple verb ‘to think’, in which an element of repetition and reflection is inserted, meaning the action ‘to

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think again’ about an issue, as studying, modelling, and eventually understanding all the features of a particular topic. For this reason, in a discussion about legal and political aspects, the term ‘re-thinking’ itself means an inclusion and a focus on real life problems taken from the application of the law².

The actual essay proposes the purpose to ‘re-think’ or to critically analyse, discuss, and ‘think again’ about the questions on youth participation, its features, and, also, its perspectives in a more complicated society, in which new goals, issues, and strategies look to assume a raising importance in the political and legal discourse.

In fact, according to the EU Youth Report³, the younger generations are the best educated and skilled ones in information, communication, and technologies (the so-called ICT, which is continuously innovating the repertoire of political expressions⁴), and in the use of networks and social medias, influencing the rise of new and different forms of online tools, digital petitions, and activism⁵. Since they are the social party who is most future-oriented, they are also able to significantly understand the changes of environment and of social issues, and to offer a longer perspective for the benefit of the societies⁶.

Despite of it, the range of youth participation looks quite low, since young people suffer the lack of structures, and mechanisms, while the institutions follow an adult-centric and tokenistic approach, hiding the dilemmas of inclusivity and lack of trust⁷. For these reasons, with the so-called ‘EU Youth Strategy’ (2019-2027), European Union inaugurated a policy destined to encourage, and empower youth engagement, also through an improvement of online tools and instruments of participatory democracy, with a particular eye for the climate issues.

² F.G. NICOLA, G. FRANKENBERG, *Introducing a Critical Practice of Comparative Law*, in F.G. NICOLA, G. FRANKENBERG, *Comparative Law. Introduction to a Critical Practice*, Edward Elgar Publishing, London, 2024, p. 19. On the argument, see also: G. FRANKENBERG, *Critical Comparisons: Re-thinking Comparative Law*, in *Harvard International Law Journal*, n. 26, 1985, pp. 411-456.

³ Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, on the implementation of the EU Youth Strategy (2019-2021), also known as ‘EU Youth Report’, COM(2021) 636 final, {SWD(2021) 286 final} - {SWD(2021) 287 final}, Bruxelles, October, 14, 2021, available online at the site of the European Commission.

⁴ ICT is the acronym for ‘Informed and Technologies’ and comprehends all the digital and technological instruments used for the innovation of policymaking, and applied to the e-participation, since they contribute to build the so-called ‘e-democracy’. For a general scenario about digital instruments and participatory democracy, see: P. SEELE, I. LOCK, *The Game-Changing Potential of Digitalization for Sustainability: Possibilities, Perils, and Pathways*, in *Sustainability Science*, n. 12, 2017, pp. 183–185. On the digitalisation of politics and legal issues and the possible implies of the e-democracy, see also: L. REYNOLDS, D. HENDERSON, C. XU, L. NORRIS, *Digitalisation and the foundational economy: A digital opportunity or a digital divide for less-developed regions?*, in *Journal of Local Economy*, n. 36, 2022, pp. 451-467.

⁵ POLICY DEPARTMENT FOR CITIZENS’ RIGHTS AND CONSTITUTIONAL AFFAIRS, DIRECTORATE-GENERAL FOR INTERNAL POLICIES, *Young People’s Participation in European Democratic Processes. How to Improve and Facilitate Youth Involvement*, PE 745.820, March 2023, pp. 19 ff.

⁶ EU Youth Report, as aforementioned.

⁷ G. MOYSER, *Political Participation*, in R. AXTMANN (ed.), *Understanding Democratic Politics. An Introduction*, SAGE Publications, London, 2003, pp. 174 ff.

Before focusing on this connection among ‘participation’, ‘climate issues’, and ‘youth generations’, we should trace an order about a question of terms. How can we define ‘participation’? And which instruments are meant to integrate and improve it in the democratic rule of law?

‘Participation’ is a common term used in legal and political studies with the purpose to define the activity of people taking part in ruling questions and governance problematics⁸. As time goes by, the term has been also the concretization of a well-known fundamental right, which is universally recognised in many international conventions and declarations and in almost all national orders, becoming the core of every democratic governance and applying to different dimensions of public affairs⁹. The principle has been merged in all the environmental problematics, marking the importance of citizen’s participation in issues concerning environment and nature¹⁰. The questioning of who participates in decision-making is one of the features of democracy, since the situation in which only few people can participate and/or certain groups are not included in decision-making strongly limits the democratic parameter¹¹.

Participation focuses on the actors which are involved in a constant dialogue with institutions for modelling policies, also including the so-called ‘vulnerable subjects/groups’ as people who are not considered in a dominant position in the society because of gaps and/or different personal prerogative distinguishing them for some possible limits. Young people are one of the actors in a multi-lateral and multi-level synergy of decision-making. Youth participation contributes to the functioning of modern democracies and can play a key-role in the sustainability of policies affecting young people’s lives with a particular impact for the future perspectives in fostering an intergenerational dialogue. The absence of young people in institutions affects youth representation, and youth participation in politics.

But it is necessary to strictly target the youth groups involved in participation. Determine what is the range of age for youth participation can be quite hard, since the concept of ‘being young’ is quietly voluble and differs from context to context. European institutions generally consider youth in the range of 15-

⁸ F. STUART, *Is it time to update the definition of political participation?*, in *Parliamentary Affairs*, vol. 67, n. 2, pp. 495-505, 204. See also: T. THEOCHARIS, J.W. VAN DETH, *Political participation in a changing world: conceptual and empirical challenges in the study of citizen engagement*, Routledge, London, 2018.

⁹ Article 21 of the Universal Declaration of Human Rights states the right of every person to participate in the affairs of his/her country, either directly or by selecting representatives. Articles 20 and 27 of the International Covenant on Civil and Political Rights make a similar declaration about the right to participate in the management of public affairs. For a general discourse about the right of participation and all its implications in public affairs life, see: UNITED NATIONS - OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, *Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs*, December 2021, available online at the site of the Office of High Commissioner for Human Rights. See also: R.J. DALTON, *Citizenship Norms and the Expansion of Political Participation*, in *Political Studies*, vol. 56, n. 1, 2008, pp. 76-98; J. EKMAN, E. AMNÅ, *Political Participation and Civic Engagement: Towards a New Typology*, in *Human Affairs*, vol. 22, n. 3, 2012, pp. 283-300.

¹⁰ The Rio Declaration of 1992 enshrines public participation in its 27 principles. Principle 10 states that environmental issues are best handled with participation of all concerned citizens, at the relevant level.

¹¹ POLICY DEPARTMENT FOR CITIZENS’ RIGHTS AND CONSTITUTIONAL AFFAIRS, DIRECTORATE-GENERAL FOR INTERNAL POLICIES, *Young People’s Participation in European Democratic Processes*, *op. cit.*, p. 9.

30 years old, even if some States start to take into account youngsters aged 12, while almost everywhere the age limit is often expanded to 35¹². The youth groups involved may also be targeted for their own proper characteristics and peculiarities (such as school students in different grade of education, or young workers) and/or in accordance with different levels of inclusivity (i.e., including race/religious/linguistic/etc minorities, people with disabilities and/or disadvantages, refugees and many types of silent groups) or, perhaps, they can be vested with a special expertise (for instance, they can consider young professions or young scholars in some disciplines). Then, they can be different in size (from little groups to numerous participants), and in organizational tools (from involving individuals to recurring to associations and from recruiting pre-existing structures to using informal networks).

2. The Rationale

The present research aims to focus on the importance of youth participation in the actual generational justice in order to define whether and how young people are being called to a democratic participation for redressing a new and innovative policy, which is also oriented to the issues of sustainability and digital and green transition. ‘Future’ is the keyword for marking the progress of the application of the rule of law in actual societies and is now connected to the use of instruments of ‘democratic participation’, providing the construction of a ‘participatory democracy’. These two binomials of adjective/noun are inner connected to each other, as instruments of participatory democracy have been continuously introduced to improve and facilitate youth involvement in democratic participation.

Since participation has become the key-challenge of democracy for developing the rule of law, as the European Parliament stressed the importance of “continuous involvement of citizen participation and consultation in EU decision-making process”¹³, it’s necessary to reconstruct young people’s inclusion in these processes by mapping the general coordinates of youth participation and framing them in the legal scenario of European Union, by an analysis starting from the general point-of-view and descending on the actual practices of the theory, and by a consideration about all the recent proposals for improving youth presence in this future-oriented perspective.

In fact, nowadays, the distance between politics and youth seems to be covered only by environmental and sustainability issues. Young people particularly focus on the climate crisis in order to find a political and legal solution for mitigating the impact of high temperatures and build a green future. The interaction

¹² For the specific, see also: the Eurobarometer 455 on European Youth (2017).

¹³ EUROPEAN PARLIAMENT, *Resolution on the follow-up to the conclusions of the Conference on the Future of Europe*, 2022/2648(RSP), May 4th, 2022, available online in the English version at the site of the European Union Parliament (in multiple language versions at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52022IP0141>). On the Conference on the Future of Europe, see also: L.A. NOCERA, *La Conferenza sul futuro dell’Europa e le prospettive di una più attiva partecipazione dei cittadini europei*, in *Nuovi Autoritarismi e Democrazie (NAD-DIS)*, vol. 4, n. 1, 2022, pp. 128-134.

between young people and environmental issues can be determinant for programming the future guidelines for youth participation.

Due to the complexity of the research, it has been necessary to adopt a critical approach to legal comparison, whose purpose is to capture the dimensions of comparative practice that deal with the foreign elements (as laws, institutions, but also as education, doctrines, cases, etc)¹⁴. According to the critical comparative approach, a practical analysis first localizes laws on the political spectrum, dissenting on their different legal and non-legal layers, and tracing a cross-border transfers¹⁵. This method of comparison improves an empirical approach that allows “to pursue a three-pronged critique that shows how law can be studied as a relatively autonomous phenomenon which is deeply connected to society and its materiality”¹⁶. For these reasons, the comparison has been necessarily supported by the use of some elements and studies derived from the history of institutions¹⁷, international law (and also European law), and sociology, particularly in focusing on the barriers that affected the lack of participation of young people, and the phenomena that influenced their actual interests.

The methodology applied is a typical comparison by differences and similarities, distinguishing the characteristics and the peculiarities of each system analysed and comparing each other in accordance with a shared scheme¹⁸. For these reasons, after defining the general coordinates to draw a map of youth participation, the essay also analyses the cases of Austria and Denmark in order to find the strategies adopted by European Union for regulating youth participation in climate issues. In fact, the two States have introduced a series of good practises for improving youth participation and following youth instances particularly about climate and environmental actions, even before any eventual transformative programme as sponsored by EU institutions. These two cases can become the lighthouse for orienting a common attitude in law and politics for all the States member of the European Union, as they incorporate the parameters of the EU Strategy and of the New Green Deal. General coordinates draw up a map of participation and strategies adopted by EU, while good practices of young people’s involvement in monitoring climate and environment are the lens for studying a possible transplant of the models in other

¹⁴ F.G. NICOLA, G. FRANKENBERG, *Introducing a Critical Practice of Comparative Law*, op. cit., p. 14.

¹⁵ Idem, p. 18. See also: G. FRANKENBERG, F.G. NICOLA, *Critical Approaches to Comparative Law*, in J.M. SMITS, J. HUSA, C. VALCKE, M. NARCISO (eds.), *Elgar Encyclopedia of Comparative Law*, Edward Elgar Publishing, London, 2023, pp. 495-502.

¹⁶ F.G. NICOLA, G. FRANKENBERG, *Introducing a Critical Practice of Comparative Law*, op. cit., p. 18.

¹⁷ R. SCARCIGLIA, *Storia e diritto globale. Intersezioni metodologiche*, in M. BRUTTI, A. SOMMA (eds.), *Diritto: storia e comparazione. Nuovi propositi per un binomio antico*, Global Perspectives on Legal History, n. 11, Max Planck Institute for European Legal History, Frankfurt am Main, 2018, pp. 477-489.

¹⁸ M. TUSHNET, *Interpreting Constitutions Comparatively: Some Cautionary Notes, with Reference to Affirmative Action*, Georgetown Law Faculty Publications and Other Works, 2004, pp. 229 ff. See also: M. TUSHNET, *An Introduction to Comparative Constitutional Law*, Edward Elgar Publishing, London, 2018, particularly chapter 1.

similar cases with the purpose to determine common policies of engagement of young people in climate policies.

By adopting a terminology derived from semiotics, since ‘future’ is the significant keyword for interpreting the recent developments of participatory democracy instruments (but also of the rule of law scheme), climate issues seem to be the significance of the ‘future’ itself, because policies about climate issues might concretely realize a transformation of the future perspective.

3. Mapping Youth Participation

Nonetheless the actual emphasis on the importance of the role of young people, mapping youth participation may be particularly complicated without previously determining its borders¹⁹.

First of all, there is not a universally accepted definition of youth participation, and the unique accordance among international and national actors can be possibly found in Article 12(1) of the 1989 United Nations Convention on the Rights of the Child (UNCRC), which recognises “States Parties shall assure to the child [and to young people] who is capable of forming his or her own views the right to express those views freely in all matters affecting the child”, since “the views of the child [and of young people] being given due weight in accordance with the age and maturity”²⁰ of him/her. This presumes the ‘capacity’ of the child and/or of the young person to form his/her own opinions and perspectives, without introducing age limits for participation in society. This concept of ‘capacity’ does not mean a child must have a comprehensive knowledge of all the aspects of the matter at issue, but it grants the children’s and young people’s right to be considered in political decisions affecting their lives. The Article also places obligations on states to ensure that a child’s/young person’s right to participate is realized. It is not enough to allow them to share their views, since states must support all of them who have difficulty making their views heard and considered, and they shall protect all of them who freely express their views. It comes that also the environment in which children and young people express their opinions matters, as it must be accessible, youth-friendly, and inclusive and it also requires that children/young people must be informed about the context, the proceedings, and the potential results of their decisions²¹. The definition of the ‘capacity’ attributed to young people may be possibly integrated by other UN documents which proposed that for statistical and scientific studies youth age should be situated in the

¹⁹ On the argument, see: T. O’TOOLE, *Beyond Crisis Narratives: Changing Modes and Repertoires of Political Participation among Young People*, in K. KALLIO, S. MILLS, T. SKELTON (eds.), *Politics, Citizenship and Rights*, Geographies of Children and Young People, vol. 7, Springer, New York, 2016.

²⁰ UNITED NATIONS GENERAL ASSEMBLY, Resolution No. 44/25 (1989, November 20th): *Convention on the Rights of the Child*, available online at the site of the Office of High Commissioner for Human Rights.

²¹ UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD, General Comment No. 12 (2009): *The right of the child to be heard*, UN Doc. CRC/C/GC/12 at 11.

range between 15 and 24 years old. This clear determination was resumed by the 1981 UN General Secretary Report in the occasion of the declaration of the International Youth Year²², and then it was reprised and confirmed in the UN 1985 General Secretary Report as a general and universally accepted definition on the term “youth”²³.

In 1995, on the tenth anniversary of International Youth Year, the United Nations strengthened its commitment to young people by adopting the World Programme of Action for Youth (WPAY) to the Year 2000²⁴, an international strategy to more effectively address their problems and increase opportunities for participation in society, marking the importance of the full and effective participation of youth at all levels. The assets were reprised and confirmed even years later in other resolutions of the General Assembly²⁵ and the Committee for Social Development²⁶.

Finally in 2021, on the basis of all the previous documents quoted, the UN Department of Economic and Social Affairs (UNDESA), in collaboration with the UN Inter-Agency Network on Youth Development, coordinated by the Focal Point on Youth, provided a brief definition on the term “youth”, which, though it is vague about the age determination, is strongly supported by all the studies involved in the issue and of the evolutive psychology of a youngster in the decision-making process. So, “youth” is described as “a period of transition from the dependence of childhood to adulthood’s independence [...] referred to a person between the ages of leaving compulsory education and finding their first job”²⁷. In accordance with this legal framework, other possible definitions have been modelled in times, particularly referring to the influence and the grade of engagement of young people in decision-making processes²⁸. Everyone agree with the fact that participation is a fundamental right, and that, through active participation, young people are empowered to play a key-role in their own development, “as well

²² UN SECRETARY-GENERAL, *Secretary-General’s Report to the General Assembly*, A/36/215, 1981.

²³ UN SECRETARY-GENERAL, *Secretary-General’s Report to the General Assembly*, A/40/256, 1985.

²⁴ UN GENERAL ASSEMBLY, Resolution No. 58/133 (1995), available online at the site of the United Nations. See also: UN GENERAL ASSEMBLY, *General Assembly Resolution*, A/RES/50/81, 1995.

²⁵ UN GENERAL ASSEMBLY, *General Assembly Resolution*, A/RES/56/117, 2002; UN GENERAL ASSEMBLY, *General Assembly Resolution*, A/RES/62/126, 2008.

²⁶ COMMISSION FOR SOCIAL DEVELOPMENT, *Commission for Social Development Resolution*, E/2007/26, 2007; COMMISSION FOR SOCIAL DEVELOPMENT, *Commission for Social Development Resolution*, E/CN.5/2007/.

²⁷ UNITED NATIONS, *Definition of Youth*, Fact Sheet prepared by the United Nations Department of Economic and Social Affairs (UNDESA), in collaboration with the United Nations Inter-Agency Network on Youth Development, coordinated by the Focal Point on Youth, 2021. The document is available online at the site of the United Nations. The same definition has been already welcomed in: UNICEF, *The participation rights of adolescents: a strategic approach*, UNICEF Working Paper Series, 2001.

²⁸ For the list of UN resolutions about youth, see the site of the United Nations. See also the definitions about youth participation contained in: D. MOXON, *Options for Youth Participation at the British Council: Discussion Paper*, 2019; T. KIILAKOSKI, *Perspectives on Youth participation*, Analytical Paper, Partnership between the European Commission and the Council of Europe in the Field of Youth, 2020; A. CROWLEY AND D. MOXON, *New and Innovative Forms of Youth Participation in Decision-making Processes*, CoE, 2018.

as in that of their communities, helping them to learn vital life-skills, develop knowledge on human rights and citizenship and to promote positive civic action”²⁹.

In the supranational level youth participation in decision-making processes is regulated by the soft law discipline about the promotion of innovative models of democracy³⁰. But there aren’t any specific rules about youth participation, and there aren’t any detailed guidelines in order to remove and overwhelm the barriers and the obstacles young people suffer for participating in policy³¹.

In fact, youth participation requires structures and coordinates in which young people are able to express their opinions in order to be considered and engaged in decision-making processes, also providing the fact that every participation starts from a problem of representation, and the current numbers of young people involved as political representatives is lower than what it would be expected, since their exclusion becomes a crucial problem for a healthier democracy³².

Secondly, despite the evidence of the innovative contribute of young people’s participation, it is also true that there are a lot of barriers and challenges which hinder the development of youth participation. It deals with systemic barriers that are internally inserted within the societies: they can be identified in a lack of trust towards young people, an adult-centric attitude of institutions, and a tokenistic approach of the acts, and/or facts regarding participation.

²⁹ UNDESA, *UN-habitat and the Focal Point on Youth*, Youth Participation paper, available online at the site of the United Nations. See also: T. KIILAKOSKI, *Perspectives on Youth Participation*, Youth Partnership, Brussels, 2020, available online at the site of the Council of Europe.

³⁰ See: COUNCIL OF EUROPE, *Recommendation of the Committee of Ministers to member States on the participation of citizens in local public life*, CM/Rec (2001) 19, 2001; COUNCIL OF EUROPE, *Recommendation of the Committee of Ministers to member States on the legal status of nongovernmental organisations in Europe*, CM/Rec (2007) 14, 2007; COUNCIL OF EUROPE, *Recommendation of the Committee of Ministers to the member States on the evaluation, auditing, and monitoring of participation and participation policies at local and regional level*, CM/Rec (2009) 2, 2009; COUNCIL OF EUROPE, *Additional Protocol to the European Charter of Local Self-Government on the rights to participate in public affairs*, November 16, 2009; CONFERENCE OF THE INTERNATIONAL NOT GOVERNMENTAL (OING), *Good Practices Code for the Civic Participation in Decision-Making*, October 30, 2009; OSCE, *Council Recommendation on Open Government*, OECD/LEGAL/0438, 2017; UN HUMAN RIGHTS COMMITTEE, *Guidelines on the Effective Implementation on the Rights to Participate in Public Affairs*, 2018; COUNCIL OF EUROPE, *Recommendation of the Committee of Ministers to the member States on the participation of citizens in local public life*, CM/Rec (2018) 4, 2018; UN, *Good Practices and Challenges faced by States in using the Guidelines on the Effective Implementation of the Right to Participate in Public Affairs*, 2022; OCSE, *Building Trust and Reinforcing Democracy*, OCSE/LEGAL/0484, 2022; COUNCIL OF EUROPE, *Recommendation of the Committee of Ministers to the member States on deliberative democracy*, CM/Rec (2023) 6, 2023; OSCE/ODIHR, *Guidelines on Democratic Lawmaking for Better Laws*, 2024. See also: OECD, *Innovative Citizen Participation and New Democratic Institutions – Catching the Deliberative Wave*, report, 2020, available online at the site of the of the Organization for Economic Cooperation and Development.

³¹ M. TAYLOR, B. PERCY-SMITH, *Children’s Participation: Learning from and for Community Development*, in *International Journal of Children’s Rights*, vol. 16, n. 3, 2008, pp. 379–394; M. KAY, E. TISDALL, *The Transformation of Participation? Exploring the Potential of ‘Transformative Participation’ for Theory and Practice Around Children and Young People’s Participation*, in *Global Studies of Childhood*, vol. 3, n. 2, 2013, pp. 183–193; H. CAHILL, B. DADVAND, *Re-Conceptualising Youth Participation: A Framework to Inform Action*, in *Children and Youth Services Review*, n. 95, 2018, pp. 243–253.

³² POLICY DEPARTMENT FOR CITIZENS’ RIGHTS AND CONSTITUTIONAL AFFAIRS, op. cit., pp. 18-19.

Trust is the fundamental key-link in every multilateral dialogue among different actors and should be the central point also in the relationship between institutions and young people³³. The fact that institutions have little trust in young people's potential creates a resistance in policy-making that has always biased youth interests and needs with an almost total absence of structures and mechanisms for involving young people in participation and without the opportunity to be heard. This resistance is usually affected by an adult-centric attitude, which tends to consider less seriously young people's voices and contributes to create other barriers to participation opportunities, as the lack of information and of feedback mechanisms, the use of a language that is not youth-friendly, and the construction of a culture based on a generational gap. This also influences the back connection between young people and institutions, reflecting in young people's belief not to be listened by governments and compromising their possible impact on every day's life and on the construction of future-oriented policies. The question contributes to build 'youth-related barriers', such as the lack of information, little trust by young people in policy, no communication about participation opportunities, but also social and psychological barriers, frequently connected to logistical, economic, and administrative factors³⁴.

The term 'tokenism' marks the practice of doing something only as a perfunctory or symbolic effort to be inclusive with members of minority groups (such as hiring a person who belongs to a particular and marginalised minority, as a disabled person or a person with racial and/or gender characteristics). This effort creates an impression of a social inclusiveness, but it's only a way to prevent criticism and give the appearance of a society welcoming diversity. Even if it's possible to affirm that some tokenistic attitudes are taken in action not voluntarily, every tokenistic practice should be considered negative, since it limits different views and creates social 'ghettos', giving rise to ambivalent prejudices³⁵. Tokenistic approach in youth participation jeopardises existing participatory processes, since engaging with youth may be seen only as a purely "symbolic activity or a procedural requirement, a box-ticking exercise, without any potential for meaningful contribution on the substance or any follow-up"³⁶.

Minding all these factors, it comes particularly crucial the duty of institutions in overwhelming barriers and fixed stereotypes, improving young people to take part in decision-making processes through the creation of instruments and mechanisms which might enable youth participation. This empowerment

³³ See also: P. ROSANVALLON, *Counter-democracy Politics in an Age of Distrust*, Cambridge University Press, Cambridge, 2008.

³⁴ S. BORKOWSKA-WASZAK, S.E. DIAMANTOPOULOS, P. LAVELLE, O. MARTINELLO, *Good Practices of Youth Participation. Mid-Term Deliverable Report of the Project 'Youth for a Just Transition'*, realised for DG REGIO within the Junior Professionals Programme, June 2020, p. 6.

³⁵ For the correct definition of the term 'tokenism', see M.A. HOGG, M.G. VAUGHAN, GRAHAM, *Social Psychology*, Prentice Hall, Harlow, 2008, pp. 368–369. The 'tokenistic' approach related to children and young people was firstly deepened in R. HART, *Children's Participation from Tokenism to Citizenship*, UNICEF Innocenti Research Centre, Florence, 1992.

³⁶ S. BORKOWSKA-WASZAK, ET ALII, *Good Practices of Youth Participation*, op. cit., p. 6.

shall start from a ‘youth-centred’ approach, that replaces the former ‘youth-focused’ one, and at the same time with changing the position of young people from being objects to becoming subjects/actors of legal and political dialogue. Since youth participation needs to become the priority, young people must be engaged for all the possible issues impacting in present and future time and not only for the so-called ‘youth-relates issues’ (typology of participation), while communication style shall become ‘youth-friendly’, innovative, original, with a clear and direct language and with an explanation of rules, rationales, methods, and purposes of the participatory involvement.

When ruling a form of participation, institutions shall be clear in determining the scope of territory (European-, national-, regional-, local-wide), and the duration of the participatory event(s), which can last few hours or also a longer period of time, and which can be temporary or permanent. Also, methods used for youth participation must be focused on, since they can vary from simple workshops to particularly innovative techniques and can consider the involvement of digitalisation (with online tools or with a mixed methodology).

Finally, the enforcement of youth participation by institutions must distinguish among levels of participatory depth. For these reasons, in accordance with the ‘Youth for a Just Transition’ project in EU³⁷, the correct parameter is founded on how deeply youth is engaged and how can influence [national and/or supranational] policies. The levels are actually identified in four [following] steps: 1) the ‘engagement’ level, in which youth is involved in a preparatory phase with consultation and a conscious awareness of policies; 2) the ‘co-creation’ level, in which young people are invited to express their own opinions through recommendations and/or projects addressed to some specific issues in order to create new legislations and to provide to innovative solutions; 3) the ‘implementation’ level, which requires a step forward in the involvement of youth, as, after the previous consultation and the address of solution, young people are called to put into actions their projects (providing with specific structures, and instruments); 4) finally, the ‘monitoring and evaluation’ level, in which youth is engaged for monitoring policy implementation and assessing its results through public authorities’ work.

4. Council of Europe and EU Guidelines for Youth Participation

Even if the international soft law identifies many rules and norms to regulate and promote innovative forms of democratic participation³⁸, apparently the category of ‘youth’ stands apart with no specific and

³⁷ The text of the *Youth for a Just Transition Project. A Toolkit for Youth Participation in the Just Transition Fund*, Luxembourg 2021, is available online at https://ec.europa.eu/regional_policy/sources/guides/youth_just_transition_en.pdf.

³⁸ On innovative forms of democratic participation and their regulations, see on chronological order: COUNCIL OF EUROPE, *Recommendation of the Committee of Ministers to member States on the participation of citizens in local public life*, CM/Rec (2001) 19, 2001; COUNCIL OF EUROPE, *Recommendation of the Committee of Ministers to member States on the legal status of nongovernmental organisations in Europe*, CM/Rec (2007) 14, 2007; COUNCIL OF EUROPE, *Recommendation of the Committee*

different protection from the rest of the citizenry, and with no detailed guideline to remove barriers to democratic participation in decision-making³⁹.

The supranational parameter on youth participation was integrated only in the European region with the activities of Council of Europe and of the Joint Council on Youth (CMJ)⁴⁰, an intergovernmental institution of co-decision and co-management on the priorities, the purposes, and the activities of youth policies among the States. This institution was created by the Committee of Ministers in accordance with Article 17 of the Statute of Council of Europe for a period of time from January 1st, 2024, to December 31st, 2027⁴¹. It is composed by 30 representatives coming from NGOs and youth networks, and it reunites in a unique body the already European Steering Committee for Youth (CDEJ)⁴² and the Advisory Council on Youth (CCJ)⁴³. The principal aims of the Joint Council on Youth consist in revitalising democratic pluralism, granting the access to rights to the youngsters, creating an inclusive society of peace (also in accordance with Article 14 European Charter of Human Rights and in the spirit of the UN Security Council Resolution n. 2250/2015⁴⁴), and, finally, the development of the so-called ‘youth work’, meaning

of Ministers to the member States on the evaluation, auditing, and monitoring of participation and participation policies at local and regional level, CM/Rec (2009) 2, 2009; COUNCIL OF EUROPE, *Additional Protocol to the European Charter of Local Self-Government on the rights to participate in public affairs*, November 16, 2009. See also: CONFERENCE OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS (INGO), *Code of Good Practices for the Civil Participation in Decision-Making*, October, 30, 2009; OECD, *Recommendation of the Council on “open government”*, OECD/LEGAL/0438, 2017; UN HUMAN RIGHTS COMMITTEE, *Guidelines on the Effective Implementation on the Rights to Participate in Public Affairs*, 2018; COUNCIL OF EUROPE, *Recommendation of the Committee of Ministers to the member States on the participation of citizens in local public life*, CM/Rec (2018) 4, 2018; UN, *Good Practices and Challenges faced by States in using the Guidelines on the Effective Implementation of the Right to Participate in Public Affairs*, 2022; OCSE, *Building Trust and Reinforcing Democracy*, OCSE/LEGAL/0484, 2022; COUNCIL OF EUROPE, *Recommendation of the Committee of Ministers to the member States on deliberative democracy*, CM/Rec (2023) 6, 2023; OECD/ODIHR, *Guidelines on Democratic Lawmaking for Better Laws*, 2024. At the end, it’s also useful to consult: OECD, *Innovative Citizen Participation and New Democratic Institutions – Catching the Deliberative Wave*, report, 2020.

³⁹ Among the others, see: M. TAYLOR, B. PERCY-SMITH, *Children’s Participation: Learning from and for Community Development*, in *International Journal of Children’s Rights*, vol. 16, n. 3, 2008, pp. 379–394; M. KAY, E. TISDALL, *The Transformation of Participation? Exploring the Potential of ‘Transformative Participation’ for Theory and Practice Around Children and Young People’s Participation*, in *Global Studies of Childhood*, vol. 3, n. 2, 2013, pp. 183–193; H. CAHILL, B. DADVAND, *Re-Conceptualising Youth Participation: A Framework to Inform Action*, in *Children and Youth Services Review*, n. 95, 2018, pp. 243–253. See also: T. KIILAKOSKI, *Perspectives on Youth Participation*, Youth Partnership, Brussels, 2020, available online at the site of the Council of Europe.

⁴⁰ Activities and composition of the Joint Council on Youth (CMJ) are available for the online consultation at the site of the Council of Europe.

⁴¹ COUNCIL OF EUROPE, COMMITTEE OF MINISTERS, *Resolution CM/Res (2021)3*, May 12, 2021. The Resolution is available for the online consultation at the site of the Council of Europe. For reading the Terms of Reference of the Joint Council on Youth (CMJ), see also: <https://rm.coe.int/cmj-tor-en-2024-2027/1680adeb92>.

⁴² Activities and composition of the European Steering Committee for Youth (CDEJ) are available for the online consultation at the site of the Council of Europe.

⁴³ Activities and composition of the Advisory Council on Youth (CCJ) are available for the online consultation at the site of the Council of Europe.

⁴⁴ UN SECURITY COUNCIL, *Resolution on Maintenance of International Peace and Security*, n.2250/2015, December 9th, 2015. The Resolution is available for the online consultation at the site of the UN Security Council.

all the activities and the instruments which are adopted by the States for promoting active citizenship and youth participation⁴⁵.

Since the long-period purpose is the enrolment of a common strategy for youth policy in the Council of Europe standards, in the occasion of its 49th meeting, the Joint Council on Youth has adopted the document ‘Youth Participation 2.0’, which contains the guidelines on youth participation for all the member States of the Council of Europe⁴⁶. The guidelines aim to “(r)ecognise, promote and integrate into the life of public institutions and policies non-institutional forms of youth participation to ensure inclusivity and representation”, but also to “(r)ecognise the crucial role of youth organisations in facilitating meaningful dialogue and engagement between politicians and young people when using non-traditional forms of participation” by “understanding and analysing new forms of youth participation”⁴⁷. They have completed a framework of protection already designed in the Youth Strategy 2030, enacted by the Council of Europe in January 2020, and published in November 2020⁴⁸, and the Reykjavik Declaration⁴⁹.

EU institutions look particularly sensitive and capable to comprehend the value of youth participation, in order to create a more inclusive, pluralistic and safe society as possible. According to EU institutions, youth active presence in policy contributes to the functioning of democracy, also influencing on more sustainable policies in young people’s lives and on a longer future perspective for legislative acts at any

⁴⁵ For a meaning of the expression ‘Youth Work’, see also: COUNCIL OF EUROPE, *Resolution of the Congress on Youth Work: the role of local and regional Authorities*, Res 463(2021), available online at the site of the Council of Europe.

⁴⁶ JOINT COUNCIL ON YOUTH (CMJ), *Youth Participation 2.0. The Joint Council on Youth (CMJ) Guidelines on Young People’s Participation*, CMJ(2023)34, 24-25 October 2023, available online at the site of the Council of Europe. Council of Europe guidelines have also provided to monitoring youth participation from 1981 to 2022, by considering a range of age between 15 and 19. See also: COUNCIL OF EUROPE, COMMITTEE OF MINISTERS, *Recommendation to member States on the Participation of Young People in Local and Regional Life*, Rec(2004)13; COUNCIL OF EUROPE, COMMITTEE OF MINISTERS, *Recommendation to member States on Citizenship and Participation of Young People in Public Life*, Rec(2006)14; COUNCIL OF EUROPE, *Congress Resolution on the revised European Charter on the Participation of Young People in Local and Regional Life*, n.152 (2003); COUNCIL OF EUROPE, *Revised European Charter on the Participation of Young People in Local and Regional Life*: all the documents are available at the site of the Council of Europe. See also: A. CROWLEY, D. MOXON, *New and Innovative Forms of Youth Participation in Decision-Making Processes*, Council of Europe, 2017, available online at the site of the Council of Europe.

⁴⁷ JOINT COUNCIL ON YOUTH (CMJ), *Youth Participation 2.0. The Joint Council on Youth (CMJ) Guidelines on Young People’s Participation*, op. cit., 11.

⁴⁸ *Youth Sector Strategy 2020. Engaging Young People with Council of Europe’s Values*, available online at the site of the Council of Europe.

⁴⁹ REYKJAVÍK SUMMIT - 4TH SUMMIT OF HEADS OF STATE AND GOVERNMENT OF THE COUNCIL OF EUROPE, *Reykjavik Declaration. United around our values*, 16-17 May 2023, available online at the site of the Summit.

level⁵⁰, improving the final benefit of the society as a whole⁵¹, while participation should be implemented for any social groups for composing a more inclusive society and democracy⁵².

The aim of the 6th cycle of the ‘EU Youth Dialogue - Youth in Europe: What’s next?’, which took place in 2017/2018, was to collect voices of young people and contribute together for creating the EU Youth Strategy 2019-2027, since young people can be engaged in decision-making processes, as becoming active citizens involved in democracy and society. The Strategy is contained in the Resolution of the EU Council of December 18, 2018⁵³, which recalls the prior European legislative sources⁵⁴ and receives with favour the Communication of the EU Commission of May 22, 2018⁵⁵ for a recognition of the role of young people in society in the future challenges. The Resolution also finds the objective and the guideline for the European youth in the principles of equality, non-discrimination, inclusion, sustainable impact in every territorial level, double approach to the institutions, and, finally, participation. For these reasons, it promotes and encourages youth involvement in EU democratic life, in accordance with Article 165 Treaty on Functioning European Union (Resolution 2018/C 456/2, par. 3, point b). A new dialogue between young people and European institutions is inaugurated since it involves youngsters, youth organisations, politicians, scientific experts, researchers, and other actor of civic society (Appendix 1 on the EU dialogue with youth, par. 1). Dialogue shall be monitored by a continuous follow-up, with some consecutive phases, as: a) collection and diffusion of information on the possibility to participate; b) time for consulting through online and offline tools; c) adoption of a structured process between decision-makers and young people; d) partnership with the governance process at any territorial level (Appendix 1 on the

⁵⁰ EU COMMISSION, *Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on promoting young people’s full participation in education, employment and society*, COM(2017) 498 final.

⁵¹ S. BORKOWSKA-WASZAK, ET ALII, *Good Practices of Youth Participation*, op. cit., p. 5.

⁵² The Programme of EU Commission 2019-2024 proposed to fill the gaps inside representative democracy with new participatory and deliberative channels and instruments, also by online forms of consultation, data mining and the creation a multilingual platform and/or other instruments providing AI. The Programme is available online at the site of the EU Commission. See also, as a normative source: EU PARLIAMENT, *Resolution on dialogue and citizen’s participation in decision-making processes*, 2020/2021 (INI), July 7, 2021. See: C. MORINI, *Dialogo e partecipazione nella governance dell’Unione europea*, Cacucci, Bari, 2020.

⁵³ COUNCIL OF THE EUROPEAN UNION, AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITH THE COUNCIL, *Resolution on a framework for European Cooperation in the youth field: the European Union Youth Strategy 2019-2027*, n. 2018/C 456/01. The document is available in a multi-language version online at the site of the European Union Law. See also the site of the Youth Partnership with the Council of Europe.

⁵⁴ EU COUNCIL, *Resolution on the normative about youth (2010-2018)*, November 27, 2009; EU COMMISSION, *Communication on «Invest in EU Youth»*, COM(2016) 940, December 7, 2016; EU COUNCIL, *Resolution of the Council and the Representatives of National Governments on the European Cooperation about Youth*, June 27, 2022.

⁵⁵ THE COMMISSION OF THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, *Communication on engaging, connecting and empowering young people: an EU Youth Strategy*, Doc. 9264/18 + ADD da 1 a 8 – COM(2018) 269 final, May 22, 2018. The document is available in a multi-language version online at the site of the European Union Law.

EU dialogue with youth, par. 3). Member States shall encourage the participation of young people in any issues (Appendix 1 on the EU dialogue with youth, par. 4).

The principal purpose is that the EU Youth Strategy should contribute to realise this vision of young people by mobilising EU level policy instruments as well as actions at national, regional, and local level by all stakeholders. One of the main goals of EU is to “enable young people to be the architects of their own lives [...] towards a meaningful civic and political participation of young people”⁵⁶. Since young people should have the possibility to “contribute to positive change in society”, “EU actions” need “to reflect their [of young people] aspirations, creativity and talents, and respond to their [of young people] needs”, because “Europe cannot afford wasted talents, social exclusion or disengagement among its youth”⁵⁷.

As a result, eleven European Youth Goals were developed. These goals reflect the views of European youth and represent the vision of those active in the EU Youth Dialogue. Briefly, they can be summarized as follows: a) Connecting EU with Youth; b) Equality of All Genders; c) Inclusive Societies; d) Information & Constructive Dialogue; e) Mental Health & Wellbeing; f) Moving Rural Youth Forward; h) Quality Employment for All; j) Quality Learning; k) Space and Participation for All; i) Sustainable Green Europe; l) Youth Organisations & European Programmes.

The EU Youth Dialogue brings together young people and youth organisations, decision makers, as well as researchers and civil society. It serves as a forum for reflection and consultation on the follow-up of the EU Youth Strategy. The aim of the EU Youth Dialogue is to give a voice to young people, especially those with fewer opportunities. For these reasons, the Dialogue is organised into 18-month work cycles. Each cycle focuses on a different thematic priority (set by the Council of Youth Ministers). The success of EU Youth Dialogue depends on the direct involvement of young people and youth organisations. During each 18-month work cycle, every EU country conducts a national consultation of young people and youth organisations. The participatory process in each country is organised by national working groups through representatives of youth ministries, national youth councils, youth organisations, youth workers, researchers and young people from all backgrounds.

Sustainability and green transformation are one of the most important points included in the EU Youth Strategy, also connecting to the programme of a deeper development in resources and climate policies proposed by EU Commission with the approval of the EU Parliament⁵⁸, and to the promotion of the

⁵⁶ S. BORKOWSKA-WASZAK, ET ALII, *Good Practices of Youth Participation*, op. cit., p. 4.

⁵⁷ THE COMMISSION OF THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, *Communication on engaging, connecting and empowering young people: an EU Youth Strategy*, op. cit.

⁵⁸ See the Programme of the EU Commission 2019-2024, which is available online at the site of the EU Commission. Particularly, see the priorities of the European Strategy about the so-called New Green Deal, available online at the site

involvement and the participation of citizens and civil society in public policies. Participatory questions are also regulated by the EU Commission Recommendation 2023/2836, enacted on December 12, 2023, which finally established the essential guidelines of European Union for effectively promoting citizens' participation to decision-making processes⁵⁹. According to the Recommendation, since political participation in elections is one of the milestones of democracy, European institutions have the duty to promote it, working on the approach of citizens to representative democracy (par. 6-7-8). For this purpose and in order to integrate the lack of the representative democratic system (par. 9), new and innovative forms of participation in decision-making processes are enacted, such as processes of co-decision, co-deliberation, and co-creation, preventing offline and online tools (par. 11-12). Those instruments are inspired by the great experiment of the Conference on the Future of Europe, a participative lab, activated by an online and multilingual platform which represented all the categories of the societies for a lot of panels of discussion⁶⁰.

The Recommendation also provides a particular attention on youth participation and establishes the duty for all Member States to favour young people activities in an inclusive democratic life (par. 13 and 16). According to the EU Commission, member States should involve young people not only as “active citizens”, but also as “vectors of changes and transformations”, referring to their leading role in the promotion of “future”. For these reasons, many instruments are adopted in the EU dialogue with youth, as the Platform for the participation of young people, the Have Your Say project, and also the Learning Corner. But, particularly, the Recommendation refers to young people role in the future for environmental and climate issues, preventing that every member State has the duty to adopt rules for granting the ‘environmental democracy’ and to activate citizen participation in decision-making for environmental matters, with no limit and no discrimination about age and vulnerability, in accordance with the Aarhus Convention⁶¹, the other European documents⁶², and the peer parliaments⁶³.

of the EU Commission – European Green Deal. Finally, see the Programme of the EU Commission and the strategic agenda 2024-2029 at the site of the EU Priorities. Sustainable life and defending democracy and European common values in decision-making processes, such as increasing participation models, are among the priorities of the EU institutions for the current mandate.

⁵⁹ EU COMMISSION, *Recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes*, n. 2023/2836, December 12, 2023, available online at the site of the European Union Law.

⁶⁰ L.A. NOCERA, *La Conferenza sul futuro dell'Europa e le prospettive di una più attiva partecipazione dei cittadini europei*, op. cit.

⁶¹ UNECE, *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)*, June 25, 1998. The text of the document is available online at the site of the UNECE.

⁶² Among the others: EU PARLIAMENT AND EU COUNCIL, *Regulation on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies*, n. 1367/2006, September 6, 2006, available online at the site of FAO.

⁶³ See: https://climate-pact.europa.eu/about/peer-parliaments_it (last access: December 18, 2024).

5. Youth People and Climate Issues

Climate change is perhaps the most complex and difficult issue that the international community has ever tried to address. The global nature of the problem has led everywhere to great efforts to develop a comprehensive regulatory regime, but the scale and scope of the problem has stymied them thus far, since institutions and actors involved in regulating climate issues use to keep on the diagnosis of the problem of nature and the causes for the average temperatures, without adopting a correct regulation in response. An order can be possibly emerged through a bottom-up process, involving more limited groups of actors: as cities, regions, and municipalities in place of their own citizens, national policies in particular sectors with all the actors and the institutions involved, but also few other subjects qualifying themselves as stakeholders in climate issues⁶⁴. Climate change standards have also been spreading transnationally through a horizontal diffusion made by epistemic and policy networks⁶⁵, creating micro-TLOs⁶⁶ on climate change, that have developed with the intent to begin to move the international community in the right direction⁶⁷.

According to a shared and common vision, interest for climate change issues and the wide diffusion of the mitigation and prevention policies have been moving young people to raise their voices for climate awareness to defend their future perspectives, vested with the role of stakeholders in this new micro-TLO. This tendency was particularly evident in a recent legal case, focusing on the importance of the effects of hot temperatures on the development of youth. On September 23rd, 2023, the Grand Chambre of the European Court of Human Rights (ECtHR) heard the case of Duarte Agostinho and Others vs. Portugal and 32 Other States⁶⁸ (application n. 39371/2020 of September 7th, 2020⁶⁹) about the disastrous

⁶⁴ D. BODANSKY, *Climate Change: Transnational Legal Order or Disorder?*, in T.C. HALLIDAY – G. SHAFFER (eds.), *Transnational Legal Orders*, Cambridge University Press, Cambridge, 2014, p. 305.

⁶⁵ Idem, p. 302. See also: M. BETSILL, H. BULKELEY, *Cities and the Multilevel Governance of Global Climate Change*, in *Global Governance*, n. 12, 2006, pp. 141–159; P. PATTERBERG, J. STRIPPLE, *Beyond the Public and Private Divide: Remapping Transnational Climate Governance in the 21st Century*, in *International Environmental Agreements: Politics, Law and Economics*, vol. 8, n. 4, 2008, pp. 367–388; K. RAUSTIALA, *The Architecture of International Cooperation: Transgovernmental Networks and the Future of International Law*, in *Virginia Journal of International Law*, vol. 43, n. 1, 2002, pp. 1–92.

⁶⁶ ‘TLO’ is the acronym for ‘Transnational Legal Order’. The meaning of the term and its application in legal comparison is explained by T.C. HALLIDAY, G. SHAFFER, *Transnational Legal Orders*, in T.C. HALLIDAY – G. SHAFFER (eds.), *Transnational Legal Orders*, Cambridge University Press, Cambridge, 2014, pp. 3 ff. See also: G. SHAFFER, T. GINSBURG, T.C. HALLIDAY, *Constitution-Making and Transnational Legal Order*, Cambridge University Press, Cambridge, 2019, pp. 1-23.

⁶⁷ D. BODANSKY, *Climate Change: Transnational Legal Order or Disorder?*, in T.C. HALLIDAY – G. SHAFFER (eds.), *Transnational Legal Orders*, Cambridge University Press, Cambridge, 2014, pp. 287 ff.

⁶⁸ The States are Austria, Belgium, Swiss, Cyprus, Czech Republic, Germany, Denmark, Spain, Estonia, Finland, France, United Kingdom, Greece, Croatia, Hungary, Ireland, Italy, Lithuania, Luxembourg, Latvia, Malta, Netherlands, Norway, Poland, Romania, Russia, Slovak Republic, Slovenia, Sweden, Turkey, Ukraine.

⁶⁹ ECtHR, *Case of Duarte Agostinho and Others v. Portugal and 32 Others*. The full text is available online at the site of the European Court of Human Rights. The decision is also analysed in: L.A. NOCERA, *Il caso Duarte Agostinho: inammissibilità o linee-guida pro futuro?*, in *OCA – Osservatorio sul Costituzionalismo Ambientale*, July 26, 2024, and C. HERI, *On the Duarte Agostinho Decision*, in *Verfassungsblog*, April 15, 2024. For deepening the argument, see also: E. BUONO, P. VIOLA, *Climate*

state of the climate crisis, and the youth participation in climate issues. The case dealt with the application filed by six Portuguese citizens of young age (between 11 and 24 years old) against 33 States – that are also contracting Parties – of European Convention on Human Rights, referring to the problem of the lack of a correct legislation in order to prevent the climate crisis. The so-called ‘youth-Applicants’ invoked the violation of Article 2 (right to life), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination) – in combination with Articles 2 and 8, and Article 3 (prohibition of torture and ill-treatment), due to the Respondents’ “contributions to climate change”⁷⁰. The judgement the youth-Applicants seek could possibly be similar to “a legally binding regional treaty compelling the Respondents’ countries to [...] accelerate their climate action”⁷¹, as also underlined by the Global Legal Action Network – GLAN⁷².

Even if the Court finally rejected the application (decision of April 9th, 2024), it’s undoubtedly that the Duarte Agostinho case could be considered the first one in the supranational level involving environmental issues and young people’s instances at the same time, because of the peculiar connection between youth and climate awareness. As young people remark particularly the importance of acting in climate crisis prevention by asking national – but also supranational – governments to be involved in it, climate issue is maybe one of the arguments in which we can notice the possibility to adopt instruments of participatory democracy in decision-making. Then, young people’s interest and involvement also remarked the participation in decision-making of a group commonly considered as ‘vulnerable’, because of their characteristics not to be in a dominant position in society/policy at all levels, and to possibly be the subject of sufferance and/or of limitations in a lack of inclusiveness⁷³. Even if the Court apparently

Litigation Strategy, alcuni apparenti insuccessi e il talento della Corte EDU: quando una dichiarazione di inammissibilità vale una pronuncia di accoglimento, in *DPCE online*, vol. 64, n. 2, 2024, pp. 1397-1414.

⁷⁰ The fact (devastating wildfires in Portugal during the summer 2017) was caused by climate change crisis and provoked a serious harm on human physical and mental health. The application defines the factors hidden behind the fires in: the release of emissions within the national territory; the export of fossil fuels extracted in the territory; the import of goods, production of which involved the release of emissions; and the presence of entities within their jurisdiction to contribute to the release of these emissions.

⁷¹ J.A. HETTIHEWA, “Why the Court alone won’t bring us to Heaven?” *A Note on the Hearing of Duarte Agostinho and Others vs. Portugal and 32 Others*, in *Völkerrechtsblog*, October 12, 2023.

⁷² See online: <https://www.glanlaw.org/> (last access: August 21, 2024).

⁷³ About the correct meaning of the term “vulnerability” and the identification of the so-called “vulnerable groups”, EU Commission intervened by using an *a contrario* definition from the term “resilience”: “Resilience is the ability of an individual, a household, a community, a country or a region to withstand, to adapt, and to quickly recover from stresses and shocks. The concept of resilience has two dimensions: the inherent strength of an entity – an individual, a household, a community or a larger structure – to better resist stress and shock and the capacity of this entity to bounce back rapidly from the impact. Increasing resilience (and reducing vulnerability) can therefore be achieved either by enhancing the entity’s strength, or by reducing the intensity of the impact, or both”. See: EU COMMISSION, *The EU Approach to Resilience: Learning from Food Security Crises*, Communication to the European Union Parliament and the European Union Council, 2012, October 3rd, 5. The communication is available online at the site of EU Commission. The concept was reprised and detailed in many decisions of the European Union Court of Justice. About the definition of the term “vulnerability” and its implication in the legal and political context, see also: O. GIOLO, B. PASTORE, *Premessa*, in O. GIOLO, B. PASTORE (eds.), *Vulnerabilità: analisi multidisciplinare di un concetto*, Carocci, Roma, 2018, 11.

rejected the youth applicants' claims, justices underlined the importance of climate awareness in the future perspective of young people, and the necessity of them to take part, by providing the guidelines for creating associations and filing issues in front of climate violations. In fact, climate emergency looks to be one of the themes that is mostly connected to instruments of participatory democracy. An example is represented by the climate assemblies in Ireland that prevent a counterpart of only young people in the dialogue about global awareness on climate change⁷⁴.

Nevertheless, young people are part of a society that is used not to be involved in the normative process, though it's the social group that may greatly aspire to the future. Indeed, the fact surprisingly took to evidence the role of young people's participation in the global challenge derived from the climate change crisis, and already subjected to the protection of international treaties (as, for instance, the Intergovernmental Panel on Climate Change – IPCC, the United Nations Framework Convention on Climate Change – UNFCCC, and the Paris Agreement, as reported in the Memoir of December 5th, 2022⁷⁵), but also to the protection accorded by the domestic legal framework⁷⁶.

This rise of youth participation derives from the fact that young people are expecting to face more events provoked by climate crisis. This is the start of a new policy prospecting the future. In the international scenario, a form of youth participation is the one of the 'youth delegates' at the annual Conference of the Parties (COP)⁷⁷. Youth delegates are chosen by the Office of the UN Secretary on national basis, but they only stand with the status of observers.

In some States young people have the possibility to participate in some environmental and climate instances, considering youth participation as fundamental for democracy.

6. Youth Engagement in Climate Issues: The Case of Austria

Austria is an interesting case, because the Austrian Youth Strategy pursues the active participation of young people in decisions that affect their living environment, in order to contribute to political discussions, and co-create issues to be managed in decision-making processes. Otherwise, after the National Working Group on Youth Dialogue and Youth Participation (*Nationale Arbeitsgruppe Jugenddialog und Jugendbeteiligung*), merged in 2020 to promoting youth dialogue with institutions during the pandemic

⁷⁴ Last updates on National Youth Assembly on Climate Change in Ireland are available online at the site of the Irish Government.

⁷⁵ See also the site of the Paris Agreement.

⁷⁶ The domestic framework of Portugal is reconstructed in the final decision of the Court, analysing all the laws and the acts which the youth-Applicants call in order to suffrage their participation, including the protection of environment and of the quality of life with the involvement of the participation of citizens (Article 66, Constitution of Portugal).

⁷⁷ Before the COP event, there is also the Conference of Youth (COY), an annual event organised by YOUNGO, the official youth constituency of the UNFCCC, in which 200 youth non-governmental organizations are invited to participate in a Youth4Climate meeting.

period, Austria grants numerous opportunities to young people in their interactions with policymakers at national, regional, local levels, but also in global and European politics.

Considering the legal and political framework for grounding youth participation, Austria generally refers to the UN Convention on the Rights of the Child (art. 12), but also to the national Austrian Federal Constitution on the Rights of Children (*Osterreichische Bundesverfassung über die Rechte der Kinder*), to the Austrian Youth Strategy as approved by federal parliament (*Osterreichische Jugendstrategie*), but also to the EU Youth Strategy and the specific level of engagement and co-determination. For these reasons, children and young people's participation in political decisions is considered as a cross-cutting issue (literally in German speaking *Beteiligungsfelder*). Austrian strategy in promoting youth participation has become a focus for national education in preparing young people to be responsible for world challenges, and for raising their voices. An instance is provided by the Agenda 2030 (*Agenda 2030 im Bildungsbereich*) with a learning and educational process that aims to develop skills, values, and attitudes of young people to address global problems, and to face them with future-oriented actions.

As aforementioned, young people need the opportunity to claim their voice in fields they concern. When it comes to youth participation and global issues, Austria recognizes the importance attributed by young people to sustainability and environment protection, particularly in the actual programme for development⁷⁸.

National/Federal Youth Council (BJV) organised every year the Austrian Youth Conference (*Osterreichische Jugendkonferenz*), a 3-day free event, in which young people aged 16-30 are invited to work together with decision-makers and stakeholders for implementing youth goals for Austrian government. It represents the interests of children and young people in Austria since the enforcement of the Federal Youth Representation Act in 2000 (*Bundes-Jugendvertretungsgesetz 2000*)⁷⁹. It focuses on promoting youth participation and quality of participation opportunities. The National/Federal Youth Council plays a key role in selecting and preparing UN youth delegates (*UN Jugenddelegierten*)⁸⁰, who advocate for Austrian youth at international meetings, including the UN General Assembly. They prioritize sustainable development, climate policy, and global learning among young people in Austria.

⁷⁸ The Three-Year Programme of Austrian Development Policy 2022-2024 (*Dreijahresprogramm 2022-2024*) is dedicated to sustainable economic, social and environmentally friendly developments in the international and national context. The Three-Year Programme is developed as a strategy for society as a whole, under the leadership of the Federal Ministry of European and International Affairs with the participation of all public agencies and civil society organisations, that are relevant to policy development.

⁷⁹ *Bundesgesetz über die Vertretung der Anliegen der Jugend (Bundes-Jugendvertretungsgesetz)*, BGBl. I Nr. 127/2000, amended by BGBl. I Nr. 136/2001 in November 27th, 2001. The text of the act is available, only in original language version, online at the site of the Rechtsinformationssystem des Bundes.

⁸⁰ Since 2012, Austria has participated to UN Youth Delegate Programme, selecting young people aged 18-24 with national citizenship as UN delegates for a 2-year mandate.



Then, since 2018, Austrian political scenario has been provided by the competences of the Local Conference of Youth Austria, that is fundamentally a platform for engage youth in a future climate policy. It is organized by CliMates Austria⁸¹, and it is composed by panels of discussion, workshops and groups of initiatives, while it involves young people aged 14-30 in the topic of climate protection, in order to bring up together the participants (about 350) to express their opinions, but also their requests for change Austrian policy in climate awareness.

The promotion of environmental culture is also one of the main purposes of the Environmental Education Forum or *Forum Umweltbildung* and its work in cooperation with experts from educational organizations, administration, NGOs, institutions, and media. This involvement culminated since 2015 with an evident bottom-up youth movement, also connected to the ‘Fridays for Future’ movements to advocate for sustainable policies⁸². From this moment, young people in Austria became to be engaged in political participation in order to volunteer in the fields of environment and climate protection, but also in guaranteeing biodiversity and preserving natural habits. An independent Austrian platform (*Jugend Umweltplattform JUMP*) still offers young people the opportunity to participate with long, medium, and/or short-term basis projects.

Also, there are numerous instruments developed in connecting global alert on climate and environment protection and young people’s instances. One instrument to improve youth discussion about global issues is provided by the Climate Youth Council (in German *Klimajugendrat*), a roundtable organised since 2020 by the Federal Youth Council (BJV), in partnership with the Climate and Energy Fund (*Klima und Energiefonds*), which is vested with the duty to arrange a bilateral and multilateral dialogue on climate issues and national policy about young people with members of the Parliament and other young people. The Council is held annually in a 3-days event, and it engages young people between 14-30 years old. The methods to be used are the examination of climate policy issues, the work of exchange in opinions and networking instances, the promotion of the best climate youth projects (also awarding with prizes). The results are summarized on the website of the Austrian Parliament.

Another related body created for young people’s involvement is the Austrian Pupils’ Parliament, established since 2018 by the Federal Pupils’ Representative Council to discuss educational policy and

⁸¹ CliMates Austria is a youth-led NGO addressing the climate emergency by intervening in national policies, giving spots of discussion, and developing formats of education and consciousness among young people about climate and environmental issues. It is a branch of the international project of CliMates, and it is vested with the competence to send youth delegates to the COPs (Conference of the Parties) as UN-climate conferences, claiming climate and environmental advocacy.

⁸² The Europe-wide Youth Survey 2021 (*Europaweite Befragung: Länderbericht Österreich 2021*) shows that the climate crisis (55%), followed by environmental degradation (44%), are seen as the greatest global challenges by 15-35-year-olds in Austria. More than 70% of the respondents blame the prevailing consumption habits and the unequal distribution of resources in our economic system.



youth-related issues. It aims to give young people opportunities for co-determination in school education field, and it translates young people's demands into motions and petitions addressed to national/regional politicians, as they might discuss about and vote. It deals with an enlargement of the normative initiative coming from the participation of people (in this case, framing only the participation of the young ones, particularly the ones who are attending a grade of school/university).

Nowadays, various institutional actors are involved in promoting and supporting youth participation. Among these: federal ministries, provincial states, youth departments, the Austrian National Youth Council, and agencies. The so-called 'Section VI: Family and Youth in the Federal Chancellery'⁸³ is the coordinating body in the strategy of promoting youth participation⁸⁴. Its activities are regulated by the Federal Youth Promotion Act⁸⁵ and involve the work of the Federal Ministry of Education, Science and Research, the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology, and the Federal Ministry of European and International Affairs for the diffusion of learning among young people in classrooms and out of school. Federal Ministry of Climate Action, Environment, Energy, Mobility, Innovation and Technology with the coordination of the Austrian Society for Environment and Technology (ÖGUT) has launched a website platform (named *partizipation.at*⁸⁶), which offers information on civic participation at local, EU and international level. In addition, the practice database contains examples from all fields of application of participation in great thematic and geographical diversity, including youth participation projects (*Kinder- und Jugendpartizipation*).

In support of the ministerial work, two well-focused national agencies are used to intervene. It deals with the Austrian Development Agency (ADA), which has played an important role in implementing the 3-Year Programme of Austrian Development since 2022, and the Agency for Education and Internationalisation (OeAD), which promotes an inclusive and high-quality education. While the first one prioritizes environmental protection, climate change and mitigation, and the equal and democratic participation of society - raising awareness among young people - within the strategic oversight by the Federal Ministry of European and International Affairs for Austrian Development, the OeAD only limits

⁸³ Section VI is the section devolved to the politics about young people. Particularly, it deals with Youth Policy, Youthwork, Youth Strategy, Media and Information (towards youth), Youth Promotion, Youth Protection, Children's Rights, International Youth Policies and Youth Exchange, Youth Research, Youth Participation, and Counselling and Information (in youth development oriented). For an overview about the activities and the challenges of Section VI, see the official website of the Bundeskanzleramt at the Austrian Government. For details on youth participation, see particularly the Youth Participation Chapter of the Bundeskanzleramt.

⁸⁴ For Austrian policy about youth strategy, see also the site of the Austrian Youth Strategy of the Bundeskanzleramt.

⁸⁵ *Bundesgesetz über die Förderung der außerschulischen Jugendberziehung und Jugendarbeit (Bundes-Jugendförderungsgesetz – B-JFG)*, BGBl. I Nr. 126/2000, December 27th, 2000, amended by BGBl. I Nr. 136/2001, BGBl. I Nr. 32/2018, BGBl. I Nr. 185/2022, BGBl. I Nr. 152/2023. The text is available only in original language version online at the Rechtsinformationssystem des Bundes.

⁸⁶ The website is available in a multilingual version at: <https://partizipation.at/> (last access: August 21, 2024).



to support scientific and educational activities in schools in behalf with the Federal Ministry of Science, Education and Research within the Erasmus+ Programme. Recently, agencies are supporting the ‘#act4change’ campaign, organised with the patronage of the Catholic Church in order to involve young people aged 14-30 and to give them the opportunity to provide their point-of-views to decision-makers. In order to grant a dialogue and a correct cooperation among institutions, federal/regional actors, and young people, in 2020 Austria established at national and provincial level the National Working Group on Youth Dialogue and Youth Participation (*Nationale Arbeitsgruppe Jugenddialog und Jugendbeteiligung* - NAG), which is vested with the duty to pursue as a cross-sectoral cooperation the promotion of qualitative youth participation within the framework of the Youth Dialogue (*Jugenddialog*). As a link between national and European level, it brings up together different actors, but also stakeholders involved in youth’s decision and policy making, and it also coordinates tasks that contribute to anchor youth participation in all areas of youth work in co-creation, through an online participation⁸⁷, as well as the European Youth Goals. This association aims to include different representatives of various groups and institutions⁸⁸ (also including the Office for Youth Work of the Autonomous Province of Bolzano, whose territory belongs to the national sovereignty of Italy), and it follows the purpose to strengthen the role of young people in decision-making in Austrian policy.

7. Constant Youth Participation in Climate Issues: The Case of Denmark

Denmark has a long history dealing with instruments of democratic participation, with a specific openness to the youth participation. Democratic youth participatory structures are enabled to act in the national establishment, well integrated inside the common procedures of decision-making and law-drafting.

In 1997 the Danish Government, in accordance with the Ministry of Education, passed the first official coherent youth policy⁸⁹, in which all young people from 15 to 25 years old are included. Youth Policy was divided between the departments of the specific issues, such as the one of education, the one of

⁸⁷ There are two dedicated websites: one focusing on youth dialogue (*Jugenddialog*) and the other on youth participation (*Jugendbeteiligung*). These websites serve as valuable resources, providing information on different methods of participation, quality standards, ongoing projects and upcoming events related to youth participation. The first one is available online at <https://jugenddialog.at/>, while the second one is available online at <https://ppoe.at/jugendbeteiligung/>.

⁸⁸ Apart of the participation of the Province of Bolzano, the other actors involved are: Federal Youth Council, Federal Chancellery (Youth Competence Centre and Department for European and International Family and Youth Policy), Federal Network Austrian Youth Info, Federal Network Open Youth Work, European Youth Delegates, Youth Departments of the Federal Provinces, National Correspondent of the European Knowledge Centre for Youth Policy (EKCYP), and Austrian National Agency Erasmus+ Youth in Action and European Solidarity Corps.

⁸⁹ DANISH MINISTRY OF EDUCATION, *Det repræsentative demokrati i uddannelsessystemet* [The Representative Democracy in the Educational System], 1997. The publication can be found online at: www.uvm.dk.

social affairs, and the one of labour, through the method of conferences and hearings also with the participation of some youth organisations⁹⁰. The objectives were clearly determined in 10 points⁹¹, as following: 1) the attempt to make young people influential and responsible for matters affecting their issues; 2) the purpose to spread education among young people, also considering the information about their real possibilities in democratic participation for decision-making; 3) the full employment of young people, as a positive grade of engagement; 4) the adequate qualification of youngsters in the international community in order to participate also in supranational meetings and roundtables; 5) the correct access to every information and knowledge, also considering the raising importance of ICT tools; 6) an improvement of young people's coherent guidance and straightforward counselling; 7) the establishment of a base in life for accessing to all the possibilities, with a particular reference to young people with disabilities and/or suffering some difficulties; 8) the organisation of life in well-functioning housing areas with all the aspirations for development; 9) the cultural variety of young people's background, also promoting language and ethnic differences; 10) the dynamic process of knowledge about young people's conditions⁹².

For these reasons, Denmark implemented the 'education to participation', instructing young people what are the instruments and how to express their ideas and send them to institutions. According to Danish government, this phase should be the most important one, in order to spread a common feeling of participation, and to raise the social awareness upon youth-related issues. Already in 70s, Danish educational system integrated the so-called 'Folkeskole', a range of educational activities – not strictly connected to school subjects – providing the construction of citizenship. In 80s, mandatory student councils were introduced in all schools, while since 90s they have been supported also by school boards. This attention – paid to build a model of citizen since the school age – was enforced with the appointment of the 'Youth municipalities', a project still standing since 1997⁹³ and involving the consultation of young

⁹⁰ For a better background, see also: B. SIMONSEN, *De nye unge og det traditionelle demokrati* [The new Young and the Traditional Democracy], in *Regeringens ungdomspolitik – status og perspektiver* [The Government's Youth Policy – Status and Perspectives], Ministry of Education, Copenhagen, 2000; ID., *Brydninger i demokratiet* [Changes in the Democracy], in G. BYKILDE (ed.), *Når unge udfordrer demokratiet – dokumentation og debat* [When the young challenges the democracy - Documentation and Debate], Centre for Youth Research, Copenhagen, 2000.

⁹¹ Objectives of the Danish Government's youth policy. The publication can be found online at: www.uvm.dk.

⁹² S. LEHN, *Denmark: Ways of promoting youth participation. Education to participation and youth municipalities*, Carnegie Young People Initiative (CeFU), Copenhagen, 2000, pp. 4-5. See also: G. BYKILDE, *Når unge udfordrer demokratiet – dokumentation og debat* [When the young challenges the democracy - Documentation and Debate], Centre for Youth Research, Copenhagen, 2000.

⁹³ Correctly, the project was enacted in 1997 with a three-year mandate and involved only 17 municipalities. Due to the success of the project and to the positive feedback by the population and by the government, youth municipalities are now become the common reality in Danish territory. For better focus on the argument, see: T. BACH, *Erfaringer fra ungdomskommuneforsøget, 1. halvår 2000* [Experiences from the Project of Youth Municipalities, first half of the year 2000], Copenhagen, 2000; CENTRE FOR YOUTH RESEARCH, *Projekt Ungdomssekretariat – en evaluering af ungdomskommuneforsøget I Hillerød Kommune* [Project Youth Secretariat – an evaluation of the project of Youth Municipalities in the municipality of Hillerød], Copenhagen, 2000. The publication can be found online at www.duf.dk.

people in the local scope for providing their opinions in decision-making about issues whose could have effects upon youth. This youth local enforcement is completed with the phases of planning, realization, and evaluation of activities, but also including specific efforts to involve all young people – even the ones with disabilities and difficulties⁹⁴. The activities are described as: setting up youth councils, youth conferences, youth secretariat, where young people deal with social, cultural and political issues, and a youth centre run by young people themselves; forming a youth panel; organizing shared accommodation for disadvantaged young people, and support them; initiating direct youth radiobroadcasts; running a project for young people with eating disorders; developing ICT training programme for local youth groups; employing a democracy consultant to the local youth council; publishing articles and essays; appointing an *ombudsman* for children and young people; setting up to young counselling⁹⁵.

Another important work is conducted by the Danish Youth Council – DUF (*Danske Ungdoms Fællesråd*)⁹⁶, which is the umbrella organisation for every participatory structure involving young people in national decision-making. It is composed by 78 children and youth associations as participants and plays the reference-role for 75 youth-led organisations in the country (also, involving scouts, students, workers, researchers, etc...). DUF's values are traced in participation, dialogue, volunteerism, and spreading influence, as it promotes communities, engages young people in democracy, and develops activities for children and youngsters. Its work is concentrated in cross policies and youth organizations to highlight young people's interests and make them listened by public authorities.

Denmark was also particularly involved in the global awareness about climate change and in the protection of nature and environment, connecting the environmental issues with the increase of youth participation. For this purpose, in partnership with the Ministry of Climate and Energy, Danish Youth Council and Danish UN Youth Delegates⁹⁷ promoted the Danish Youth Climate Council (literally in Danish language *Ungeklimarådet* – UNGE)⁹⁸, which is in independent youth-led advisory board working together with the Ministry for a future-oriented policy in climate action and for reducing the gap between young people and policymakers. Council members are appointed on a voluntary basis, in a half by the

⁹⁴ S. LEHN, *Denmark: Ways of promoting youth participation*, op. cit., pp. 6-9.

⁹⁵ *Ibidem*.

⁹⁶ The site of the Danish Youth Council can be consulted at <https://en.duf.dk/>.

⁹⁷ Danish UN Youth Delegates are appointed every year by the Danish Youth Council to UN annual Conference of the Parties (COP) for UNFCCC. They are nominated by children- and youth-organisations, and they contribute to disseminating and anchoring global agendas among Danish youth through different informational activities. The programme consists of a total of eight youth delegates working with human rights and the Sustainable Development Goals as a framework of about four specific themes. One of them is devoted to the knowledge about climate and environment, and the challenge to the global awareness on raising temperature and spoiling natural resources. This programme is part of the DUF's cooperation with the Danish Ministry of Foreign Affairs under the Global Youth Programme.

⁹⁸ The Danish Youth Climate Council is available online at <https://kefm.dk/klima-og-vejrl/ungeklimaraadet>.



Ministry of Climate and Energy (who received almost 400 applications per year) and in a half by the most relevant youth organisations and associations acting in the national territory⁹⁹. While every member's term is two-year long, the mandate system follows a rolling rule, with the half of the Council members changing every year. The scope of the Council is nation-wide while the duration is permanent, not to be subjected to any limitation by national law.

The Council's duty starts from the aim to grant more opportunities to young people, as they can be invited to provide their inputs. The Council itself gathers issues and opinions from young people across the country through a bottom-up mechanism of participation – by periodical meetings also in local level, in order to formulate concrete proposals to be included in the decision-making process, while the Ministry provides to financially fund young participants and also arranges briefings with experts and/or civil servants upon their request. This strong connection between youngsters and institutions (with the involvement of the ministerial level) is a unique characteristic of this instrument of participatory democracy focused on young people. The Council – coordinated by a chairperson who is appointed by the members of the Council – runs independently with its own agendas, asking the Ministry to eventually provide administrative support and/or some relevant information, and meets every two months in order to discuss about climate youth-related issues, including the management of single topics by small working groups and the combination with presentations by experts. Every meeting generates a draft recommendation paper, that must be considered as temporary, since it shall be presented and discussed with the relevant youth organisations in order to ensure the alignment of ideas with all young people involved in the light of democratic parameters. This organised procedure also grants a strong democratic and bottom-up legitimacy from the [younger] citizenship and constitutes the basis for the transcription of articles and speeches – written by Council members collaboratively and spread in many local and national events.

Young delegates of the Council shall meet the Ministry almost twice per year, briefing their ideas (to put in the Ministry's briefing box) and submitting official proposals for a legislative approval. The meetings also support accountability by introducing a dialogue with the Minister institutions for finding a common solution.

Nonetheless, as the Council enjoys its own proper independence from the institutions, it can benefit activities on the external dimension: some meetings and events are also organized with external factors, such as politicians, stakeholders, and NGOs for really debating some proposals, and raising awareness

⁹⁹ Specifically, the reference is to Danish Youth Council, and also to other 4 youth-led organisations enabled to appoint members to the Council, which are composed by: student strikers (from the 'Fridays for Future' movements), young farmers, young energy experts, and young nature experts (the last two categories coming from the world of academic and scientific research, representing the expertise quote in the engagement for decision-making).

among young people. Also, Council particularly implements online channels and tools for seeking to raise publicity and attention and to erase all the barriers which could limit youth participation.

This is not the only duty of the Council, as young people are also invited to take part in the implementation of all those policies found in accordance with the Minister in order to formulate the official guidelines to submit to the legislative body. Young people's ideas are automatically included in national procedures. In fact, since young people are in the consultation lists of the government and the parliament, they can officially submit legislative plans and are called for monitoring and evaluating the work of institutions in the adoption of laws.

By following the criteria and the coordinates applied to youth participation, the depth of engagement of the Danish Youth Council merges the co-creation level with the monitoring level, since young people are involved in the phase of decision-making prior the normative creation, but also in the final phase for the correct monitoring of policy implementation and assessing its results through the evaluation of public authorities' work.

This peculiarity characterises the Danish Youth Council as a pertinent model for the transferability to other national/supranational contexts. The model can be transferred to different political contexts as a consultation or even as an implementation mechanism for developing instruments of participatory democracy. The formal connection with the ministerial level is the innovative aspect of this model, that creates a relationship of reciprocity since the Minister is obliged to reply to youth's proposals, ensuring a meaningful engagement.

8. A Brief Comparative Conclusion

The models analysed are vested of specific characteristics that affect their simple transferability from a State to another, and can be interpreted in the doctrine about "legal transplants"¹⁰⁰, which, according to

¹⁰⁰ The doctrine about "legal transplants" is analysed by Watson in different essays. Among the others: A. WATSON, *Legal transplants*, Scottish Academic Press, Edinburgh, 1974; ID., *Legal transplants and European Private Law. Ius Commune Lectures on European Private Law*, Dutch Institute of Comparative Law, 2004. In order to complete the discourse about these fictional concepts of legal comparison, it's worth to mention other legal scholars who followed the same definition, though with different terms. For instance, Örüçü called this practice of moving rules and legal systems as "legal transposition", while Grosheide simply defined this action as a "legal borrowing". Among the others, see: E. ÖRÜCÜ, *Family Trees for Legal Systems: Towards a Contemporary Approach*, paper presented at the Conference of Epistemology and Methodology of Comparative Law in the Light of European Integration, Brussels, October 24-26th 2002; F.W. GROSHEIDE, *Legal borrowing and drafting international commercial contracts*, in K. BOELE-WOELKI (ed.), *Some methodological reflections: comparability and evaluation essays on comparative law, private international law and international commercial arbitration in honour of Dimitra Kokkini-Iatridou*, TMC Asser Instituut, 1994, pp. 71 ff. Finally, Sacco referred to this transplant/borrowing practice as a process of "imitation" among legal systems, that is one of the bases of the comparison among them. According to him, "There are two fundamental causes of imitation: imposition and prestige. Every culture that has faith in itself tends to spread its own institutions. Anyone with the power to do so tends to impose his own upon others. Receptions due to pure force, however, are reversible and end when the force is removed". See: R. SACCO, *Legal formants: A dynamic approach to comparative law*, in *Am J. Comp. L.*, vol. 39, n. 2, 1991, p. 398.

Watson, are “Rules-not just statutory rules- institutions, legal concepts and structures that are borrowed, not the spirit of the legal system”¹⁰¹, since “the moving of a rule or a system of law from one country to another, or from one people to another”¹⁰² is possible. Since the growth of legal transplants can be explained in the increasing globalization¹⁰³, which involves social development and legal transformations, worldwide questions - as the ones referred to climate issues and environmental norms, but also to citizens’ participation and social inclusion - seem perfectly vested with this characterization in the borrowing dynamics among legal systems. Lending the words of Breidenbarch about the myth of cultural and social globalization, we face phenomena which possibly make some “ways of life and worldviews disappear” as a “result of the increasing cultural contact”, and lead “to the emergence of new cultural forms”, but also to the creation of “new practices and worldviews”¹⁰⁴. Even if legal scholars use to justify the transplanting practices with the presence of gaps in legal system to fill and/or with the absence of an adequate legislation and the scarcity of norms and/or with a matter of chance and necessity, in a globalised world where legal borders have been becoming invisible transplants are the consequence of a will to imitate the positive effect and the innovations of a legal system.

The two cases here analysed are both referred to the European Union territory, in which the guidelines about youth participation are effective. They also prevented some legal innovations in the dialogue with young people and in their education about how to participate in climate issues, even before the adoption of the EU Strategy for Youth by EU institutions and the member States. Nonetheless, they dealt with innovative forms of participatory and deliberative democracy, but also with a consideration of youth participation in decision-making process as an education to democracy and citizenship (see, for instance, the involvement of some participatory practices in Danish educational system). They perceived the sociological doctrines about youth involvement and responsibility¹⁰⁵, modelling a “pedagogization” of policy¹⁰⁶, and their results introduced positive models to be imitated for a “prestige”¹⁰⁷ consideration.

¹⁰¹ A. WATSON, *Legal transplants and European Private Law*, op. cit., p. 2

¹⁰² ID., *Legal transplants*, op. cit., p. 21.

¹⁰³ On the concept of “globalisation” in legal systems, and particularly in comparative law, see: D.J. GERBER, *Globalisation and legal knowledge: Implications for Comparative Law*, in *Tulane Law Review*, vol. 75, n. 4, 2001, pp. 949-975.

¹⁰⁴ The brackets words are quoted by: I.J. MOSQUERA VALDERRAMA, *Legal transplants and comparative law*, in *International Law: Revista Colombiana de Derecho Internacional*, 2, diciembre, 2003, p. 264. About the issue, see also: J. BREIDENBARCH, I. ZUKRIGL, *The Dynamics of Cultural Globalisation. The myths of cultural globalisation*, in *International Cultural Studies*, 1999.

¹⁰⁵ S.R. ARNSTEIN, *A Ladder of Citizen Participation*, in *JAIP*, vol. 35, n. 4, 1969, pp. 216-224. See also: R. HART, *Children’s Participation: from Tokenism to Citizenship*, op. cit.

¹⁰⁶ D. LÜKÜSLÜ, A. PAIS, D. TUORTO, A. WALTHER, “*This is a Compressed Political system*”. *Ambivalences of Formal Youth Participation*, in A. WALTHER, J. BATSLEER, P. LONCLE, A. POHL (eds.), *Young People and the Struggle for Participation*, Routledge, London, 2020, pp. 67–81.

¹⁰⁷ R. SACCO, *Legal formants: A dynamic approach to comparative law*, op. cit.



This imitation process is going on within the European territory, creating some positive guidelines to be adopted and applied elsewhere, also due to the EU norms. For instance, Austrian model has been strongly influencing Germany in the institutionalisation of some co-creation structures and instruments of participatory democracy for young people, for involving them in monitoring procedures of decision-making process for the future-oriented proposals. An example is the doctrine about the evaluation on the impact of every act upon young people. Denmark too has been becoming a model case to be followed, even for the fact that its youth climate council is not procedurally difficult, and the costs are quietly low. For these reasons, it constitutes the principal model for Poland, that institutionalised a similar council of young people involving in decisions about climate action, and a general model for the European dialogue with youth (and with other social groups) in issues of sustainability and environment.

These practices are also part of a ‘just transition model’¹⁰⁸ which can be transnationally borrowed without any borders, because it offers a true revitalisation for the future of communities, involving innovative processes of participation, that complete the democratic parameter.

¹⁰⁸ For the definition of the Just Transition Mechanism according to the EU strategies, see the site of the EU Commission.