



ASI MIND MAP

30 MLA's or 3 EXECUTIVE MINISTERS can raise a Petition of concern - thereby delaying a controversial bill and making it dependent on a cross community vote
It safeguards minorities but also acts as a community veto over major issues thereby leading to deadloc...



WEBLINKS

<http://www.bbc.co.uk/news/uk-northern-ireland-23247074>

<http://www.bbc.co.uk/news/uk-northern-ireland-32831267>



PETITIONS OF CONCERN

WHAT IS A PETITION OF CONCERN?
A petition of concern is one of a number of elements introduced into the Northern Ireland Assembly to ensure power sharing by protecting communities rights.
It was regarded initially as an essential safeguard for communities and minorities. It was to be used in cases where human rights or equality was threatened. This has since changed and been interpreted and used very differently
A petition of concern requires 30 MLA's to support it at Stormont
Any vote taken by the assembly can be made dependent on cross-community support if a petition of concern is presented to the assembly speaker.
In such cases, a vote on proposed legislation will only pass if supported by a weighted majority (60%) of members voting, including at least 40% of each of the nationalist and unionist designations present and voting.
Effectively this means that, provided enough MLAs from a given community agree, that community can exercise a veto over the assembly's decisions.

POSITIVES

This serves to protect minorities and prevent one community dominating another. It should prevent legislation that is clearly partisan.

Use of the petition of concern has led to successful compromise. A good example would be the NATIONAL CRIME AGENCY. This is like the British FBI and has considerable powers to investigate criminal networks and seize assets. This was rejected by a nationalist petition of concern initially. However the SDLP removed their concerns who the PSNI was given a scrutinising role over the agency in NI.

The DUP have used the POC 86 times
Sin Fein and the SDLP have used it 29 times

NEGATIVES

However, this also has serious flaws, many of which have become apparent recently:

- 1) It slows down the legislative system and prevents innovative and perhaps necessary changes. It's use by SF to block welfare reform brought the assembly to the brink of collapse. The use of it by the DUP on gay marriage has also been criticised as being conservative, out of touch and undemocratic
- 2) It can also create as much division as unity at Executive / Assembly level. The issues vetoed are community issues. There is little compromise and more intransigence.
- 3) This has been said to have been abused. The only party with over 30 votes (required for petition of concern) were the DUP. Did this allow them an effective VETO on policies? Petitions of Concern have been used more than 115 times in the last five years. Is this holding up business for political reasons?
- 4) The petition has been used to protect ministers from being held accountable. The DUP used it for example to protect their minister Nelson McCausland from investigation over suspected wrongdoing. It has been used three times for this reason with different Minister. Does this prevent effective democracy and scrutiny ?



QUOTE
Ex SDLP leader Mark Durkan described it as being used ' LIKE A JOKER'

WHEN HAS IT BEEN USED?
Petitions of concern have been used over 115 times from 2011-15 . They have been used increasingly so in recent years and have themselves become a concern.

EXAMPLES OF THEIR USE:

- 1) WELFARE REFORM: Sinn Fein supported by the Greens and Alliance issued a Petition of concern over the introduction of the welfare reform act. This has effectively delayed the crucial bill and put the assembly's future on hold.
- 2) SPADS BILL: Jim Allister (TUV) successfully introduced his SPADS Bill into legislation overcoming a potential petition of concern from SF as the SDLP abstained . This left them 1 short of the vital vote needed. SF unlike the DUP have 1 short of the crucial 30 needed to have a party veto.
- 3) Marriage equality: a DUP petition of concern was used effectively to stop the introduction of a vote on legalising gay marriage in Northern Ireland.
- 4) National Crime Agency: the introduction of this was opposed by SF with SDLP support. It has since been passed having been re negotiated to give the PSNI certain operational control over its use in NI
- 5) The DUP controversially used it to protect Nelson McCausland from a potentially damaging inquiry into his conduct as Minister and whether he abused his power. It has been used three times to protect ministers.

QUOTE by JOHN McCALLISTER in Belfast Telegraph
As a guaranteed blocking mechanism, petitions of concern allow political parties to be reckless for electoral gain; to place party politics ahead of good governance.
Forcing MLAs to designate as unionist, nationalist, or other, ensures that, when push comes to shove, tribal politics trumps politics based on economic and social policies.
Petitions of concern also disenfranchise all Alliance and Green Party voters - in a democratic society to remove the vote from any elected representative, for any reason, is wrong and against basic democratic principles.