

# Proposed Brexit deal blocked by Northern Ireland's Democratic Unionist Party

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Prime Minister Theresa May's government was forced back into negotiations with the Democratic Unionist Party (DUP), after it stymied a draft agreement reached between May and the European Union (EU) paving the way for the move to a second phase in talks over Brexit.

May's crisis-ridden government depends on the DUP's 10 MPs for a workable majority in Westminster.

Prior to May opening talks with European Commission chief Jean-Claude Juncker Monday, the parties had largely agreed a deal over two of the three issues the EU insisted must be resolved before talks covering the UK's future trading relationship with the EU could proceed. May had agreed to double the proposed divorce settlement to somewhere close to the £50 billion the UK would pay to the EU and had formulated an apparently acceptable proposal on the rights of EU citizens already residing in the UK post-Brexit.

Whatever shortfall there was would, both sides indicated, be within the loose criteria of the UK having made "sufficient progress" to justify continuing to phase two.

However, in recent weeks, the EU had made the main issue to be resolved that of the post-Brexit border between the Republic of Ireland, an EU member, and Northern Ireland which is part of the UK. And on this too, the suggestion was that a suitable fudge would be proposed so that the issue could still be discussed in phase two.

The EU has set a deadline of the EU Summit on December 14 to conclude the first stage of talks.

By Monday morning, the May government was preparing to announce a deal after seven months of acrimonious talks. Brexit Secretary David Davis said he was hopeful that an agreement would be reached at the May/Juncker talks later that day.

However, Irish broadcaster RTE leaked details of the draft agreement suggesting that May was proposing there be no "regulatory divergence" between the Republic of

Ireland and Northern Ireland post-Brexit—meaning that Northern Ireland would effectively remain tied to the EU's Customs Union. According to another leak, the draft agreed Northern Ireland would remain in "regulatory alignment" with the EU in key areas of the economy.

This sparked a furious response, with the *Daily Mail* citing a senior Conservative source saying the DUP had "gone ballistic." The *Mail* reported, "The party even threatened to pull out of a deal to prop up the Government at Westminster. 'They are seething,' the source said."

By mid-afternoon, DUP leader Arlene Foster was standing outside the Northern Ireland Stormont Assembly stating that the party would not accept the deal proposed and that "Northern Ireland must leave the EU on the same terms as the rest of the UK. We will not accept any form of regulatory divergence which separates Northern Ireland economically or politically from the rest of the UK."

It was reported that Foster spoke by telephone to May during a break in the talks between May and Juncker. Shortly after, with May and the EU unable to conclude an agreement, they announced in a press conference that there would be no deal on Monday but that talks would resume this week with both sides confident of success.

There is a definite element of politicking and shoring up support among its base in the DUP's stance. Economically, Northern Ireland would only benefit from the arrangement proposed by May, given that it would secure trade with the EU and with the Republic of Ireland and not threaten trade with the UK. However, politically, the agreement was toxic for even suggesting a different arrangement between Northern Ireland and the rest of Britain on trading terms and a shared trading identity with the south.

May left Brussels immediately in an attempt to resolve the crisis with the DUP. She did not meet Foster, but instead instructed the parliamentary chief whip Julian Smith to reach a deal with DUP Westminster leader Nigel

Dodds on terms that would be acceptable to them regarding the border issue.

On Tuesday, May met with senior cabinet figures and discussed by phone with Foster and Michelle O'Neill, leader of Sinn Féin in the Northern Ireland Assembly, as she prepared to return to Brussels for further talks.

The government is attempting to placate the DUP on the basis that Northern Ireland aligning regulations with the EU would only have applied to specific aspects outlined in the 1998 Good Friday Agreement, including energy, agriculture and transport. They claim that under the deal all other aspects of economic life could be subject to future change by the British government and by the Stormont Assembly without any reference to the EU.

At the moment, Foster is still expressing how “shocked” she is by the proposal and firing verbal salvos against Irish premier Leo Varadkar. But, somewhat embarrassingly for May, immediately on details of the proposed UK/EU deal being spelled out, other factions of the ruling elite not only said that it should be accepted but that the same regulatory framework should be adopted throughout the UK.

Scottish First Minister and Scottish National Party leader Nicola Sturgeon tweeted, “If one part of UK can retain regulatory alignment with EU and effectively stay in the single market... there is surely no good practical reason why others can’t.”

The Labour Party’s Welsh First Minister Carwyn Jones was in agreement.

Labour’s London Mayor Sadiq Khan tweeted, “Huge ramifications for London if Theresa May has conceded that it’s possible for part of the UK to remain within the single market & customs union after Brexit. Londoners overwhelmingly voted to remain in the EU and a similar deal here could protect tens of thousands of jobs.”

The proposed deal then prompted a backlash from a number of “hard Brexit” Tory MPs, who want as few concessions made to the EU as possible. Jacob Rees-Mogg stated, “You cannot align the regulation of one part of the UK with the EU. And if we align the whole of the UK with the regulation of the EU, we haven’t left the EU.”

In parliament Tuesday, Brexit Secretary David Davis gave a statement on the talks saying that the government and the EU “remain confident of reaching a positive conclusion in the course of the week.”

Davis tried to square every circle: Any Brexit deal applying to Northern Ireland would also cover the rest of the UK, he said. But “regulatory alignment” with the EU

was not the same as having exactly the same rules as the EU, or remaining in the single market. “Alignment... isn’t having exactly the same rules. It is sometimes having mutually recognised rules, mutually recognised inspection—that is what we are aiming at.”

Rees-Mogg responded that “regulatory divergence” from the EU after Brexit was a “red line”. Another Tory, Owen Paterson, said “no deal is better than a bad deal” and that May should be prepared to walk away from talks with the EU over the issue of the Irish border.

However, these are minority positions. The majority, even of those MPs who supported Brexit, and to whom May has been in thrall, have accepted the necessity of concluding a deal largely on the EU’s terms.

In addition, with the crisis wracking the German ruling elite, who have been unable to form a government since federal elections in September, the EU leaders do not want to see the Brexit crisis escalated any further.

The extent to which the EU leaders are supportive of moving to the next stage of negotiations on trade was demonstrated by Spanish Prime Minister Mariano Rajoy, Tuesday. He authored an article for the *Guardian*, which hailed the May government for its support in opposing Catalan separatism before stressing, “I am absolutely convinced that, as soon as possible, we will get into the second phase of Brexit negotiations.”



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