



Self-determination without choice: how Western Sahara signals a quiet shift in international law

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Abstract: Western Sahara illustrates how international law's self-determination norm is being hollowed out. An examination of UN Security Council's practice and Resolution 2797 (2025) shows a shift from referendum-based decolonization to status-quo management, privileging autonomy and stability over rights and justice.

The conflict in Western Sahara is today one of the most revealing examples of the transformations that contemporary international law is undergoing. It is not only an unfinished process of decolonization as noted by [Martínez Millán](#) and [Novais](#), or a protracted territorial conflict as highlighted by [Fernández Molina](#), but rather a test case that allows us to observe how the legal principle of the self-determination of peoples is formally maintained while being progressively emptied of effective political content.

The way in which the international community, and in particular the United Nations (UN) Security Council, manages the Sahrawi conflict offers clear indications of a shift from a normative approach to a pragmatic logic of management of the *status quo*, where stability and political viability take precedence over the full realization of recognized rights, as stressed by [Sánchez](#)

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Fifty years of conflict and unfinished decolonization

2025 marked fifty years since the contemporary Western Sahara conflict began with the Green March, Spain's withdrawal, and the territory's *de facto* occupation; 2026 will mark fifty years since the proclamation of the Sahrawi Arab Democratic Republic (SADR). These anniversaries highlight an unfinished decolonization and a durable structural deadlock, according to scholars such as Makaza-Goede, [Fernández-Molina](#), and [Sánchez Tapia](#), as well as the aforementioned [Unit for Political Studies](#).

Legally, Western Sahara was framed from the outset as a self-determination case, as recognised by the UN General Assembly and the International Court of Justice (ICJ) [in 1975](#). Over time, that framework has not been openly rejected so much as increasingly marginalised in political practice. [MINURSO's](#) creation in 1991 embodied the classic solution: a referendum allowing Sahrawis to choose between independence and integration into Morocco, as emphasised by Soroeta Licerias. The referendum remains unheld, despite the absence of decisive technical obstacles once the census work was completed in the early 2000s; the blockage has been primarily political, sustained by key states' reluctance and UN Security Council veto dynamics, as stressed by Soroeta Licerias, and [Changala](#). The conflict's low intensity since 1991 reinforces this dynamic: limited violence reflects strategic calculation and legitimacy concerns, lowering external costs and urgency while entrenching the *status quo* and weakening self-determination in practice, as noted by [Porges and Leuprecht](#) as well as [Molina and del Amo](#). In the past two decades, weaker multilateralism and more protracted conflicts have favoured risk management over legal settlement, displacing 'just peace' with 'possible peace', especially in strategically sensitive regions, as highlighted by [Molina & del Amo](#). In Western Sahara, priorities such as regional stability, migration control, and security cooperation reduce incentives to reopen a self-determination process that could disrupt established balances, according to scholars such as [Ruiz Miguel](#), [Molina and del Amo](#), and [Stachurska-Szczesiak](#).

Resolution 2797 (2025): context and scope

Resolution [S/RES/2797 \(2025\)](#) makes visible a fundamental shift in the international approach to Western Sahara: from a 'just peace' logic rooted in the classical doctrine of decolonization to a 'possible peace' (or lesser-evil) logic centred on containing an entrenched dispute. For decades, at least at the normative level, UN management assumed that self-determination would be realized through a referendum with an open outcome, including independence—an objective that justified the 1991 ceasefire and the creation of MINURSO as a mission 'for the referendum'. After more than thirty years of deadlock, however, the UN Security Council's priority appears less the full realization of that right

than the pragmatic preservation of an acceptable stability, even if this empties earlier legal commitments of operational meaning.

This evolution was gradual. [Vicenç Fisas](#) already in 2011 documented a change in UN language, its non-neutrality, and its cumulative political and legal effects. From the early 2000s, the Council increasingly moved from explicit references to a 'referendum on self-determination' toward more elastic formulas, such as a 'just, lasting and mutually acceptable political solution allowing for self-determination'. In practice, this wording can sideline the independence option without explicitly denying it. The shift signals a progressive renunciation of imposing a settlement consistent with the classic decolonization framework, replacing it with a negotiation logic constrained by what is deemed 'realistic' or politically viable. In this context, self-determination drifts from an enforceable right linked to a specific mechanism toward a rhetorical principle compatible with arrangements that consolidate the status quo and de facto occupation. As Fisas warned, this discursive strategy contributes to chronic deadlock, weakens the UN's credibility as a guarantor of international law, and sets a troubling precedent: that *faits accomplis* may narrow the effective scope of a people's right through cumulative reinterpretation.

[Resolution 2797 \(2025\)](#) culminates this trajectory. It does not formally repeal the referendum or self-determination, but it makes the referendum effectively disappear by never naming it as the operative route to a solution. Instead, it reaffirms only—at an abstract level—the pursuit of 'a just, lasting and mutually acceptable political solution (...) including the principle of self-determination of the people of Western Sahara' (para. 2). The omission is consequential: the referendum is reduced to a historical antecedent of [MINURSO](#), not an operational horizon. Simultaneously, the resolution introduces an implicit hierarchy of 'feasible' outcomes. It notes that many UN Member States support Morocco's autonomy proposal and that they consider 'genuine autonomy under the sovereignty of the Kingdom of Morocco' a feasible solution (para. 3); then it urges negotiations 'without preconditions and in good faith' toward a political solution along those lines (paras. 3-4). Even if autonomy is not formally imposed as the only option, it becomes the only internationally legitimized negotiating framework, while other outcomes—including independence—are pushed outside the realm of the politically thinkable. The same orientation is reinforced when the UN Security Council requests continued efforts 'taking into account the progress made to date' (para. 6), which, in context, points to the consolidation of Morocco's de facto control and accumulated diplomatic support rather than to advances in the exercise of rights. Meanwhile, MINURSO is extended (para. 1) without new instruments to deliver the original 1991 settlement logic.

A key enabling move is the preference for the 'principle of self-determination' over the 'right to self-determination'. This is not cosmetic. Treating self-determination as a principle weakens enforceability (guidance rather than a duty of result), detaches it from classic decolonization procedures associated with an

open outcome, and makes it easier to 'balance' it against stability, security, and viability. It also shifts the conflict's legal characterization: defining self-determination as a right anchors Western Sahara in unfinished decolonization and implicates collective responsibilities; reducing it to a principle facilitates its treatment as a territorial/political dispute to be negotiated between parties. Finally, it sets a problematic precedent for other conflicts by normalizing a model in which a fundamental right is preserved in discourse while being reinterpreted in practice. Overall, Resolution 2797 (2025) signals a paradigm change: the referendum is not repealed but hollowed out; self-determination is not denied but redefined as self-government within pre-set sovereignty; and stability becomes the primary yardstick for what counts as an acceptable solution.

A warning for international law

Developments in Western Sahara raise wider concerns for international law. By privileging 'workable' outcomes shaped by power and political backing, the UN Security Council risks normalizing long-standing violations—most notably the acquisition of territory by force—and setting precedents that weaken legal coherence and the classical doctrine of decolonization, as highlighted by [Soroeta Licerias](#). Resolution 2797 (2025) does not repeal self-determination but recasts it so that it loses political effect: the norm endures on paper while fading in practice. The Saharawi case shows how, under asymmetric power and stability priorities, law can shift through pragmatic, cumulative reinterpretation—perhaps a model for other conflicts.