

Catharsis, not compromise, is what Brexiteers want.

John Bruton

A NO DEAL OUTCOME TO THE BREXIT SAGA HAS BECOME INCREASINGLY LIKELY BECAUSE PRIME MINISTER MAY HAS DECIDED THAT HER PRIORITY IS TO AVOID A SPLIT IN THE CONSERVATIVE PARTY. SHE HAS CALCULATED THAT, IF SHE TRIED TO GET HER DEAL THROUGH WITH MAINSTREAM LABOUR SUPPORT - HER CONSERVATIVE PARTY WOULD BREAK UP. SHE WOULD LOSE 50 TO 100 MEMBERS OF PARLIAMENT AND CEASE TO BE PRIME MINISTER. SHE IS TRYING INSTEAD TO WIN OVER INDIVIDUAL LABOUR MEMBERS BY PROMISING SPENDING IN THEIR CONSTITUENCIES, A DESPERATE TACTIC THAT CORRUPTS THE POLITICAL SYSTEM.

Should, or could, the EU make concessions that would help out Mrs May?

Even if the EU side wanted to make concessions to the UK on the terms of its Withdrawal, it has no way of knowing if Mrs May would have the political authority to get any such modified deal through the House of Commons. When one contrasts what leading Brexiteers, like David Davis, were saying a few years ago about what might be acceptable, with what they are insisting on now, it appears that nothing will satisfy them, and that every concession will be met by a new demand. It is catharsis, rather than compromise, that Brexiteers are after.

This is the point that needs to be addressed by those who are already laying the ground work for blaming “brinkmanship” by the EU, and particularly by Ireland, if the UK crashes out of the EU on 29 March. These bar stool critics, and the UK government itself, have so far been shy in coming forward with practical ideas

that would get a majority in Westminster, and also respect the integrity of the EU market.

One person who has come forward with ideas to break the deadlock is the University College Dublin (UCD) economist, Karl Whelan. He says that one of the reasons advanced by the Democratic Unionist Party (DUP) for rejecting the backstop, namely that the backstop would place a barrier in the way of Northern Irish exports to Britain, is without foundation. He says that under the backstop, exports originating in Northern Ireland would go through a Green channel at Belfast port with no checks or controls. Only goods originating in the Republic of Ireland, or further afield in the EU, would have to go through a red channel, where there might be checks.

And, at the same time, Northern Ireland exporters would have free access to the EU across the open land border in Ireland. They would have the best of both worlds. Karl Whelan goes on to suggest that, to get the Withdrawal Deal across the line in the House of Commons, the EU side might consider two extra concessions.

The first is an option that, at some future point after the end of the transition period, Britain could leave the joint Customs Union with the EU, on condition that Northern Ireland (NI) remained in the Customs Union and aligned with EU goods regulations. This would deal with the Brexiteer fear that the EU is trying to “trap” Britain in the Customs Union, which is not the case.

The second part of his proposal is that voters in Northern Ireland try out the backstop for a few years, but that, after (say) five or more years, they could have a referendum, in which Northern voters could decide to opt out of the backstop. He thinks they would opt to stay in it because by then they would have experienced the “best of both worlds” that the backstop gives the Northern Irish economy.

There are two problems with this idea. The suggested referendum could further deepen the Orange/Green split, and the very possibility of a referendum would introduce a new element of uncertainty for business in both parts of Ireland. Referendums are inherently risky and influenced by extraneous issues. But the delay inherent in his proposal would allow time for the supposed technological fixes for a hard border to be road tested.

That said, his referendum would be far less divisive than an outright border poll on leaving the UK altogether, which could flow from a “No Deal” Brexit.

Opinion polls in NI suggest that a majority there would opt to stay in the UK if the UK were to remain in the EU. Opinion would be equally split under the backstop, but the polls say opinion would increase dramatically against staying in the UK, if there was a “No Deal” Brexit. In those circumstances a border poll on NI leaving the UK altogether would be hard to resist under the terms of the Good Friday Agreement. Under that Agreement, such a poll MUST take place if a majority in NI want it. Brexiteer “Unionists” in Britain are foolishly playing with fire, by their brinkmanship and flirtation with a No Deal.

Another idea for breaking the deadlock has come from the German Ifo Institute, in a [paper](#) published only last month. This proposal would involve dumping the entire EU negotiating approach so far, and instead offering the UK membership of a newly constituted European Customs Association, through which the UK would have influence on EU trade policy and vice versa. It suggests that Turkey might also be invited to join this European Customs Association. This Customs Association idea might mitigate the “vassal state” objection to the UK joining the EU Customs Union, as a simple rule taker.

But I would question the wisdom, and perhaps the motivation, of bringing forward such a proposal at this

impossibly late stage, as a possible solution to the present crisis. The timing is wrong.

It might have been helpful, if it had been published when Theresa May wrote her original Article 50 letter in 2017, but it has little value, as a way of averting a No Deal crash out on 29 March.

If the UK eventually accepts the Withdrawal Treaty, or if it decides to withdraw its Article 50 letter, the Ifo proposal might be considered then. To have any traction, it is an idea that would have to come from the UK side, not from a German think tank. But both the Whelan and Ifo proposals are designed to help the UK clarify what it wants.

The problem is that UK opinion on Brexit has become so polarised, and so tied up with questions of identity, and political party discipline has been so damaged, that it is hard to see the House of Commons assembling a political will to deliver anything, except slipping into a chaotic No Deal.

I hope I will be proven wrong.

John Bruton is a former Irish Prime Minister and former EU Ambassador to the United States.

The Wilfried Martens Centre for European Studies is the political foundation and think tank of the European People's Party (EPP), dedicated to the promotion of Christian Democrat, conservative and likeminded political values.

This publication receives funding from the European Parliament.

© 2019 Wilfried Martens Centre for European Studies
The European Parliament and the Wilfried Martens Centre for European Studies assume no responsibility for facts or opinions expressed in this publication or their subsequent use.

Sole responsibility lies with the author of this publication.

Wilfried Martens Centre for European Studies
Rue du Commerce 20
Brussels, BE – 1000
<http://www.martenscentre.eu>