

Fordham International Law Journal

Volume 22, Issue 4

1998

Article 24

Schools: Lessons from the Agreement

Jerry Tyrrell*

Brendan Hartop[†]

Seamus Farrell[‡]

*

†

‡

Copyright ©1998 by the authors. *Fordham International Law Journal* is produced by The Berkeley Electronic Press (bepress). <http://ir.lawnet.fordham.edu/ilj>

Schools: Lessons from the Agreement

Jerry Tyrrell, Brendan Hartop, and Seamus Farrell

Abstract

This article discusses how education will help lead to the success of the Multi-Party Negotiations, which attempt to resolve the conflict in Ireland. Citizenship development can teach values such as tolerance, care, and respect for others as equals. Education can promote movement from the rhetoric to the practice of collaboration and encourage participative democracy. Education can also be a foundation for social harmony.

SCHOOLS: LESSONS FROM THE AGREEMENT

*Jerry Tyrrell**
*Brendan Hartop***
*Seamus Farrell****

I never cease to be amazed by the Peer Mediation Programme of the EMU [Education for Mutual Understanding] Promoting School Project at the University of Ulster. I often think if we as present day political negotiators had experienced the programme how much more quickly we could have reached an inclusive accommodation.

But there is still a long way to go for us. It may well be that these young mediators will be the negotiators of the future. We will be better off for it. We need confident young people who are willing to take risks for peace, be it in the playground, the classroom, or in politics. This programme equips them to do just that.¹

Monica McWilliams' testimony emphasizes the role that education has, or can have, in creating the post-Agreement society necessary to build the peace of the future. The Agreement itself stresses the importance of education:

An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated educa-

* Jerry Tyrrell, M.A. (Director, Magee College, EMU Promoting School Project, Centre for Study of Conflict, University of Ulster, Derry). Mr. Tyrrell was born in London and came to live in Derry in 1972. He was honored with an Ireland "People of the Year Award."

** Brendan Hartop, B.Sc., M.Ed. (Advisory Teacher, EMU Promoting School Project, Centre for Study of Conflict, University of Ulster, Magee College, Derry). Mr. Hartop was born in Belfast. He taught for 17 years in the United States, Germany, England, and Northern Ireland, and a class of his won a Gulbenkian Citizenship Foundation Award for its peer mediation programme.

*** Seamus Farrell, B.A. (Research Coordinator, EMU Promoting School Project, Centre for Study of Conflict, University of Ulster, Magee College, Derry). Mr. Farrell was born in County Derry. He spent time in Nigeria and in South Africa before the ending of apartheid. Currently, he is writing a book with Jerry Tyrrell and Brendan Hartop, "Peer Mediation—A Process for Primary Schools" to be published by Souvenir Press.

1. See Letter from Monica McWilliams, Women's Coalition Northern Ireland Assembly (Nov. 1998) (on file with the *Fordham International Law Journal*).

tion and mixed housing.²

When the British Labour Government was elected in May 1997 it said that its first three priorities were *Education, Education, Education*.³ Thus, as far as the policy makers are concerned, education is a priority in general, and Northern Ireland education as a means towards reconciliation is a priority in particular. In the context of reconciliation, or at least the improvement of community relations, two parallel tides have been influencing education in Northern Ireland during the past twenty years. These are Education for Mutual Understanding ("EMU") and Integrated Education.

Frances Donnelly stresses that the idea of integrated education is at least 160 years old.⁴ In 1831, National Schools were established throughout Ireland to provide education for Protestant and Catholic children, to unite in one system children of different creeds.⁵ The intervening history of education, however, reveals differing, and at times conflicting, needs of various Christian denominations, and indeed of church and state. When the Northern Ireland state was formed in 1922, despite some attempts to "establish new educational structures that might serve the whole community Northern Ireland [was left] with an almost totally segregated education system."⁶

For fifty years, schools remained either controlled or maintained. Controlled schools were by and large state schools, ostensibly open to all, but with one or two notable exceptions, they were all being attended almost exclusively by Protestant students. Maintained schools were church schools, usually exclusively Catholic schools, attended by Catholic students. This separation only heightened the suspicions in a people divided on the issue of political identity.

By the 1970s, the social impact of this education system on a

2. See Agreement Reached in the Multi-Party Negotiations, Apr. 10, 1998, ¶ 13.

3. See Speech by Catherine Coxhead, Chief Executive, Northern Ireland Council for the Curriculum Examinations and Assessment (May 12, 1997) (on file with the *Fordham International Law Journal*).

4. See Frances Mary Donnelly, *Transforming Integrated Education: An Historical and Contemporary Analysis of Developments in Integrated Education* (1998) (unpublished Master of Education dissertation, University of Ulster).

5. See *id.* (quoting D.H. ATKINSON, *EDUCATION AND ENMITY: THE CONTROL OF SCHOOLING IN NORTHERN IRELAND 1920-50* (1973)).

6. See VALERIE MORGAN ET AL., *BREAKING THE MOULD: THE ROLES OF PARENTS AND TEACHERS IN THE INTEGRATED SCHOOLS IN NORTHERN IRELAND* (1992).

divided society was the subject of a number of academic studies. School-based projects, which looked at ways in which children from the two communities could be encouraged to look at their differences, were established.⁷

Meanwhile, there was a growing movement of individuals who were beginning to lobby for a space for integrated schools within the existing school system. These initiatives were taking place at a time of escalating violence in Northern Ireland.

It seemed unlikely that any existing schools would become integrated, so a voluntary group, All Children Together, decided to set up such a school itself, and in September 1981 Lagan College was opened. By the beginning of 1999, twenty-six integrated primary schools and seventeen integrated secondary schools had been established; but even the strongest advocates of integrated education acknowledge that only a small percentage of children are able to attend integrated schools. In 1998, the reality was that only three percent of school age children were attending such schools.

It was this reality that provides the context for EMU. Norman Richardson,⁸ writing in 1992, traced the history of EMU, noting the importance of a 1982 Department of Education advisory paper that was distributed to every teacher in Northern Ireland and stated that everyone in the education system "has a responsibility for helping children learn to understand and respect each other And of preparing them to live in adult life."⁹

EMU has been variously defined as being about:

- developing knowledge and understanding about self and relationships, interdependence, culture and conflict, particularly in relation to Northern Ireland;
- fostering appropriate attitudes, values, interpersonal and conflict management skills; [. . .]
- engaging in interactive classroom methodology and the exploration of controversial social and political issues, both local and general[; and]¹⁰

7. *Id.*

8. See Norman Richardson, *Roots If Not Wings! Where Did EMU Come From?* (May 19, 1992) (unpublished keynote paper at EMU In Transition Conference). This keynote paper was presented at the conference "EMU in Transition," in Newcastle, County Down, Northern Ireland, on May 19, 1992.

9. *Id.*

10. See Education for Mutual Understanding (EMU) and Cultural Heritage (draft document) (on file with the *Fordham International Law Journal*).

- developing self-interest and respect for others and the improvement of relationships between people of different cultural traditions.¹¹

The EMU Promoting School Project was established as an action research project at the Centre for the Study of Conflict at the University of Ulster in 1995. The long-winded project title was chosen deliberately, reflecting the view that all schools, regardless of ethos, or religious background, should be about EMU, and therefore arguably should be promoting it.

One of the objectives of EMU is:

Understanding Conflict

students should have opportunities to develop knowledge and understanding of conflict in a variety of contexts and of how to respond to it positively and creatively.¹²

The Project identified Peer Mediation, a process whereby children help other children to resolve their own conflicts, as complementing EMU's objectives, particularly understanding conflict. In 1993, the Ulster Quaker Peace Education Project introduced Peer Mediation into two primary schools in Northern Ireland. Peer Mediation has an established pedigree in the United States, as well as in New Zealand, Australia, Britain, and other parts of the world.

Since 1995, the EMU Promoting School Project has been developing the peer mediation program in Northern Ireland; and after three years a dozen State, Catholic, and integrated primary schools¹³ throughout Northern Ireland have worked in partnership with the Project, training over 1000 children.

When questioned, children said that the qualities required of a mediator include: listening skills, a sense of humor, patience, and fast handwriting.¹⁴ This last comment was inspired by the writing speed needed for mediators to be able to keep up with disputants when recording the issues for them.

11. See NORTHERN IRELAND CENTRAL COUNCIL FOR EXAMINATIONS AND ASSESSMENT, *MUTUAL UNDERSTANDING AND CULTURAL HERITAGE* 5 (1997).

12. *Id.*

13. U.K. Primary Schools' equivalent to elementary schools are as follows: P1 (age 4-5) until P7 (age 10-11) when they transfer to Secondary Schools or Junior High/High Schools Year 8 (age 11-12). School-age education is divided into four Key Stages: Key Stage 1 (P1-P4), Key Stage 2 (P5-P7), Key Stage 3 (Year 8-Year 10), and Key Stage 4 (Year 11-Year 12).

14. See Videotape: Peer Mediation (EMU Promoting School Project 1996).

Teachers have noted the very real educational benefits of the program in terms of communication, oral and written, as well as the development of cognitive thinking skills. In addition, teachers were reporting that the children took the time to listen to the disputants, whereas teachers were often too busy to be able to deal with what were often seen as trivial problems in adults' eyes. It would, however, be precisely these so-called trivial problems, of friends failing out, of lunch boxes being stolen, or name calling that interfered with the disputants' ability to pay sufficient attention to the lessons that followed such incidents.

In response to the question, "Would you rather have a mediator than a teacher deal with your dispute?", a majority of pupils would express a preference for mediation. When questioned as to why this was so, children would regularly answer, "because children understand children." This thought-provoking response deserves further research, but it does provide evidence to the difference between an adult and a child-centered engagement to problem-solving of children's issues.

Children have given demonstrations of their skills in role-plays to groups of interested adults in such diverse settings as the British House of Lords, and the Irish President's home Aras An Uachtarain. President Robinson stated at the time, "[I]f [peer mediation] works in the playground, there's no reason why adults can't learn a lesson from what after all isn't just child's play."¹⁵

Almost universally, the response of adults to these demonstrations by children of peer mediation was one of amazement and wonder. The self-confidence, skill, and ability of the children to practice mediation and understand the theory of it inspired most adults. A small minority of adults were dismissive, describing the children as being precocious—"the little boy knows all the jargon."¹⁶ Most adults not only recognized the value of the children's skills, but also made the link between the skills that the children were illustrating and the ongoing Peace process.

Meanwhile, politicians were acknowledging the nature of the skills needed in peacemaking. At an October 1998 confer-

15. See *President Robinson* (Radio Telefis Eireann radio broadcast, Sept. 25, 1996).

16. Interview with a teacher at an In Service Training session in Belfast (1997).

ence in Belfast,¹⁷ Mo Mowlam outlined the lessons that she had learned from her role as broker in the peace talks.¹⁸ She listed confidence and respect as being vital, that they required a great deal of time, that you had to keep the momentum going, concentrate on day-to-day issues, take risks, and acknowledge history but don't live in it.

Peer mediation, thus, was one of the programs that was delivering the very skills that Mo Mowlan identifies as crucial to the Peace Process. Parents also commented on how articulate and mature their children were in dealing with conflicts. So with all this going for it, why is peer mediation not taking root in schools throughout Northern Ireland?

Our research has raised questions about the readiness of schools for such a radical program—and peer mediation is a radical program. It is about changing the ethos and the nature of relationships as much as it is about teaching discrete skills in the natural steps of a workshop program.

These types of programs raise a multitude of issues about how education is conducted and about what ought to be retained or changed in the context of citizenship development. It raises issues about policy and practice—that of the teacher, the school, and the education system. As an action/research project, we have endeavored to raise questions and to listen to the answers.

Action/research and EMU are ideal companions: they share the core values of tolerance, care, and respect for others as equals; both have an explicit social intent; they are about transformation and change; they seek to promote movement from the rhetoric to the practice of collaboration; and they are about participative democracy.

As an action/research project, the EMU Promoting School Project had sought to investigate the propriety and feasibility of conflict resolution skills training programs in primary education. It viewed work with young children as being foundational if controversial issues are to be handled in later schooling. It aimed to

17. See Fourth European Conference on Peace Making and Conflict Resolution (Oct. 1998).

18. See Susan Gascho & Paul Wahrhaftig, *Northern Ireland: Mo Mowlam Finds 10 Peacemaking Lessons from the Good Friday Negotiations*, in *CONFLICT RESOLUTION NOTES*, vol. 16, no. 3 (Jan. 1999).

explore not just their benefit to recipient children, but their potential to enhance the teaching and learning environment of the classroom and school, whole-school and school-community relationships, staff morale, and good practice.

The underpinning values of the EMU educational theme, besides being the foundation for social harmony, are equally the basis for good education. It is self-evident that children learn best, and teachers teach best, in an environment in which they feel valued and respected, are full participants in the teaching/learning task, and have the opportunity to work together. It is also a model of democratic participation. It is equally obvious that it is owed to children, in personal development terms, to equip them with relationship skills for their exploration of the dynamics of human interaction, and it is owed to society to resource children for adulthood in a post-Agreement society with the skills of social engagement. A continuing objective, therefore, is to sell the idea that EMU belongs, not on the periphery, but at the heart of the curriculum.

Peer Mediation seemed an ideal vehicle for an investigation because, following a specific package of training, the children could practice their newly-acquired skills through offering a mediation service to their peers. Its potential as a proactive strategy for addressing issues of indiscipline, bullying, the effects of disruptive behavior on teaching, and the absorption of teachers' time in dealing with children's conflicts, could serve to interest schools. The Primary 7 teachers and children of two schools were engaged as partners in developing and testing the training program and the mediation service.

Significant findings emerged from this pilot venture and its extension in the following years to several other schools. These findings had to do with the crucial importance of a supportive principal and of adult relationships throughout the school, being such as to provide a congruent environment for relationship skills programs for children. It was of demonstrable benefit to the children in terms of their self-confidence and enhanced peer relationships and had proved transformative of teachers involved in respect of their practice and enthusiasm for teaching. It had benefited both children and teachers involved in terms of the teaching and learning environment in their classroom.

At the same time, the anticipated catalyst-effect of the pro-

gram on the rest of the school did not occur to any significant extent; often, insofar as other teachers or ancillary staff knew anything about it, it was assessed, positively, negatively, or neutrally, as something in which older classes were involved. Some schools have, on their own initiative, developed foundational relationships and conflict-handling skills programs for younger classes. Apart from making good educational sense, this approach has begun to address the problem of the current P6/P7 training program being excessively demanding of time and other resources in an already overloaded period of primary schooling. But it cannot be said that the program has had any travel-out effect in terms of inter-adult or adult-child relationships within the school, or of school-community (parent) relationships. Some schools have achieved self-sufficiency with regard to the program, but it has to be acknowledged that in such schools the program has contributed to what was already there: a child-centered vision and a proactive engagement in promoting an ethos of positive whole-school relationships. It can claim to have been transformative as a catalyst at the institutional level, especially with the individual teachers and the classes directly involved.

The relationship between researcher and school needs to be such that the teachers involved can transcend the conventional relationship of teacher with visiting researcher, or with school inspector. They need both to see themselves as equal partners in the research process, whose open and honest reflections as practitioner-researchers are listened to with total respect and to recognize that their opinions will have equal status with those of researchers in influencing future action. To an important degree, the same applies to outside agency relationships with principals, other adults, and children. Such relationships are essential to ensure that both school and external agency have a shared understanding of the purposes of the venture and are working on the same agenda. Again, this attempt is to model the participative democracy that children will be encouraged to join when they leave school and experience whilst still at it. As with any partnership, it is sometimes too readily assumed that there is a consensus between outside agencies and schools as to the program's objectives.

A fundamental issue that became conspicuous by the end of the third year of the program was the lack of shared understand-

ing about the program's central purposes. Given its title, *The Peer Mediation Programme*, it seemed that teachers felt under pressure to meet the perceived objective of the Project—the establishment, following training, of a formal peer mediation service. As a result, they either felt a sense of personal failure if there was not a peer mediation service established, or reported in unrealistically glowing terms the extent of usage and the outcomes of the service. This tended to obscure the fact that they justifiably valued the educational goals and values of the program itself—the enhancement of children's self-esteem, understanding, and competence in dealing with emotions and relationship skills. It should not be assumed that the agenda of a peer mediation project is necessarily commensurate with that of schools; the former is quite specific, whereas for schools, the agenda must encompass the broad objectives of schooling and the varied, and often conflicting, objectives of a diverse society. There is common ground between these, but it must be clearly identified.

The following, in brief, would seem to be the respective starting points:

- *Peer Mediation Agencies*

A primary focus for such agencies is conflict—its resolution and the skills, structures, and strategies needed to prevent its occurrence or escalation. The emphasis is not primarily on the needs of education, rather the need for conflict resolution.

- *Schools*

An objective of education is the development of children's abilities and knowledge in terms of both cognitive and affective intelligence. Good practice recognizes the centrality of positive classroom and whole-school relationships in achieving this objective. It acknowledges self-esteem of both adults and children; as critical to their teaching and learning to their best potential. Work in this area is therefore intimately related to the curriculum and cannot be pursued in isolation from it or on its periphery. Good education practice identifies such a proactive approach as a more appropriate way to address discipline and behavioral issues than reacting to problems as they arise.

- *Common Ground*

Relationships are a central issue in achieving the goals of both education and democratic participation. In terms of

education's mandate to equip children to become both constructive and competent citizens, training in social engagement skills, of which mediation skills are a component, ought to be at the heart of the curriculum.

Mediation training offers concrete skills that children can use in their day-to-day relationships and, perhaps formally on occasion but more frequently informally, in dealing with their conflicts. Not surprisingly, however, teachers value the skills acquired as providing the building blocks for learning; that they, at the same time, lay the foundations for addressing the controversial issues of the society that the children inherit reinforces its educational validity.

There are unavoidable questions around the training of teachers and the school ethos that such programs demand. Teachers and schools carry the scars of having their history in a divided conflictual society. What is beyond question is the immediate relevance of such programs to good educational practice and, provided that they are located within and throughout rather than appended to the curriculum, their relevance to its effective delivery.

We would question whether civic, social, and political education can be effectively and progressively pursued throughout schooling without social engagement skills training from the earliest years of primary schooling—located in the social realities of the children themselves. Another issue concerns the methodologies and strategies to implement the training. It would certainly seem of dubious value to construct a scheme, especially if using a subject level of operation, that pays inadequate attention to the affective dimension that is central in all relationships, to the learning process, and to the importance of context and process; effective transmission of the values and skills of tolerance and respect depends on their being lived out at the level of real-life experience by both teachers and students, in staff rooms, classrooms, and elsewhere.

Peer Mediation is just one strategy for assisting the implementation of EMU. It is to be regretted that action research strategies have not, until now, been adequately utilized in assessing the practice and implementation of EMU. Existing research into the failure of EMU tends to find against teachers and to identify training needs as paramount in addressing the problem.

Such conclusions overlook crucial questions about context, policy, and definition for which training alone cannot provide adequate answers.

- *Context* The need of EMU for an ethos of positive whole-school relationships, as against the realities of most schools.
- *Policy* The factor of education policy objectives being in fundamental conflict with those of EMU.
- *Definition* A set of objectives view of the curriculum which clashes with the educational values of teachers – who rightly resist being identified as the deliverers of same.

The challenge for schools is to become environments where the values, attitudes, and practices of democracy are fully in place, and the challenge to external agencies supporting schools is to foster ownership by schools so that their program can continue to exist after the agency has left. The alternative is for the success and continuity to depend on an enthusiastic teacher and a supportive principal, without any real sense of a whole-school approach. The reasons why Peer Mediation is not appropriate in the majority of schools, however, go deeper than the support necessary to sustain the program. Mediation is based on a restorative justice model, and although it is not intended to replace the school's discipline policy but complement it, its philosophy runs counter to most such policies.

After a presentation to a group of staff at one primary school, a teacher asked, "What about blame and punishment?" The assumption being that without those two elements, discipline cannot be established. This highlights the current wider debate between retributive justice and restorative justice.

Retributive justice dictates revenge, not healing, and demands punitive sanctions instead of addressing the needs of the victim, the offender, and the community. . . .

Seeking justice according to a restorative model leads us to a new set of assumptions

- = offenders accept responsibility for their criminal behaviour
- = recognition of harm done to the victim
- = opportunity for reconciliation through direct interaction between victims and offenders
- = offenders are not punished, but supported to repair the harm done and to seek help for their problems¹⁹

19. See A Statement on Restorative Justice, Friends World Committee for Consulta-

An analysis of peer mediation illustrates how it reinforces the validity of these assumptions. Usually, each of the disputants has offended the other, though not always. The process of mediation with each side telling, and being fed back, their story and then saying how they are feeling is often sufficient for each offender to take responsibility and to acknowledge the hurt that they have caused. Particularly, in primary school mediation, the whole process is an opportunity for the restoration of friendships—reconciliation through direct interaction. Once the issues have been listed, and the solutions have been brainstormed, an agreement is drawn up by the disputants that is designed to repair the harm done.

Of course, it is not that simple, the process can be circuitous, and often the mediators need to take risks. On one such occasion, when a mediation seemed to be going nowhere, and the disputants were constantly bickering, the peer mediators became so exasperated with their attempts being rebuffed, that they said to the disputants, "Okay we're going to leave the room for five minutes, we think you can sort this out by yourselves." When they returned, the disputants were writing up their agreement.

Above all, peer mediation is a *creative* process that focuses on the future. Significantly, it is our experience that adults in the school community have been reluctant to put it into practice to address their own conflicts. There have been a few notable instances when adults have been willing to have a conflict mediated by a student. By and large, however, the hierarchy within the school militates against a system where disputants are treated as equals, and the school's discipline policy usually requires some form of punishment. Against this background, the instances of the success of peer mediation as an alternative form of dispute resolution is all the more encouraging.

There is a contrast between the school as an institution and the participative democracy for which it is preparing its students. In many cases, this contrast represents a contradiction. In Northern Ireland, as elsewhere in the world, there is a debate about citizenship education. There is concern about the lack of

tion, William Penn House, Bying Place, London (1990), *quoted in* Quaker Social Responsibility and Education, *Repairing the Harm: Friends and Restorative Justice* (June 1995) (on file with the *Fordham International Law Journal*).

participation in democracy, and policy makers are being encouraged to look at ways of including personal, social, civil, and political education in the curriculum.

This begs the question of how democratic schools are. During the past two or three years, legislation has come into being requiring schools to be more accountable to parents. However, parents, rather than the students, are perceived as consumers; the latter still have little say in their learning and very little participation in the decision-making of school as an institution.

In a recently-published report on citizenship education, Prof. Bernard Crick and his colleagues make the point that:

all formal preparation for citizenship in adult life can be helped or hindered by the ethos and organization of a school, whether pupils are given opportunities for exercising responsibilities and initiative or not, and also whether they are consulted realistically on matters where their opinions can prove relevant both to the efficient running of a school and to their general motivation for learning. In some schools, these are already common practices, while in others absent or only occasional.²⁰

To try to introduce peer mediation, or a program that requires interactive learning, and a restorative justice approach, piecemeal into schools is not tackling the key question of how best to inform and to support formal education structures to fulfil their role in equipping young people with the skills, values, and attitudes needed for democratic participation in a post-Agreement society.

It is a moot point to which this can be meaningfully done in an exclusive and undemocratic education system. Whilst the effect of segregated education has been a subject of universal debate, another aspect of the Northern Ireland education system that has had an arguably more pernicious effect on the collective self-esteem of students has gone relatively unchallenged. This is the 11+ transfer system. Its role is to sustain the elitist grammar school system whereby children are selected in their final year of primary school on the basis of two fifty-minute exams that test their convergent intelligence.

These tests are graded A, B, C, and D. Originally, they were

20. Prof. Bernard Crick, *Education for Citizenship and the Teaching of Democracy in Schools* (Report of Advisory Group on Citizenship) (Sept. 22, 1998).

graded with a number of pass marks, and then a fail mark. This led to people being effectively branded a failure at 11. Our experience is that time and again adults refer to the fact that they failed the 11+ as having had a profound and long-term effect on their sense of worth.

Today, children do not fail the 11+ test, they just don't get into grammar school unless they pass at a high enough grade. The pressure to pass the 11+ is so great that parents feel obliged to arrange private tutoring for their children. Two terms of the final two years at primary school are taken up with practicing for the exam—it completely skews the curriculum and is in itself of little, if any, educational value. It encourages the idea that there is only one right answer to a question, and our personal experience is that preparing for the transfer test is a stressful and traumatic time for children and their parents, regardless of how well they do in it.

Nevertheless, as all parents want the best for their children, and the conventional wisdom is that grammar schools are best, few parents are prepared to opt-out of the system. Even parents of children at some integrated primary schools want their children to take the 11+ transfer test, despite the fact that integrated secondary schools take children of all ability and therefore do not require children to take the test.

In a recent article, Chris Moffat argues that the existence of the 11+ transfer test is a contradiction of human rights.²¹ The Children's Law Centre in Belfast is to carry out a separate Northern Ireland review of the influence of the U.N. Convention of the Rights of the Child. She makes the point that even modern constitutional theory stops short of according citizenship rights to children²² and that the Government of the United Kingdom has not complied with Article 12 of the convention that asserts the right of children having their view on education taken into account. She maintains that the 11+ transfer test discriminates unfairly between pupils, and does not conform with Article 28, which affirms children's rights to education "on the basis of equality."²³ The rationale for this is that most parents and schools approve of the 11+ transfer test. Nevertheless, there is

21. Chris Moffat, *Education and Democracy*, FORTNIGHT (Belfast), Nov. 1998, at 19.

22. *Id.*

23. *Id.*

evidence to suggest that it discriminates on class grounds, against the working class. Eamon Baker, using the 11+ transfer results from one school in the Creggan district of Derry/Londonderry, illustrates this point:²⁴

Of Children from Privately Owned Houses:

Grade A	37%	Grade B	17%	Grade C	9%
Grade D	31%	Opt Out	6%		

Of Children from Publicly Owned Houses:

Grade A	0%	Grade B	6%	Grade C	10%
Grade D	50%	Opt Out	34%		

From this, he deduces that a child's address seems to have significant bearing on the type of school that he/she will attend at secondary level.²⁶ He argues for a more inclusive form of education that does not disadvantage already disadvantaged children. He makes the point that a lot of European Funding for Peace and Reconciliation is to help counter social exclusion. This is deeply ironic when we systematically construct our education system to legitimize exclusion.²⁷

Our experience has been that it is difficult to get time to do EMU work with classes while they are preparing for the 11+. Where we were able to incorporate the peer mediation program, we received feedback that the half-day workshop each week was one time when children were able to focus on cooperation and self-esteem, and to help them to deal with the demands of the preparation for the 11+ transfer.

Community relations has been defined in terms of equity, diversity, and interdependence.²⁸ Philosophically, the 11+ transfer test undermines community relations work as it is socially divisive. Relying exclusively on competition, the 11+ test is the antithesis of a cooperative and equitable process. In the new dispensation, there is a strong argument for its removal.

If we are to teach young people about citizenship, the practical application of what they learn cannot wait until they leave school. It is incumbent on schools to provide

24. Eamon Baker, *11 Plus - Time to Call Time*, FINGER POST (Derry), Nov. 1996.

25. *Id.*

26. *Id.*

27. *Id.*

28. See KARIN EYBEN ET AL., *A WORTHWHILE VENTURE? TACTICALLY INVESTING IN EQUITY, DIVERSITY AND INTERDEPENDENCE IN NORTHERN IRELAND* (May 1997).

opportunities for participative democracy while they are still students. The Peace Education Network in Britain has outlined values and attitudes required for Peace Education.²⁹ They include respect for others, empathy, a belief that individuals and groups of people can make a positive change, appreciation for and respect for diversity, self-esteem, social justice, nonviolence, concern for the environment, and a commitment to equity. These values and attitudes should also be the basis for citizenship and tolerance.

There is a strong argument for these values and skills to be identified and made relevant to the youngest of school-age children. The growth of "Circle of Time," a process whereby a regular time is given over to the children and their teacher to share ideas, feelings, and listen to each other in a circle, is an example of an innovative way of establishing participative democracy with younger age-groups.

A "Towards a Culture of Tolerance" working group has recently been established to advise the Minister of State for Education at the Northern Ireland Office on the strategic promotion of EMU. In the aftermath of the Agreement, a new executive will be established with a new Northern Irish Minister for Education. This working group, informed by practitioners in the classroom, has a golden opportunity to urge release from the stranglehold of a subject-based cognitive approach to education, and give sufficient cognizance to the need for emotional intelligence and problem-solving to be part of the strengths of children during and after school.

If we are to have confident young people who are willing to take risks for peace, be it in the playground, the classroom, or in politics, as Monica McWilliams advocates, then it will require major changes in the structure, and values of education, and a greater emphasis on participative democracy in the classroom, as well as in society.

29. See *Towards a Culture of Peace: The Part Peace Education Can Play in UNESCO's Programme to Make the 21st Century Nonviolent* (working and discussion document prepared for Peace Education Network, Nov. 1998) (on file with the *Fordham International Law Journal*).