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Western Sahara: Self-Determination, Conflict, and the Path Forward

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Good evening. I first wish to acknowledge the presence of Mr. Kamal Fadel, the representative of the Polisario Front to Australia and New Zealand, and the Moroccan Honorary Consul-General here in Sydney.

Tonight I wish to address recent developments in the resolution of the long-running dispute over Western Sahara, a territory which has been unlawfully occupied by Morocco since 1975 and whose people are unequivocally entitled to self-determination under international law. The Security Council is scheduled to convene at the end of April to discuss developments.

In October 2025, the UN Security Council adopted resolution 2797 which appeared to signal a change in emphasis in the international community's approach to resolving the dispute.

The resolution supported continuing negotiations under UN auspices but "taking as basis Morocco's Autonomy Proposal" of 2007 and recognizing "that genuine autonomy could represent a most feasible outcome and encourages the parties to submit ideas to support a final mutually-acceptable solution". The resolution was originally drafted by the US and contained even stronger language in favour of Morocco.

To be clear, the Security Council was not endorsing Morocco's Autonomy Proposal as the solution. Other language in the resolution indicates that negotiations are aimed at "achieving a just, lasting, and mutually acceptable resolution to the dispute, consistent with the UN Charter" and "the self-determination of the people of Western Sahara", and calls on the parties "to engage in these discussions without preconditions". The resolution also reaffirms previous Council resolutions which commit to a UN supervised referendum process.

Even so, by only referring to Morocco's proposal as a basis, and suggesting it could "a most feasible outcome", the resolution departs from previous neutrality by the Council and one-sidedly favours Morocco's position, strengthens it diplomatically, and weakens Polisario's position and the perceived viability of its own 2007 proposal, as updated in 2025.

It at least creates the perception that the Council may wish to predetermine negotiations in Morocco's favour, promoting perceived pragmatism, stability and realpolitik considerations, and superpower preferences, over faithful application of international law. The right of self-determination itself does not presuppose outcomes: it is a right of a people to freely choose their political future, exercised through a free and fair referendum of qualifying voters.

Sahrawis are of course free to choose Morocco's autonomy plan. But this is increasingly presented as the only option, as a *fait accompli*, which is no choice at all, and which counterproductively would be likely to fuel grievances, resistance and continuing instability.

The Council's undermining of international law becoming a deeply troubling trend in recent times. The Council condemned Iran's illegal military attacks recently but said nothing about US and Israel aggression that Iran was retaliating against. It Gaza ceasefire resolution in December 2025 does not guarantee Palestinian self-determination and independence as affirmed by the International Court of Justice's Advisory Opinion in 2024. But the Council itself must respect international as required by United Nations Charter that creates and empowers it.

Three Council members abstained from the resolution because it was unbalanced (China, Russia and Pakistan), while Algeria, which hosts the Polisario authorities and refugees in exile, did not vote. Most Council members who voted for the resolution emphasized that it does not impose autonomy as the outcome or recognize Moroccan sovereignty, but is merely a basis for discussions. The Secretary-General's Special Envoy on Western Sahara requested that Morocco to provide an "expanded and updated autonomy plan" but reiterated the resolution "provides a framework for negotiations. It does not prescribe an outcome."

The pressure is really coming from some key Western allies of Morocco. US President Trump illegally recognized Moroccan sovereignty over Western Sahara in 2020, which the Biden Administration did not reverse. The US has already been holding talks to advance the technical aspects of the autonomy proposal, but it is clearly partisan, not an honest broker.

France recently recognized Moroccan sovereignty on visit to Morocco in 2024, which was ironic given his speech also criticised historical French colonialism in Morocco. In voting for the resolution last year, it told the Security Council that "Autonomy under Moroccan sovereignty is the framework within which this issue must be resolved."

To be clear, Morocco's claim to sovereignty over Western Sahara is manifestly illegal under international law, violating the prohibition on the use of force and the forcible annexation of territory, the Sahrawi right of self-determination affirmed by the International Court of Justice in 1975, and the law of decolonisation on non-self-governing territories following Spain's exit as administering power in 1975. At the regional level, the African Union still recognizes the Sahrawi Arab Democratic Republic as a member State.

The UK, Spain and Portugal have also indicated that the Moroccan proposal is the most credible and viable basis for a solution, but have not recognized sovereignty. Some African States have also taken this approach, including Senegal and Kenya. In 2026 Mali withdrew recognition of the Sahrawi Arab Democratic Republic and endorsed Morocco's plan. Syria has also expelled Polisario representation.

The shift in attitudes has been driven by various factors. Trump looms large, with the US recognizing Moroccan sovereignty in exchange for Morocco normalizing relations with Israel under the Abraham Accords. But even since 9/11, Morocco has also been seen as a vital counter-terrorism, military, security, intelligence, and arms trade partner of the US and NATO. This has deepened in an era of geopolitical competition with China and Russia in Africa, including over maritime security, energy and transport corridors, and access to the Atlantic.

For European States such as Spain, France and the UK, Morocco is seen as essential in controlling irregular migration to Europe, and Morocco cooperates with the European Union on border control and even criminalizes unauthorized entry. Economically, European States are also keen to cooperate with Morocco to exploit Saharan natural resources, including in relation to energy and fertilizer and fisheries, as well in developing infrastructure. The continuation of the conflict is also seen as creating risks of ungoverned or weakly governed spaces that could be exploited by terrorist groups, smuggling networks, and transnational criminal organizations on Europe's doorstep.

Moroccan and elements in the US Administration are also seeking to **undermine MINURSO**, the UN mission established by agreement of the parties in 1991, along with a ceasefire, to prepare a referendum, and thus to destroy the independent structure for ensuring the will of the Sahrawi people can be freely exercised through a fair ballot. The recent resolution requested the Secretary-General to submit a strategic review within six months on MINURSO's future mandate, considering the progress of the talks, so continuing pressure is expected.

With the resumption of low-intensity conflict between Morocco and Polisario in 2020, a new front in the campaign to delegitimize Polisario is a bill currently before the US Congress to trigger **the US legal process to designate it as a terrorist organization** and sanction it. Designation "may be waived" by the U.S. President if Polisario is engaged in "good faith negotiations to implement" Morocco's autonomy plan.

The waiver aims to coerce the Sahrawi people to accept Moroccan sovereignty over Western Sahara, in violation of their international legal right to self-determination, that is to *freely* and genuinely choose their political future without threat of terrorist designation.

There is no credible evidence that Polisario meets the criteria of a terrorist organization, as properly defined according to international standards. Polisario has never been listed under the Security Council's counter-terrorism sanctions regime or sanctioned by the U.S., European Union or any country other than Morocco. It is the legitimate representative of the Sahrawi people and is recognized by the Security Council as a negotiating party in the peace process.

There is no independently verified evidence that Polisario has deliberately attacked civilians in the contemporary phase of the conflict. Morocco generally does not permit independent observers to monitor the conflict in occupied Western Sahara, and MINURSO does not have a mandate to monitor attacks on civilians or violations of humanitarian law or human rights law, and has limited access to the territory concerned.

There is no confirmed, independent evidence of institutional links between Polisario and Iran, Hezbollah or the Kurdistan Workers' Party (PKK) as the bill suggests. To the contrary, in late 2025 the United Kingdom Government confirmed to the UK Parliament that "the UK has not seen evidence of Iranian support for the Polisario Front". Polisario is a conventional nationalist movement, not religiously motivated like Iran and Hezbollah, who would be unlikely allies. If there existed credible evidence of terrorism by Polisario, the US would already have listed it as a terrorist organization. The Bill appears to politicize what should be the objective implementation of an existing domestic legal framework.

According to best practice international definition of terrorism, the activities of armed forces in armed conflict (including during occupation) are excluded and are instead regulated by

international humanitarian law. Any alleged violations by either party to the conflict should be properly addressed under war crimes law.

Any unjustified terrorist listing of Polisario would have serious negative effects. It would stigmatize and chill human rights advocacy for the Sahrawi right of self-determination, including by the Sahrawi diaspora and civil society organizations – including to forcibly resist foreign occupation in accordance with international law. Terrorist financing and material support laws could negatively affect the provision of impartial humanitarian assistance to Sahrawi refugees in refugee camps in Tindouf, Algeria, contrary to international humanitarian law and Security Council resolutions – and at a time of plummeting foreign aid worldwide.

It could impede peace-making and efforts to negotiate a resolution of the dispute through the established United Nations processes, by delegitimizing one party as “terrorist” and not imposing any legal consequences on Morocco for its illegal occupation of Western Sahara for over 50 years and accompanying violations of international humanitarian and human rights law, including the violent suppression of political freedoms and the illegal exploitation of natural resources.

I wish to turn now to Morocco’s proposal. It would supposedly involve a self-determination referendum and envisages a significant degree of political, administrative, legal and economic autonomy in Western Sahara, national political representation, constitutional protection of human rights, and amnesties relating to the conflict.

But it is premised on Moroccan sovereignty and denial of independence; and it reserves defence, foreign relations and significant economic and natural resources powers to Morocco, along with the monarchy’s constitutional and religious prerogatives. It does not define the “population” which would exercise autonomy in a territory where large-scale Moroccan civilian settlement has transformed demography and rendered the Sahrawis a minority in their own land.

Morocco’s obstruction over voter eligibility for the UN referendum is a key reason why the dispute has not been resolved. The 1988 settlement plan agreed by the parties mandated that “All Saharans counted in the 1974 census undertaken by the Spanish authorities and aged 18 years or over will have the right to vote in the referendum,” including “Saharan refugees counted in the census.” Morocco’s plan does not address the fate of the 173,000 refugees in Algeria, who face severe food insecurity and challenging humanitarian conditions, or that of other Sahrawis in exile elsewhere.

International humanitarian law prohibits an occupying power from transferring its civilian population into an occupied territory, and such transfer constitutes a war crime under the Geneva Conventions.

The autonomy plan’s professed commitments to human rights are hardly believable given the history of Moroccan violations in the territory since 1975. Morocco has heavily repressed opposition to its occupation, including by prosecuting offences against Morocco’s supposed “territorial integrity”; preventing protests and associations supporting self-determination; beating and torturing activists; restricting movement and communication; and holding unfair trials, including the admission of evidence obtained by coercion.

The autonomy plan also does not address reparation for historical violations of international human rights law and international humanitarian law. Polisario's own proposal of 2007 magnanimously offers to waive any such claims on a reciprocal basis.

Polisario's proposal is for a free and fair referendum on independence under UN auspices. A Sahrawi State would be based on popular sovereignty and democracy, a multiparty system, a separation of powers, constitutionalism and the rule of law, and protection of human rights. It would commit to good-neighbourly relations, regional stability, non-interference and combating transnational crime.

It would also pursue positive relations with Morocco, including on economic and security matters. It would offer transitional revenue sharing on natural resource exploitation concerning phosphates, fisheries, mining and renewable and non-renewable resources. It would seek to guarantee Moroccan interests and the rights of Moroccan citizens and legal entities, including civil, economic and cultural rights and property right. It would grant citizenship on request to Moroccans who have resided in the territory for a certain period, and facilitate the voluntary return of Moroccan nationals.

Of course, Polisario has had its own human rights questions to answer over the years, and these commitments would need to be implemented in practice, but it is a promising offer.

It is worth recalling that for decades Western States paternalistically argued that people in East Timor and other small colonies were incapable of managing their own affairs, only to be proved wrong as such peoples successfully exercised their independence.

To conclude, after 50 years of Moroccan occupation, and Spanish colonial rule before that, Sahrawis are entitled by law to freely choose their political future, and to not be coerced by Morocco, the US, European States, or the Security Council to accept a particular outcome. Self-determination is a fundamental rule of international law, which requires all States not to recognize violations of it or to aid and assist in violations. Recognition of Moroccan sovereignty by other States – including the US and France – is illegal, as is trade with Morocco in the natural resources that rightfully belong to the Sahrawi people and are protected under international humanitarian law and the law on self-determination. States must not be rewarded for the illegal use of force if international law and the global rule of law are to mean anything.

In the Security Council debate last year, Algeria skewered current developments by quoting US President Woodrow Wilson, for all his faults a champion of the right of self-determination: "Peoples are not to be handed about from one sovereignty to another by an international conference or an understanding between rivals and antagonists. National aspirations must be respected. Peoples may now be ... governed only by their own consent."

Thank you.