

The MFF's Half-Empty Glass on Supporting EU Rights and Values

Pavel Havlicek

After four days of intense high-level negotiations, EU leaders have approved a proposal for the Multi-annual Financial Framework (MFF) for 2021–2027. This was a crucial and historic step that responded to the coronavirus pandemic as well as other priorities and challenges faced by the EU, including with the introduction of the Next Generation EU funds, worth €750 billion. The new budget proposal is important also for the EU's cohesion, resilience, and values, which together form one of the MFF's seven budgetary categories.

Many European citizens and civil society actors have been advocating for the EU's next budget to have a strong value orientation, rule-of-law conditionality for funding, or substantial support for the Justice, Rights and Values Programme. From that perspective, the glass is half empty, at least for the time being.

Many politicians, including members of the European Parliament, and experts point to a weak and unclear connection between the rule of law and EU funding in the new MFF, even if this remains to be seen and is open to interpretation by individual leaders. Others point to a dangerous precedent in connecting European values and funding, which risks opening a Pandora's Box of negotiating with individual member states about the EU fundamental pillars and principles.

Given the requirement of unanimity among member states to approve the MFF, it might be better to have the funding conditionality left out of the proposal until the next Council meeting since, in that case, the measures could be approved by a simple majority, making it impossible for individual countries to block the deal. New rounds of tough negotiations on this point can be expected, whether with the European Parliament or some EU members, such as Hungary and Poland. In general, the European Commission and the European Parliament will certainly try to secure sufficient funding for democracy, rule of law, and other fundamental values.

What could be promising in the MFF is the establishment of the Justice, Rights, and Values Programme, which aims to bolster common EU norms and rules as well as the capacity of civil society, which is one of the staunchest supporters of European integration and promoters of rights of EU citizens. However, here, too, the more ambitious vision set by the European Parliament has been for now tempered by the European Council's deal.

Lessons from the EU's External Actions

23 July 2020

In its neighborhood and elsewhere in the world, the EU has been the single biggest external contributor to, and most ambitious actor in, supporting pro-democracy efforts. In a recently published paper for the German Marshall Fund, I looked at examples of good practice and innovative solutions for the internal promotion of European values and principles from the record of the EU's external tools and instruments. Based on the EU's experience in Moldova, Georgia, and Ukraine, three broad sets of recommendations and lessons arise.

First, the Justice, Rights, and Values Programme should not only be sufficiently funded, as requested by the European Parliament already in 2018, but also draw lessons from the European Instrument for Democracy and Human Rights (EIDHR) and European Endowment for Democracy (EED), two key channels for supporting EU values, civil society, and pro-democracy actors outside of the union. The EED provides a good example of how to make grants in a flexible, rapid, and risk-tolerant manner that responds to demand on the ground. The EIDHR can provide inspiration with its support to human-rights defenders, including through its Protectdefenders.eu program—something that is completely missing within the EU.

Second, the EU should publicly endorse civil society actors as key allies in member states and provide them with “hooks” for political and financial conditionality that would allow them to advocate for a positive change. As it has done in Georgia, Moldova, and Ukraine, the EU should combine access to its funding and technical assistance with support for, and mainstreaming of, civil society. The debate about structural and cohesion funds in the EU should be open to these ideas, as well as to smart conditionality and to redirecting funds from national governments to different pro-democracy actors in a country, as the EU has tested in Moldova.

Third, to improve its engagement with civil society, the EU should bolster its presence in the member states as well as enhance its expertise, capacity, and set of skills for engaging in these countries. The most important aspect here relates to strategic communication, especially about common European values. The EU should not shy away from providing all possible and necessary means of support to civil society and independent media in member states to empower them in achieving the goals they share. Once again, the experiences of the EIDHR and the EED in doing so in third countries can provide lessons.

A further consideration is that the EU's practice of outsourcing and sub-granting mechanism has had limited impact on fostering an enabling space for civil society in third countries, with sustainability and strategic vision often missing. In supporting civil society in member states, the EU should follow its recently established external practice of framework partnerships with credible and experienced organizations that have diverse skills, networks, and competencies at hand to meet needs on the ground.

What to Do Next

In any recovery from the coronavirus pandemic and its economic and social impact inside the EU, civil society and independent media will play a crucial role in increasing societal resilience and restoring public trust in the state and its institutions. They will also be instrumental for the full restoration of democracy, human rights, or the rule of law to pre-pandemic times. Therefore, it is critical importance to make the right choices now regarding EU instruments for upholding European values and civil society in member states.

The final stretch in the negotiations over the new MFF and the Next Generation funds are an opportunity to redesign the EU's policies and fine-tune its instruments for achieving these goals in terms of financing and implementation. They provide a chance to unblock some of the bottlenecks in designing support to the EU's

values and principles as well as civil society. This window of opportunity should not be missed because of clashes among member states or struggles between EU institutions.

There is still an opportunity for the European Parliament to push for more substantial funding for the Justice, Rights and Values Programme. But, even within the scope the current MFF proposal, it will be of critical importance to make the best out of this new tool. Along with other new instruments—the Democracy Action Plan, the rule-of-law monitoring, the Media Action Plan, and the Digital Services Act—it can help begin the process of restoration of the rights and values in member states and improving the EU’s interaction with civil society.

This is the right moment to deliver on the EU’s ambitious priorities set by European Commission President Ursula von der Leyen and made by the responsibility of Commissioner Věra Jourová with her portfolio covering democratic consolidation, restoration of the rule of law, and rebuilding the trust and confidence in the EU values. The agreement of the European Council on the MFF serves as a solid basis for that—if it is then translated into concrete projects and policies to serve the interests of European citizens.

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