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Written by Andrew McQuillan, Political Consultant on 12 December 2017



The puffs of white smoke which emanated over Brussels and Arlene Foster's Enniskillen home in the early hours of this morning seemed unlikely yesterday. Back then the DUP's hardball attitude to the Brexit negotiations had been reiterated with characteristic Ulster robustness, with a source stating that in the game of who would blink first, they had cut off their eyelids long ago.

The first inklings that substantive movement on the Irish question had occurred came when the BBC's Laura Kuenssberg tweeted last night that the DUP Westminster leadership had signed off on the new proposal. With devolution in flux, the locus of power within the party has swung from Belfast to London, with the recent party conference and tumult at Westminster showing that Nigel Dodds holds the levers of power.

Of the DUP ten, Dodds' Eurosceptic credentials are the most long-standing and the most hard-line. That he was satisfied with the new proposal was a sure-fire sign that the Prime Minister had permission to move on to Brussels to seal the deal. It is understood that the key aspect of the agreement for Dodds and the party high command was the fact that trading regulations with Ireland and the whole of the EU would be UK-wide.

Paragraphs 48-51 of the paper are the most significant for Ireland. Both sides have already started claiming different parts as a glittering triumph; the old certainties of the zero-sum game are never far from the surface.

The significant gains for the Irish Government are: the island of Ireland enjoying full alignment with the customs union and single market even if that means the entire UK adhering; the EU rights of Irish citizens in Northern Ireland being guaranteed and the prospect of increased north-south cooperation. This initial reading seems to suggest that Northern Ireland will still be getting a lot of EU after March 2019, something the DUP will be keen to gloss over. No wonder some have claimed Leo Varadkar and Simon Coveney have outmanoeuvred the UK.

The DUP will sell the deal to the unionist electorate as a firm commitment that there will be no hard border, that the border will not move to the Irish sea and that Northern Ireland will not achieve some “special status”, a term used by Sinn Fein, hastening the Province’s decoupling from the UK. They will present it as a vindication of their proximity to the Tories and that old Lyndon Johnson saying about J. Edgar Hoover and being in the tent. The only intra-unionist criticism has predictably been aimed at them by Traditional Unionist Voice, an anti-power sharing splinter party led by one-time DUP MEP Jim Allister.

Paragraph 50, which outlines that it is up to the UK to ensure that no new regulatory barriers between Northern Ireland and the rest of the UK emerge unless the Northern Ireland Executive and Assembly agree that “distinct arrangements are appropriate for Northern Ireland” is the significant passage.

If an empowered Stormont is to play a decisive role in maintaining a harmonised regulatory framework, the onus is on Sinn Fein and the DUP to return to power as soon as possible. Whether this is enough to bypass the existing stalemate remains to be seen; devolution with a purpose could kick life into the political career of MLAs, not least Arlene Foster. Yet, given the Assembly’s track record of navel gazing and conspicuous lack of delivery, this may be expecting too much. The DUP have also said this requires more detail, especially as to how any alignment could be effected without staying in the single market and the customs union and what areas will require it.

That DUP scepticism alights on the major issue with this document, namely the deliberate ambiguity which runs through it. The Prime Minister faces the seemingly Byzantine scenario of adhering to or mimicking EU rules while staying true to the buccaneering free-trade desires of Liam Fox. Theresa Villiers’ expressed unhappiness about aspects of the deal is perhaps a more realistic indication of the Tory Brexiteer mood than Michael Gove’s overplayed football analogies of this morning.

From the jaws of seeming defeat Theresa May has snatched some respite with a move which appears to kick the can down the road. However, to consider this document as an answer to that most vexatious of questions, that of Ireland, would be wrong. As Leo Varadkar said this morning, this is not the end but the end of the beginning.

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