Petitions of Concern

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Overview

• Problems with the Petition of Concern

• Options for Reform
Key Features of the Veto

• a “limited user” veto

• …with “hard” effects

• …and an undefined scope
Impact on Productivity

- The nature of the impact?
  - Less impact on legislation than one might think

- Frequency of Use?
  - Only a slight increase (but a worrying trend)

- Comparative Productivity?
  - No dramatic difference from Scottish Parliament
The Potential for Abuse

• What is an appropriate use?
  Decisions relating to…
  1) *language, culture, and symbols*
  2) *the legacy of the conflict*
  3) *the institutions set up under the GFA*

• Who has abused the Petition of Concern?
  - basically everyone!
2 Options for Reform

Option 1: Defining the Scope of the Veto

Option 2: Subjecting the Veto to Review
Option 1: Defining the Scope of the Veto

Examples:
• Macedonia (post-Ohrid Agreement)
• Cyprus (1960-63)

Problems:
• some potential for abuse will remain (veto bargaining)
• difficult to define vital interests in advance (at least in NI)
Option 2: Subjecting the Veto to Review

Criteria of Review:

• Human Rights and Equality?

• Listed + Analogous Categories?
Option 2: Subjecting the Veto to Review

The Mechanism for Review:

- Judicial Review
  - e.g. Bosnia’s Constitutional Court

- Political Review
  - e.g. the Assembly’s Presiding Officer
Conclusion
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