



Knowledge Exchange Seminar Series (KESS)

...is a forum that encourages debate on a wide range of research findings, with the overall aim of promoting evidence-based policy and law-making within Northern Ireland



Petitions of Concern

Dr. Alex Schwartz
School of Law,
Queen's University
Belfast

a.schwartz@qub.ac.uk

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?

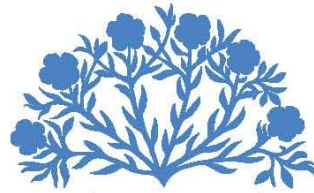
Option 2: Subjecting the Veto to Review

The Mechanism for Review:

- Judicial Review
 - e.g. Bosnia's Constitutional Court
- Political Review
 - e.g. the Assembly's Presiding Officer

Conclusion





Northern Ireland
Assembly



The Open University



Knowledge Exchange Seminar Series (KESS)

...is a forum that encourages debate on a wide range of research findings, with the overall aim of promoting evidence-based policy and law-making within Northern Ireland