

Revenge of the DUP – will they be responsible for reversing Brexit?

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I am not ashamed to say that I spent much of Saturday watching the Parliamentary Audio-Visual Service live as MPs debated Boris Johnson's withdrawal "deal". Yes I had things I would rather have been doing, but then I guess that all the MPs summoned for this "Super Saturday" felt much the same way.

Still, given the importance of the moment, with its potential to lead to the biggest realignment of the UK economy and polity since 1973, one could only say that perhaps MPs should be doing a lot more weekend sittings.

The most dramatic part of the day of course had been the vote on the "Letwin Amendment", put forward by former Conservative MP Sir Oliver Letwin; that would withhold assent for Johnson's withdrawal agreement until all its constituent legislative pieces had been voted on by the Commons.

Suffice to say the effects of this successfully-passed amendment are two-fold. First, in denying the Prime Minister assent by the House of Commons to a withdrawal agreement by October 19th, it enabled the Benn-Burt Act to automatically kick-in, "requiring" the PM to write a letter to the EU asking for an extension of the UK's membership to January 31st 2020 (more on this below).

Second, in forestalling parliamentary approval of the withdrawal Bill (assuming that the Speaker denies the Government another "meaningful vote" today to try again), it prevents Government MPs from subsequently voting against it during the passing of all necessary legislation and thereby annulling a No Deal exit from the EU on October 31st.

Letwin himself stated that his only motive for such an amendment was to give MPs time to properly scrutinise the agreement, given that most would only have had hours to read it and the Government had refused to provide any kind of economic assessment of its impact.

Indeed, Letwin had stated that he was mindful to support Johnson's agreement but on the condition of adequate time for Parliamentary scrutiny. How many other MPs who voted for his amendment are inclined to feel the same way is difficult to say, although if a dozen or so did then that could get Johnson's "deal" over the line in any subsequent vote.

In any event, having kicked the can down the road for a bit, two other features of Saturday's result now assume greater significance: that is, the stance of the Democratic Unionist Party (DUP) of Northern Ireland (NI), and that of what amendments to further attempts to pass the withdrawal agreements might be put forward.

In considering the first, the DUP, having been 'thrown under a bus' by the PM because of NI in effect facing a customs barrier with the rest of the UK, promptly declared that they would vote against the deal, and did so. Indeed, given that the final margin of the Letwin Amendment was 16 votes, it could be argued (as the DUP do) that their support was pivotal to its success.

As such, this has led to conjecture amongst pundits that the DUP would subsequently support amendments (i.e. the Kyle-Wilson amendment) to facilitate another referendum. However, DUP politicians have been quick to quash such talk, with their Brexit spokesperson Sammy Wilson MP pointing out for example that "[t]he DUP does not seek a second referendum, merely implementation of the first,"^[1]

This should not be surprising, as the DUP are a pro-Brexit party, but with the important caveat that there should be no significant (i.e., customs and regulatory) divergence between NI and the rest of the UK.

Johnson's deal clearly does not satisfy this criterion, and given the existential issue this raises for the DUP as being **unionists** (my emphasis), I do not think that they are going to be won over with any promises of a few more billion pounds sterling for NI in exchange for supporting the PM's deal. As Mr Wilson put it:

"The people of the United Kingdom were asked whether the UK should leave the EU, not whether Great Britain should leave Northern

Ireland behind...We want to leave as one nation. That remains our goal.

“If the Prime Minister remains willing to achieve that outcome he will find DUP MPs as willing partners in that project” (ibid.).

For Johnson then this raises a real problem, and it is hard to see where he can muster any support to redress the voting margin that occurred on Saturday, Oliver Letwin’s express intentions notwithstanding.

MPs that had been expected to have possibly voted for his deal, such as Labour MPs Gareth Snell, Ruth Smeeth and Lisa Nandy or the Lib Dems Sir Norman Lamb, did not. Nor did “rebel” Tories such as Philip Hammond or David Gauke.

For Lisa Nandy, Johnson’s deal was simply unpalatable, as it raised the prospect of further deregulation (that is, the lowering of standards) after exiting the EU. Indeed, in her own words (as cited in the *Daily Mail On-Line* reporting on an interview on Sky’s Ridge on Sunday):

‘What we’ve got is a proposal which.... rips up the workers’ rights and protections and the environmental protections that we spent several months at the start of this year negotiating with the former prime minister.... ‘I will vote for a deal, but this is not a deal.’ [\[2\]](#)

I do not see any of these Labour MPs being won round a second time. It is these fears of a regulatory ‘race to the bottom’ in the rush to get a trade “deal” with the US (well-grounded in fact, I would suggest, given past statements by Johnson, Liz Truss, Dominic Raab and Andrea Leadsom) that will deter these MPs from supporting the Government.

Hence, as was made abundantly clear during Saturday’s debate, Johnson has major issues when it comes to trust by MPs. This was pithily remarked upon by Sir Keir Starmer (Labour’s Brexit spokesperson) in his address to the House, where he commented on the PM’s shafting of his erstwhile DUP “Confidence and Supply Partners”.

Johnson is caught in a bind. He cannot satisfy the DUP, the “European Research Group” (ERG) of hard Brexit Tory MPs and the

EU at the same time if he truly wants a “deal”. This is because to satisfy the DUP and the EU, so as to maintain the customs and regulatory ‘integrity’ of the UK, would require a UK-wide backstop to prevent a return to hard border in NI.

However, this would preclude the hard Brexit the ERG (and a majority of Tory party members) want; a situation which Johnson spent months decrying, and therefore cannot agree to. So I still think this leaves Johnson shy of a majority when he tries to push through all the stages of the withdrawal legislation this week.

It leaves one wondering if there is therefore anything that Parliament could serve up as an alternative to Johnson’s deal that would command majority support amongst MPs.

It looks like Labour will seek to put up an amendment that keeps the entire UK in a customs union with the EU, and approach the DUP and ex-Tories in this regard (which the DUP probably would support); and yet another iteration of the Kyle-Wilson amendment seeking another Referendum.

These both failed when “indicative votes” were held for “alternatives” to Theresa May’s withdrawal agreement, but in the current volatile climate and desperation by the various opposition groupings to get an alternative to Boris’s deal (which is widely seen as a “backdoor” no deal exit), could yet succeed.

Could the DUP extract revenge on the Government by voting for a UK-wide customs union which would kick us back down the road of a softer Brexit, or to no Brexit at all?

And of course, the legal drama that resumes today in the Scottish Court of Sessions against Johnson’s handling of writing a letter to Brussels asking for an extension of the UK’s EU membership to January 31st next year, it promises to be a hot time at the coal face...

[1] *As reported in the Belfast Telegraph, October 20th 2019.*

See <https://www.belfasttelegraph.co.uk/news/northern-ireland/dup-not-seeking-second-referendum-38613118.html>

[2] <https://www.dailymail.co.uk/news/article-7542687/Boris-Johnson-dare-Queen-SACK-SQUATTING-Downing-Street-Brexit-done.html> accessed October 20th 2019.