

Supporting academic freedom in the South Caucasus: what can the EU do?

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Abstract: The EU can use existing and new mechanisms to support states, universities, civil society and other relevant stakeholders to protect and promote academic freedom as a human right in the South Caucasus countries.

Academic freedom is in decline around the world, even in many democratic countries, and is under increasing pressure in the European Union (EU) member states. These tendencies also concern the South Caucasus countries. Armenia, Azerbaijan and Georgia are part of both the United Nations system and the Council of Europe system of human rights protection and have some national mechanisms for the safeguarding of academic freedom as an individual and institutional right under their Constitutions or other national laws, as detailed in a previous policy brief by the present author. In particular, Armenia, Georgia and Azerbaijan have formally recognised elements of academic freedom through constitutional provisions, higher education legislation, and international commitments. Yet the

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gap between written guarantees and lived realities remains significant. In this context, it is argued that the European Union has its own role to play.

Recommended steps for the EU

Besides being part of the Council of Europe, these three states have agreements with the EU, which envisage an approximation of their policies to the EU and create obligations for them to respect and protect human rights in general. In particular, it is worth highlighting the 2021 EU-Georgia Association Agreement; the 2017 CEPA between Armenia and the EU; the 2025 EU-Armenia Partnership Strategic Agenda and the 2025 national Law on Initiating the Process of Armenia's Accession to the European Union; the CPA between Azerbaijan and the EU of 1999, updated in 2017, and the Azerbaijan-EU ongoing negotiation on a new strategic partnership agreement. However, in the related conditionality clauses there are not yet explicit references to academic freedom.

Therefore, a first step for the EU to consider could be the inclusion of **academic freedom protection and conditionality promotion** in future agreements with these countries, or the amendment of the existing ones on mutually agreeable terms. To make the process more effective, the EU can also embed **academic freedom indicators** into the monitoring frameworks of these agreements as well as add the promotion, respect, and protection of academic freedom as an individual and institutional right through funding mechanisms. This of course should be done taking into account that funding conditionality should not be used to punish universities of the South Caucasus, but, rather, to motivate them to act on the basis of the academic freedom principles that the EU is following. This should not be used blindly, without prior evaluation of whether it is the academic community that does not respect academic freedom, or if they receive pressure from the Government. In the case of the latter, conditionality should be used only for government programmes.

As a second step, the EU could **develop a specific strategy**, similar to the EU Strategy for Universities, to support the promotion, respect and protection of academic freedom in the South Caucasus region. In this regard, for example, the EU, under its grant programmes (such as Erasmus+ and Horizon Europe) could create fellowships for scholars at risk in Armenia, Georgia and Azerbaijan. Another aspect of this strategy could be related to the need to address ways of combating foreign interference. The latter is illustrated by the interference of various regional actors and alliances (eg, related to Russia and China) in the general state and universities policies on academic freedom. This also includes building more alliances with countries such as Armenia, Georgia and Azerbaijan who have a similar goal, namely the EU legal approximation.

Another area of cooperation should regard the **EU's technical support** to their national governments' efforts in this area to the extent they are willing to improve the national situation regarding academic freedom, especially concerning the impacts of political polarization, which is very common in both the EU and the

South Caucasus. For example, the European Parliament's Academic Freedom Monitor analysis provides **policy options** which could be applied also to Armenia, Georgia and Azerbaijan, such as developing specific strategies on academic freedom promotion and protection which is context relevant or implementing adequate measures to counter the impact of political polarization on academic freedom. The EU could also offer to the three governments the **advice of experts** on specific areas of improvement to safeguard academic freedom at both the legislative and implementation levels, meaning technical advice focusing on existing gaps.

The European Higher Education Area (EHEA) is another tool the EU could use to support the protection of academic freedom as a human right in the South Caucasus. The EHEA consists of a group of 49 countries implementing reforms in higher education on the basis of common key values (such as academic freedom, institutional autonomy and the participation of students and staff in higher education governance); through this Bologna Process, countries, institutions and stakeholders adapt their higher education systems to make them more compatible and strengthen quality assurance mechanisms, as stressed by Scholars at Risk. One of the overseeing mechanisms is the working group on fundamental values, which considers academic freedom as the freedom of academic staff and students to engage in research, teaching, learning and communication in and with society without interference or fear of reprisal. In this context, the EU Commission is a member of the Bologna Process; and the Bologna Follow up Group could link the participation in EHEA-aligned funding programmes to concrete, measurable national protections for academic freedom, or use the Bologna Process implementation reports to publicly grade and review the states (in this case Armenia, Georgia and Azerbaijan) that suppress university independence or silence researchers and students.

An additional, crucial step for the EU could be to conduct **awareness-raising activities** through EU Delegations in Armenia, Georgia and Azerbaijan to make sure that both the universities and national governments therein are aware of the importance of academic freedom respect, protection, and promotion as well as the consequences of not complying with possible related conditionalities.

It is also noteworthy that the European Parliament Recommendation of 29 November 2018 on the Defence of Academic Freedom in the EU's External Action contained certain recommendations to the EU to hold non-members accountable on academic freedom breaches, including by publicly condemning attacks on academics and universities; by raising cases of academic repression in diplomatic dialogues; by supporting scholars, students, and institutions under threat; and by monitoring trials, imprisonment, dismissals, and violence against academics. These can be very effective tools if used in a timely and impartial manner.

It is also recommended for the EU to actively promote academic freedom through **science diplomacy**, meaning transboundary academic collaboration and exchange. Furthermore, the EU should address academic freedom-related issues

in the **political dialogue**, also mentioning possible breaches of the rights at stake at the level of meetings between decisionmakers such as government representatives and EU policymakers, for instance in the context of the EU-Armenia Human Rights Dialogue or similar forums.

Overall, the EU has existing and possible strong tools to support and keep Armenia, Georgia and Azerbaijan accountable to respect, protect and promote academic freedom from a human rights perspective. Considering the geographic, diplomatic, and economic relations, the EU is a crucial partner for all three countries; hence, it is also influential in terms of safeguarding human rights, if it prioritises this among other issues.