

DUP embarrasses May

Prime minister forgets negotiation fundamentals

by Joergen Oerstroem Moeller in Singapore

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Talks in Brussels on Monday expected to open a new chapter in negotiations on the UK's exit from the European Union ended unsuccessfully. This is not because British and EU negotiators could not agree on the major issues of Britain's financial contribution, the right of EU citizens in Britain, and the border between Ireland and Northern Ireland. Rather, it is because the Northern Irish Democratic Unionist Party, which gives Prime Minister Theresa May her slim majority in the UK parliament, refused to accept the deal on the Irish border.

May has forgotten the fundamental principle behind international negotiations: first, secure your domestic position so you do not strike a deal which is rejected at home. It is embarrassing and undermines later talks. The EU will be reluctant to offer concessions when it is unconfident that May's government will be able to approve agreements.

In December 2016 May stated in the House of Commons, 'What's important is that, when we leave the EU, people want to ensure that it's the British government that decides how taxpayers' money is spent.' She refused to support Philip Hammond, her chancellor of the exchequer, who argued it might be necessary to pay for a trade deal. But this is a distinct possibility. After offering €20bn in September, May seems willing to pay up to €50bn. According to reports, she won over her cabinet by linking such an offer to a trade deal – the course she dismissed at the end of 2016.

In a speech in January 2017 May used uncompromising language, saying the UK should 'take back control of our laws and bring an end to the jurisdiction of the European Court of Justice in Britain'. She added, 'Leaving the EU will mean that our laws will be made in Westminster, Edinburgh, Cardiff and Belfast. And those laws will be interpreted by judges not in Luxembourg but in courts across this country.' Seven months later, the government declared its openness to preserving the direct authority of the ECJ throughout the transition period after March 2019. But no one knows how long this period will be, and rumours have swirled around hybrid constructions. It is uncertain which court will have the final decision on disputes about the rights of EU citizens living in Britain.

Questions on the Irish border will be decided neither in London nor Brussels, but in Belfast and Dublin. This is a charged question for Ireland and Northern Ireland.

The meeting on Monday was advertised by some as a final deadline; it wasn't. Perhaps May can coerce the DUP into accepting a deal. If so, Brexit negotiations will move into the coveted phase of future trade relations, albeit with a weakened prime minister. Questions will be raised over May's ability to offer the concessions which such negotiations imply. The hard-core Brexiteers, the power-hungry opposition Labour party and the DUP will assert themselves.

If 2017 passes without a breakthrough, May's leadership will be gravely threatened. The inevitable conclusion will be that Britain is left without a government capable of leading.

Joergen Oerstroem Moeller is Senior Research Fellow, ISEAS Yusof Ishak Institute, and a former State Secretary at the Danish foreign ministry.