THEORETICAL AND LEGAL-POLITICAL APPROACH TO HUMAN RIGHTS IN THE FOREIGN POLICY OF THE EUROPEAN UNION

Nermine ISMAILI[1], Sheherzada MURATI[1]

[1] University of Tetova "Fadil Sulejmani", Tetovo, North Macedonia
Corresponding author: nermine.ismaili@unite.edu.mk

Abstract

Human rights and fundamental freedoms are the foundation on which both the international order and contemporary democratic societies rest, and their protection and promotion have therefore become central to international relations. The European Union plays a particularly important role in this respect, since through its external action it seeks to promote democracy, the rule of law and respect for fundamental rights and freedoms. Indeed, human rights are one of the core values on which the Union's external action is built. The aim of this paper is to offer a theoretical and legal-political analysis of the role of human rights in the foreign policy of the European Union, with particular attention to the relationship between law and politics. Methodologically, the paper draws on the relevant legal literature, the Union's primary law and case law. It first examines how liberal, realist and constructivist theories explain the place of human rights in the Union's external action, including the concept of the Union as a "normative power". It then turns to the legal-political dimension, tracing the transformation of the Union from an economic community into a value-oriented actor and analysing how structural principles such as conferral, institutional balance and cooperation shape the way human rights are integrated into its foreign policy. The analysis shows that, although human rights are a central value of the Union's foreign policy, their application in practice often depends on its political, economic and security interests. This leads to selectivity, which in turn affects the coherence and credibility of the Union as a global actor. The paper concludes that human rights play a central but not absolute role in the Union's foreign policy, serving at once as a value and as an instrument, which makes the Union a distinctive, hybrid actor in contemporary international relations.

Keywords: *normative power, liberalism, realism, constructivism, selectivity, EU external action*

1. Introduction

The European Union (EU) is a complex legal and political system that is increasingly establishing itself as a significant actor in international relations. Its foreign policy is directed precisely towards the promotion of fundamental values, among which human rights, democracy and the rule of law hold a special place. Seen in this light, the Union's external action cannot be reduced to economic or security cooperation alone. It is, rather, a broader normative project aimed at transferring and protecting values at the global level.[1] This suggests that the EU acts not only as a political actor, but also as a bearer of values within the international system.

Historically, the development of EU external relations law shows that this field is the product of a dynamic interaction between legal norms and political interests. Foreign policy has traditionally been seen as an area dominated by political decisions and diplomatic priorities. EU law, on the other hand, establishes clear principles, competences and institutional mechanisms that both limit and guide the action of the institutions and the Member States.[2] A key role here is played by the structural principles of EU law, namely the principle of conferral, institutional balance and the principle of cooperation. Together, they provide the framework within which the institutions operate, while at the same time balancing the interests of the

[1]Wouter Th. Douma et al. (eds), The Evolving Nature of EU External Relations Law (The Hague: T.M.C. Asser Press, 2021), pp. 5–6.
[2]Marise Cremona, 'Structural Principles and their Role in EU External Relations Law', in Marise Cremona (ed.), Structural Principles in EU External Relations Law (Oxford: Hart Publishing, 2018), pp. 3–4.

Union against those of its Member States.[3] These principles matter a great deal for the promotion of human rights, because they determine how human rights are built into the Union's external instruments and policies. This, in turn, raises the question of whether legal principles play the leading role or whether political interests remain decisive in practice.

Contemporary challenges, such as the tension between transparency and diplomatic confidentiality that foreign policy faces today, make the application of human rights even more complicated. Although such questions lie beyond the scope of this paper, they confirm that human rights are not only a normative principle but also a real practical challenge in the everyday functioning of foreign policy.

The aim of this paper is to analyse the theoretical and legal-political approach to human rights in EU foreign policy, with particular emphasis on the relationship between law and politics, the structural principles of EU law and institutional balance. Methodologically, the paper relies on the relevant legal literature, the Union's primary law and case law, in order to give a clear overview of how human rights have developed and how they are applied in the Union's foreign policy. The paper first discusses the main theoretical approaches. It then turns to the legal-political dimension, including the Treaty framework and the case law of the Court of Justice of the European Union, and finally considers the overall role of human rights in the Union's external action. Its central argument is that, although human rights are a core value of EU foreign policy, their practical application is often shaped by political and geopolitical interests, and this affects the Union's coherence and credibility in international relations.

2. Theoretical Approaches to Human Rights in EU Foreign Policy

EU foreign policy does not fit easily into the traditional categories of international relations; it is a complex and quite specific system of action.[4] In the theoretical literature, the EU is identified as a *sui generis* organisation, an actor on the international stage that can be equated neither with a classical state nor with a traditional international organisation.[5]

2.1 The European Union as a Specific Actor in International Relations

In international relations theory, one comprehensive way of defining the international system is to understand it as a set of relations and interactions between different actors: states, international organisations and other entities. These relations are shaped by political, legal and economic processes, and each of these processes, together with its actors, operates within a particular set of interests and norms.

Within this theoretical context, the EU emerges as a distinct kind of actor, and much of the attention focuses on the ways in which it puts its own legal mechanisms and political instruments into practice. How the EU is explained depends largely on the dominant concept or underlying paradigm one starts from. What sets the Union's foreign policy apart is its effort to influence the international order by promoting values such as democracy, human rights and the rule of law. In doing so, the Union shapes that order by spreading value-based principles and legal standards, and not only through the classical instruments of power. Theory nevertheless asks whether the EU consistently behaves as a value-driven, normative actor, or whether these principles are adjusted to suit specific political and economic interests. That

[3]Loïc Azoulai, 'Structural Principles in EU Law: Internal and External', in Cremona (ed.), Structural Principles in EU External Relations Law, pp. 31–32; Christophe Hillion, 'Conferral, Cooperation and Balance in the Institutional Framework of EU External Action', in Cremona (ed.), Structural Principles in EU External Relations Law, pp. 117–118.

[4]Ramses A. Wessel and Joris Larik (eds), EU External Relations Law: Text, Cases and Materials (2nd edn, Oxford: Hart Publishing, 2020), pp. 1–3.

[5]Cremona, 'Structural Principles', pp. 3–5.

question opens the way for a critical analysis of human rights and their legal role in foreign policy, which can be approached through several theories of international relations.

2.2 Liberal, Realist and Constructivist Perspectives on Human Rights

Three theoretical perspectives dominate the literature on human rights in EU foreign policy. Seen through the lens of liberal theories of international relations, the emphasis falls on the importance of law, institutions and international cooperation, and human rights are regarded as universal values that should be both protected and promoted. From this point of view, the EU is an actor that, through its norms, institutions and legal mechanisms, seeks to contribute to the advancement of and respect for human rights worldwide.[6] The liberal approach thus highlights legal norms, international agreements and institutional mechanisms as the means through which respect for human rights is secured.

Realist theories, however, offer a rather different perspective. In their view, states and international actors, the EU included, are guided above all by their own interests and security priorities.[7] Within the realist framework, human rights often play a secondary role, and whether they are applied depends on whether they fit the actor's strategic goals. In other words, the promotion of human rights may be conditional and selective, depending on the political context, which brings the tension between values and interests in EU foreign policy into even sharper focus.[8]

Put simply, where liberal approaches stress law, institutions and values, realist theories stress security, power and national interests. States act first and foremost to preserve their own stability and power, so human rights are promoted selectively and only when this is in line with their strategic interests. From this angle, EU foreign policy can be read as a pragmatic process in which values do not always come first but are adapted to the political and geopolitical circumstances of the moment.

Alongside these two dominant views, the literature has developed a third, the constructivist approach, which offers its own explanation of the role of human rights in EU foreign policy. According to constructivism, the behaviour of international actors rests not only on material interests and power, but also on norms, values and identity. Human rights, in this sense, are part of the very identity of the EU as an actor in international relations. They are not just a legal obligation, but also a means through which the Union tries to shape the international order. This approach is complemented by the concept of the EU as a "normative power", developed by Ian Manners.[9] Read together, these ideas help to explain how values and norms influence EU foreign policy, with human rights appearing at the same time as a value, an instrument and part of the Union's identity.

perspectives, at the same time, question how consistent the EU really is as a normative power. According to these analyses, the Union's efforts to promote human rights in its relations with third countries can sometimes be interpreted as an attempt to impose its own values, standards and models of governance, and some authors go as far as linking them to a form of "normative imperialism".[10] This applies in particular to making cooperation conditional on respect for human rights, which in certain cases may be seen as a way of shaping relations with third countries. Such criticism raises questions about the legitimacy and effectiveness of these policies, especially towards states with different political and cultural systems, and points to the need for a balance between promoting values and respecting state sovereignty.

[6]Wessel and Larik, EU External Relations Law, pp. 5–7.
[7]Cremona, 'Structural Principles', pp. 3–5.
[8]Nicola Casarini and Costanza Musu (eds), European Foreign Policy in an Evolving International System: The Road Towards Convergence (Basingstoke: Palgrave Macmillan, 2007), pp. 16–17.
[9]Ian Manners, 'Normative Power Europe: A Contradiction in Terms?', Journal of Common Market Studies 40, no. 2 (2002), pp. 235–258.
[10]Casarini and Musu, European Foreign Policy, pp. 3–5.

Taken as a whole, the theoretical analysis shows that EU foreign policy cannot be explained by any single approach; it is better understood as a combination of different theoretical models. This complexity mirrors the Union's actual position as an actor that, with the instruments at its disposal, seeks to promote human rights as universal values while also protecting its own political and economic interests.

3. The Legal-Political Approach to Human Rights in EU Foreign Policy

3.1 The Development of EU Foreign Policy

The legal-political approach to human rights in EU foreign policy cannot be understood without looking at how the Union's external action has developed over time. In the early stages of European integration, foreign policy was focused mainly on economic cooperation. Gradually, however, the Union went through several key phases and was transformed from a primarily economic project into an actor in which human rights occupy a central place. The Treaty of Maastricht and, later, the Treaty of Lisbon were particularly important turning points, as human rights steadily became an integral part of EU foreign policy.

This development reflects a shift from an economically oriented community to a value-oriented actor in international relations. Human rights thus took on a special significance: instead of remaining a merely declaratory value, they gradually became an essential element in the making and implementation of EU foreign policy. It is this development that lays the groundwork for examining the legal basis of human rights in EU external action and the relationship between law and politics.

3.2 The Legal Basis of Human Rights in EU External Action

The Treaty of Lisbon gave the human rights dimension of EU external action a firm and explicit legal basis. Article 2 of the Treaty on European Union (TEU) lists respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, among the values on which the Union is founded.[11] These values are not confined to the internal sphere. Article 3(5) TEU requires the Union, in its relations with the wider world, to uphold and promote its values and interests and to contribute, among other things, to the protection of human rights and to the strict observance and development of international law.[12] It is worth pausing on the wording of this provision, which speaks of values and interests side by side. The tension examined throughout this paper is, in other words, already written into the Treaty itself.

Article 21 TEU turns these general commitments into principles and objectives that apply specifically to external action. Under its first paragraph, the Union's action on the international scene is to be guided by the principles that inspired its own creation, among them democracy, the rule of law and the universality and indivisibility of human rights and fundamental freedoms. The second paragraph lists the consolidation and support of democracy, the rule of law and human rights among the objectives of external action, while the third requires the Union to ensure consistency between the different areas of its external action and between these and its other policies.[13] Human rights are therefore not left to a single policy field. In principle, they apply equally to trade, development cooperation, enlargement and the Common Foreign and Security Policy (CFSP).

[11]Consolidated Version of the Treaty on European Union, OJ C 202, 7 June 2016, Article 2.
[12]Ibid., Article 3(5).
[13]Ibid., Article 21(1)–(3).

The framework is completed by Article 6 TEU. Since the entry into force of the Treaty of Lisbon, the Charter of Fundamental Rights of the European Union has had the same legal value as the Treaties, the Union has been under an obligation to accede to the European Convention on Human Rights (ECHR), and fundamental rights, as guaranteed by the Convention and as they result from the constitutional traditions common to the Member States, form general principles of EU law.[14] Because the Charter is addressed to the Union's institutions, it binds them even when they act outside the EU legal framework in the strict sense.[15] Taken together, these provisions transform human rights from a political aspiration into a legal obligation of the Union in its external relations. Whether that obligation is honoured consistently in practice is, however, a different question, and it is to this question that the following sections turn.

3.3 The Relationship between Law and Politics

The Union's transformation raises the question of how human rights are integrated into its foreign policy, particularly where law meets politics. According to Smith, a legal-political approach to human rights in foreign policy involves analysing the interaction between legal norms and political interests in the making and implementation of external policies.[16] Unlike purely theoretical approaches, which focus on the conceptual role of human rights, it allows a closer look at how they are actually applied in a real political context.

In the literature, EU foreign policy is described as a continuous interaction between legal norms and political processes.[17] On the one hand, legal norms set a clear framework for action; on the other, political factors have a considerable influence on decision-making. Even though external relations are often driven by political interests and strategies, legal norms draw firm boundaries within which the Union's institutions and the Member States are obliged to act. The Court of Justice of the European Union has an important part in drawing these boundaries, notably by determining the Union's competences, preserving institutional balance and clarifying the obligations of the Member States in external action. In this way, law does not merely restrict political action; it also contributes to coherence, predictability and legal certainty in EU foreign policy. As Wessel and Larik point out, the Union's external action covers a wide range of areas and gives particular weight to human rights.[18] EU external relations law has, moreover, grown into an autonomous legal discipline,[19] which is why the Union's foreign policy cannot be analysed separately from its legal framework and its institutions.

Even so, law is not always the deciding factor. As Douma and others observe, the application of human rights is often conditioned by political and economic interests, and this leads to selectivity.[20] Liberal theories, in Smith's reading, treat human rights as universal standards that the EU seeks to promote through its external action.[21] In practice, though, and despite its normative framework, the Union's foreign policy is frequently driven by political and economic interests, so that human rights may end up playing a secondary role. This relationship between law and politics directly affects the EU's relations with other states, where human rights are often used as a tool of political conditionality and as a way of shaping international behaviour.

[14]Ibid., Article 6(1)–(3); Charter of Fundamental Rights of the European Union, OJ C 326, 26 October 2012, pp. 391–407.
[15]Joined Cases C-8/15 P to C-10/15 P, Ledra Advertising and Others v Commission and ECB, ECLI:EU:C:2016:701.
[16]Karen E. Smith, European Union Foreign Policy in a Changing World (3rd edn, Cambridge: Polity Press, 2016), p. 18.
[17]Cremona, 'Structural Principles', pp. 3–4.
[18]Wessel and Larik, EU External Relations Law, p. 1.
[19]Ibid., pp. 1–2.
[20]Douma et al., The Evolving Nature of EU External Relations Law, p. 6.
[21]Smith, European Union Foreign Policy, p. 18.

3.4 The Court of Justice and Human Rights in External Action

The Court of Justice of the European Union has played a decisive part in giving practical meaning to the Union's human rights obligations beyond its borders. Its role is all the more interesting because its jurisdiction over the CFSP remains limited under the Treaties,[22] which makes external action the area in which the tension between law and politics is most visible.

The landmark judgment in this field is *Kadi and Al Barakaat*, delivered in 2008. The case concerned the freezing of the assets of persons whom the United Nations Security Council had listed as associated with Al-Qaeda, a measure that the Community had implemented by regulation. The Court held that it could review the Community measure in the light of fundamental rights, even though the measure gave effect to a Security Council resolution, and it annulled the regulation as far as the appellants were concerned, because their right to be heard, their right to effective judicial review and their right to property had been infringed.[23] The message of the judgment was clear: international obligations cannot override the constitutional principles of the Union, among which respect for fundamental rights holds a central place. For the purposes of this paper, *Kadi* shows that law can indeed restrain politics, even when the political decision is taken at the highest international level.

The case law on Western Sahara follows the same logic in the field of trade. In *Council v Front Polisario*, the Court held in 2016 that the Association and Liberalisation Agreements between the EU and Morocco did not apply to Western Sahara, a non-self-governing territory.[24] In October 2024, the Grand Chamber went a step further and upheld the annulment of the Council decisions approving the 2019 fisheries and trade agreements with Morocco, because these agreements had been concluded without the consent of the people of Western Sahara.[25] These judgments are particularly relevant here, as they concern a partner of considerable strategic and economic importance to the Union. They show that when economic and political interests lead the institutions to stretch the limits of international law, the Court is prepared to step in and insist on the right to self-determination.

The Court's role nevertheless has clear limits. In Opinion 2/13 of December 2014, it found the draft agreement on the Union's accession to the ECHR incompatible with the Treaties, and the specific features of judicial review in the CFSP were among the reasons it gave.[26] A revised draft accession agreement was provisionally agreed in 2023, yet the question of the CFSP was left to be resolved within the Union.[27] In *KS and KD*, decided in September 2024, the Court took a cautious step forward. It held that it has jurisdiction to hear an action for damages concerning alleged breaches of fundamental rights by the EU rule of law mission in Kosovo (EULEX Kosovo), but only in so far as the acts or omissions in question are not directly related to the political or strategic choices made within the CFSP.[28] The judgment captures the central dilemma of this paper almost perfectly. Fundamental rights apply to the whole of EU external action, yet the closer a decision comes to the core of foreign policy, the more room is left for political discretion.

[22]Treaty on European Union, Article 24(1); Treaty on the Functioning of the European Union, Article 275.
[23]Joined Cases C-402/05 P and C-415/05 P, Kadi and Al Barakaat International Foundation v Council and Commission, judgment of 3 September 2008, ECLI:EU:C:2008:461.
[24]Case C-104/16 P, Council v Front Polisario, judgment of 21 December 2016, ECLI:EU:C:2016:973.
[25]Joined Cases C-779/21 P and C-799/21 P, Commission and Council v Front Polisario, judgment of 4 October 2024, ECLI:EU:C:2024:835; see also Joined Cases C-778/21 P and C-798/21 P, ECLI:EU:C:2024:833.
[26]Opinion 2/13 (Accession of the European Union to the ECHR), 18 December 2014, ECLI:EU:C:2014:2454.
[27]European Union Agency for Fundamental Rights, EU Accession to the European Convention on Human Rights: Questions and Answers on Legal and Operational Implications (2025).
[28]Joined Cases C-29/22 P and C-44/22 P, KS and KD v Council and Others, judgment of 10 September 2024, ECLI:EU:C:2024:725.

3.5 Human Rights as a Legal Obligation and a Political Instrument

Human rights are, therefore, not only a legal category but also an important instrument that the EU relies on in pursuing its foreign policy objectives. The relationship between law and politics in this field is complex and often calls for a balancing act between the two, and national political interests can at times block the Union's legal coherence. This tension is not merely theoretical. It is built into the very structure of the Union, since it stems from the conflict between the supranational model, where law prevails, and the intergovernmental model, where politics prevails.[29]

Within this relationship, human rights work as a kind of "tool of pressure". They are not only a moral category but also a legal mechanism that shapes policy and prevents political interests from completely overriding international law. The EU promotes human rights as a value, yet in day-to-day politics it also uses them in diplomacy, when applying pressure and in its dealings with third countries. It is for this reason that the Union is often criticised for playing a double role when it comes to human rights.

All of this suggests that, although the EU presents human rights as universal and inviolable, their application in practice depends on political calculation, and in some cases the Union's political and economic interests shape how these standards are applied. The result is a clear selectivity: the EU is stricter towards certain states, while showing more flexibility where major interests are at stake. The Western Sahara cases discussed above offer a telling example, since it was the Court, rather than the political institutions, that ultimately insisted on respect for the rights of the people concerned in the Union's relations with an important partner. Despite their value dimension, human rights thus also serve as an instrument of EU foreign policy and are frequently presented as a condition for cooperation and political dialogue. That selectivity, however, comes at a cost to the Union's credibility as a global actor.[30]

4. The Role of Human Rights in EU External Action

In classical international law, human rights were long treated as a matter falling exclusively within the domestic jurisdiction of states. With the gradual development of legal regimes and international institutions, however, they have become a universal standard that affects both the behaviour of states and their position in the international system. Against this background, the EU stands out as an actor that has made the protection and promotion of human rights an integral part of its foreign policy.[31] Together with the rule of law and democracy, human rights are essential elements of this normative identity. This makes it possible to see EU foreign policy not only as a tool for pursuing interests, but also as a means of transforming international relations in the direction of stronger universal standards.[32]

Alongside the Treaty framework, the Union has built a dedicated policy architecture for human rights in its external relations. On 25 June 2012 the Council adopted the EU Strategic Framework on Human Rights and Democracy, together with an Action Plan for its implementation; it was the first time the Union had a single, unified framework of this kind.[33] A month later, the Council appointed the first EU Special Representative for Human Rights, a thematic post intended to strengthen the effectiveness and visibility of the Union's human rights policy.[34] The Strategic Framework has since been followed by successive action plans,

[29]Hillion, 'Conferral, Cooperation and Balance', pp. 117–118.
[30]Casarini and Musu, European Foreign Policy, pp. 3–5.
[31]Douma et al., The Evolving Nature of EU External Relations Law, pp. 5–7.
[32]Cremona, 'Structural Principles', pp. 3–8.
[33]Council of the European Union, EU Strategic Framework and Action Plan on Human Rights and Democracy, 11855/12, 25 June 2012.

[34]Council Decision 2012/440/CFSP of 25 July 2012 appointing the European Union Special Representative for Human Rights.

including the EU Action Plan on Human Rights and Democracy 2020–2024.[35] These documents translate the broad commitments of the Treaties into concrete priorities and make it possible, at least in principle, to measure the Union's performance against its own declared goals. They remain, however, policy instruments rather than binding law, and their implementation depends on the political will of the institutions and the Member States. This, once again, shows that the legal and political dimensions of EU human rights policy cannot be separated.

From a legal point of view, the role of human rights in EU foreign policy is closely tied to the founding Treaties and to the legal structure of the Union. The Treaties explicitly set out the obligation to respect and promote human rights in external relations, which turns this policy from a declaratory norm into a legally binding one. As the legal literature emphasises, law plays a constitutive role in shaping EU external action, because it defines the competences and instruments through which the Union pursues its objectives.[36] Human rights are, accordingly, a legal obligation that steers the Union's foreign policy, and not simply a moral or political category.

As the previous sections have shown, however, this legal obligation coexists with a persistent tension between values and interests, which leads to a selective application of human rights policies and calls into question the Union's consistency and credibility as a global actor.[37] The literature further stresses that this tension is not an exception but a structural feature of the Union's foreign policy. Because the Union functions both as a legal community and as a political entity, it has to balance its normative goals against geopolitical realities. This balancing is most visible in relations with strategically important partners, where security and economic interests often determine how strongly human rights are promoted.

For this reason, the EU can best be described as a "hybrid actor", one that acts at the same time on the basis of normative values, such as human rights and democracy, and on the basis of pragmatic political and economic interests. Seen this way, human rights belong to a broader set of goals and interests: they are not an absolute and always dominant priority, but a priority that depends on context. The Union's institutional structure matters as well. Its external action is carried out through a complex system of institutions, in which the principles of conferral, institutional balance and cooperation define the framework for human rights policy. This complexity can weaken the effectiveness and coherence of foreign policy and adds a further practical challenge.[38]

Finally, the promotion of human rights has a twofold effect. On the one hand, it strengthens the international legal order and helps universal standards to spread. On the other, it can provoke political tensions, particularly with states that regard such policies as interference in their internal affairs. Human rights, in other words, are not only a legal and moral category but also an important political instrument in international relations.

5. Conclusion

This paper set out to examine whether, in the human rights dimension of EU foreign policy, legal principles play the leading role or whether political interests remain decisive. The analysis suggests that the answer lies in neither extreme. The theoretical and legal-political approach to human rights reveals a complex interaction between legal norms, political interests and the values on which the Union is founded, and human rights emerge from it not merely as a normative category but as an essential element that shapes the Union's external action.

[35]European Commission and High Representative of the Union for Foreign Affairs and Security Policy, EU Action Plan on Human Rights and Democracy 2020–2024 (Brussels, 2020).
[36]Wessel and Larik, EU External Relations Law, p. 7.
[37]Douma et al., The Evolving Nature of EU External Relations Law, p. 6; Cremona, 'Structural Principles', p. 5.
[38]Ibid.

From a theoretical standpoint, no single approach can explain EU foreign policy on its own. Liberal theories capture the importance of law, institutions and universal values; realist approaches explain why political and security interests so often prevail; and constructivism shows how norms and identity make human rights part of the Union's self-understanding as a normative power. Each theory, in effect, explains a different part of the same reality.

The legal-political analysis confirms this picture. The Treaties, and above all Articles 2, 3(5), 6 and 21 TEU, have turned human rights into a binding obligation of EU external action, and the Court of Justice has shown, from *Kadi* to *Front Polisario*, that law can effectively restrain political choices. At the same time, the limits on the Court's jurisdiction in the CFSP, illustrated by Opinion 2/13 and *KS and KD*, leave considerable room for political discretion precisely where foreign policy is most sensitive. It is in this space that selectivity arises: the Union applies its standards more strictly to some states than to others, and this inconsistency weakens its credibility as a global actor.

It can therefore be concluded that human rights play a central, but not absolute, role in EU foreign policy. They are at once a value and an instrument, and the way they are applied depends on the constant interaction between law and politics. This complexity defines the European Union as a specific, hybrid actor in contemporary international relations: an actor that seeks to promote its values while operating within real political and geopolitical circumstances. Greater consistency between the Union's legal commitments and its political practice would strengthen both the protection of human rights and the Union's own standing in the world. How far the Union's concrete instruments, such as conditionality, human rights clauses and sanctions, succeed in closing this gap remains an important question for further research.

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[4] Charter of Fundamental Rights of the European Union. OJ C 326, 26 October 2012, pp. 391–407.

[5] Consolidated Version of the Treaty on the Functioning of the European Union. OJ C 202, 7 June 2016.

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[13] Joined Cases C-29/22 P and C-44/22 P, *KS and KD v Council and Others*, ECLI:EU:C:2024:725.

[14] Joined Cases C-402/05 P and C-415/05 P, *Kadi and Al Barakaat International Foundation v Council and Commission*, ECLI:EU:C:2008:461.

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[16] Joined Cases C-8/15 P to C-10/15 P, *Ledra Advertising and Others v Commission and ECB*, ECLI:EU:C:2016:701.

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