**Davis: A tough negotiator?**

David Davis has been appointed by the new UK Prime Minister, Theresa May, as the Secretary of State for Exiting the European Union, or as the position is more commonly known, the “Minister for Brexit”.

A number of questions connected to the future negotiations arise given Davis’s appointment. What does he want from the negotiations? How much influence will he have? And how will his appointment be greeted in Brussels and Westminster? This paper will highlight that David Davis is a man with strong views on the EU and that he has the potential to be a tough negotiator.

**Who is David Davis?**

David Davis is not your typical Conservative MP, raised as he was on a council estate in South London and attending a grammar school. After completing university, Davis entered the world of business and spent seventeen years at the sugar company Tate & Lyle. He joined the House of Commons in 1987 and held various high-profile positions including Conservative Party Chairman, Shadow Home Secretary, and Shadow Deputy Prime Minister. He was also twice a candidate for the leadership of the Conservative party in both 2001 and 2005, most recently coming second behind ex-Prime Minister David Cameron.

David Davis is a tough negotiator, as shown by his 2008 resignation as Shadow Home Secretary in protest at the 42-day detention of terror suspects without charge. Importantly, Mr Davis was involved with the EU when he was the Minister for Europe under Prime Minister John Major from 1994-1997. This means that he will already be acquainted with Michel Barnier, the European Commission’s new chief Brexit negotiator, who was France’s Secretary of State for European Affairs from 1995-1997.

It was in this period when Davis acquired the sobriquet “Monsieur Non” in Brussels, due to his apparently inflexible negotiating style, which he himself has described as “constructive obstruction”.

**The impact of his appointment**

The appointment of a Eurosceptic and a tough negotiator to a position of power in the forthcoming EU-UK discussions is significant. Davis’s long held opposition to the European project, coupled with the influence of his fellow Leave campaigners Liam Fox and Boris Johnson, may make a ‘hard Brexit’ a more realistic outcome. This ‘hard Brexit’ infers Britain leaving the single market, but retaining limited access to it on similar terms as to what non-EU nations currently experience. Davis has suggested that he would like to trigger Article 50 (the formal
means of beginning the exit process from the EU) “before or by the beginning of next year”. Ultimately, whatever Downing Street decides, it seems clear that the new Minister for Brexit prefers a swift UK exit from the EU.

**Freedom of movement a “red line”**

On trade, he has professed that the ideal and “most likely outcome” is continued tariff-free access for the UK. In his own words, Davis said that “once the European nations realise we are not going to budge on control of our borders, they will want to talk, as it is in their own interest.”

This statement suggests that Davis sees freedom of movement as a red line. On the issue of rights for EU nationals in the UK, Davis has suggested that a cut-off date on the right to remain in the UK for new arrivals from the EU may be a necessary solution should large numbers of migrants arrive ahead of the conclusion of Brexit.

Such statements suggest the UK is trying to keep all potential issues on the table for the negotiations to extract as much as possible from the talks. Finally, and again distinguishing himself from some of his Conservative colleagues, Davis is a staunch defender of the European Convention on Human Rights (ECHR).

David Davis’s characteristics therefore do not allow him to be easily placed into any typical Conservative box.

However, we can expect a tough negotiator with a long-held dislike for the EU, and a leading figure in negotiations who is seeking a fast Brexit with almost every topic up for discussion - although he would surely like to remove freedom of movement from that list.

**Media Reactions**

- **Denis MacShane (UK Minister for Europe, 2002-2005):** Prime Minister May has appointed out-and-out anti-Europeans like David Davis to represent the UK.

- **Tim Stanley (Daily Telegraph):** Brilliant appointment, increases confidence in Brexit under May.

- **Robert Peston (ITV):** Brave choice - he’s very brainy, but very “marmite” (you either like him or you hate him!)

**A fan of some EU institutions?**

Davis recently took Theresa May’s Home Office to the European Court of Justice over government surveillance, thus revealing that some EU institutions have been of use for him.

**Dates for your diary**

- **End August:** Hollande, Merkel, and Renzi meet in Paris to discuss Brexit.

- **16 September:** Meeting of EU leaders - minus the UK - to take place in Bratislava.

**What’s next?**

We know some of what Davis thinks about Brexit, but we do not yet know what power or influence he will have moving forwards.

He has been placed eighth in the government’s new ministerial ranking. This compares to Boris Johnson in fourth position as Foreign Secretary, and Liam Fox in ninth as the Minister for International Trade. This might suggest that with the Foreign Office retaining a symbolically important position, Johnson himself may well play an influential role in the Brexit negotiations.

Nonetheless, it seems certain that Prime Minister May and Phillip Hammond, the Chancellor, will be pulling the strings for much of the negotiations. However, how those at Downing Street will interact with the new trio of Brexit ministers during negotiations, including the Brexit Minister Davis, remains unanswered.

**Brits in Brussels:** How will Brits working in the EU institutions be affected by Brexit, and how will this shape EU decision-making?

**Article 50:** Guiding you through the most controversial Article of the Lisbon Treaty.

**Freedom of movement and the Single Market:** Do the two key issues in the forthcoming negotiations represent an impossible trade-off?