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Sam McBride: It is the DUP, not the EU, which has blinked – but Arlene Foster can't admit that



Arlene Foster has denied that the DUP has conceded on its 'one red line' but the evidence is overwhelming

Even in the world of politics, known for spinning and massaging the facts to suit, the DUP's denial of a massive Brexit U-turn this week is audacious.

Three weeks ago, The Times' front page reported that the DUP had handed Boris Johnson a lifeline by agreeing to "shift its red lines in a move that could help to unlock a Brexit deal".

It reported that "significantly, the DUP has also said privately that it would drop its objection to regulatory checks in the Irish Sea, a measure that it previously claimed was unacceptable as it would separate Northern Ireland 'politically and economically' from the mainland."

The paper said it had been told that the reciprocal move from Brussels would have to be an acceptance that Northern Ireland would not be remaining in the EU customs union.

The story was immediately met with a response from Arlene Foster which was intended to sound dismissive, but was in fact vacuous.

She tweeted: "UK must leave as one nation. We are keen to see a sensible deal but not one that divides the internal market of the UK. We will not support any arrangements that create a barrier to East West trade. Anonymous sources lead to nonsense stories."

That final sentence caught my eye because it was and is gibberish. Every party – including the DUP – briefs stories anonymously every week, as do whistleblowers.

Mrs Foster knows that, so why say something so illogical?

We can all say foolish things when under pressure and the exaggerated nature of Mrs Foster's response hinted at the truth – that the article was accurate and she was embarrassed at the truth emerging without being carefully managed by her spin doctors.

In the hours that followed, Sammy Wilson went further, accusing the author of the article, The Times' respected policy editor Oliver Wright, of "bad journalism".

It has taken just three weeks for the predictions in The Times' report to be overwhelmingly borne out, with obvious implications for the credibility of Mrs Foster and Mr Wilson.

But, perhaps because of the abrupt nature of the DUP's U-turn, the party has this week adopted a second stance which is nonsensical: Claiming that its willingness to accept an Irish Sea regulatory border is simultaneously both a major compromise and no compromise at all.

Boris Johnson's letter to the EU in which he set out his offer – endorsed by the DUP – of a solution to the Irish border conundrum not only contains the word "compromise" four times but is headlined 'A fair and reasonable compromise'.

The thrust of his position is that both Dublin and Brussels now need to respond by being similarly reasonable and open to compromise.



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There has been a fairly dismissive response to the proposal from EU capitals and from the overwhelming bulk of business organisations in Northern Ireland.

But, setting aside whether this offer is any more workable than the backstop, it is predicated on the idea that it is a compromise. The key objectors to the backstop – for which Mr Johnson himself voted – have not been the government, but the DUP.

The weight attached to this week's letter from the prime minister is due to it carrying the imprimatur of Mrs Foster, signalling that it is a DUP compromise.

The heart of the proposal is for Northern Ireland to be outside the EU customs union, from the DUP's perspective a substantial improvement on the backstop, but to be largely inside the EU single market – meaning that EU regulations would apply to many of the goods in Northern Ireland, unlike the situation in GB.

Of critical importance in Mrs Foster's eyes is that there would be a role for Stormont in deciding whether EU regulations would apply here.

That not only gives the DUP itself, and unionism in general, a say in what will happen, but also goes some way to addressing one of the reasons which had driven some people to vote to leave the EU in the first place – the lacuna of direct democratic accountability in how EU regulations are made. Under the original backstop, there would have been even less democratic accountability, leading to the potential for regulation without representation.

From the DUP's perspective, this new deal is therefore better than the backstop.

The difficulty for the DUP is that it sold this issue as one on which it would never compromise; on which it said that to do so would be to harm the Union itself. In November 2017, Nigel Dodds told the DUP conference: "Make no mistake... for us the integrity of the United Kingdom is non negotiable....there will be no internal UK border in the Irish Sea."

That same day DUP MEP Diane Dodds said that the DUP opposition to an internal UK border was driven by the "economic necessity" of keeping parity with GB in the very sector which is specified in Mr Johnson's letter to diverge – agri-food. She said that almost two thirds of local agri-food produce is sold within the UK and "cutting Northern Ireland adrift from Great Britain...would be an act of economic vandalism".

That same month Sammy Wilson told the BBC: "If there is any hint that, in order to placate Dublin and the EU they're prepared to have Northern Ireland treated differently than the rest of the UK, then they can't rely on our vote.

"They have to recognise that if this is about treating Northern Ireland different, or leaving us half in the EU, dragging along regulations which change in Dublin, it's not on."

Again that month Arlene Foster told journalists: "Northern Ireland must leave the EU on the same terms as the rest of the United Kingdom. We will not accept any form of regulatory divergence which separates Northern Ireland economically or politically from the rest of the United Kingdom.

"The economic and constitutional integrity of the United Kingdom will not be compromised in any way."

A year ago, Mrs Foster was utterly categorical about the issue. When asked by Bloomberg if she would "accept any checks across the North Sea [sic], even if they are of a regulatory nature; not customs checks", Mrs Foster smiled and said: "No, and it's been very clear all along that has been our one red line – that we cannot have either a customs border down the Irish Sea, or a regulatory border because that would make us separate from the rest of the United Kingdom."

It is impossible to reconcile those words with the position now adopted by the DUP – that because of some as yet unclear role for Stormont in the process, such a regulatory barrier between Northern Ireland and the



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rest of the UK would be anything less than what the DUP in its own argument said would be a constitutional outrage.

Even the Assembly mechanism which the DUP has constructed was this week sharply criticised by Lord Caine, who until July was the staunchly unionist special adviser to the secretary of state. He warned that what the DUP was proposing would be "used as a proxy for a border poll every four years".

If David Trimble had performed a U-turn as abrupt and consequential, the DUP would have crucified him.

Surprisingly, given that the party denied in March that it was discussing cash in exchange for supporting a Brexit deal, Mr Johnson's letter alludes to a huge injection of money as part of the deal. That opens up the potential for the DUP's opponents to argue that it has literally sold out to endorse on something which it has said will weaken Northern Ireland's place within the Union.

It may be that the DUP believes that this deal will be rejected by the EU, but will show it to be reasonable and thus avoid the blame for any potential no-deal scenario.

But even if that happens, the party has made a major concession which weakens the strength of any future claims about its 'red lines'.

However it also disproves the overconfident claims of some Brexiteers and DUP members that in the final reckoning it would be the EU which would blink and put pressure on Dublin to compromise.

In fact, never realising the magnitude of that for which it argued when campaigning for Brexit, it is the DUP which has blinked.