

Western Sahara: 50 Years of Occupation

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50 Years Since the Green March

Today marks exactly fifty years since the beginning of the “Green March”, the moment in 1975 when Morocco began its occupation of Western Sahara, with the complicity of Spain, the colonial power that had a legal duty under international law to complete the decolonisation process.

Instead of fulfilling that obligation, Spain abandoned the territory, allowing it to be reoccupied by another imperial power. That moment was not only the beginning of an occupation, it was the beginning of a betrayal: a betrayal of the Sahrawi people, and a betrayal of the international community.

Tragically, that betrayal continues to this day.

Spain’s Continuing Complicity

The current Spanish government, led by Pedro Sánchez, has gone even further. By endorsing the Moroccan “autonomy proposal”, Spain has effectively abandoned the principle of self-determination, a principle it is legally bound to uphold.

To those who view Spain’s recent recognition of the State of Palestine and its condemnation of the ongoing genocide as a mark of moral integrity, we must say

clearly: it is not. Spain's policy toward Western Sahara exposes the double standards and cynicism at the heart of its foreign policy.

It shows that its positions are not guided by principles or international law, but by political convenience and economic interest.

Condemning occupation and apartheid in one case while legitimising them in another undermines credibility and the very notion of universal justice.

An Unfinished Process of Decolonisation

It is deeply symbolic that we meet today — half a century after the Green March — to revisit the question of Western Sahara, which remains an unfinished process of decolonisation, not merely a territorial or political dispute.

For nearly fifty years, the Sahrawi people have lived divided:

- Some under occupation,
- Others in exile,
- Tens of thousands in refugee camps.

Their right to self-determination — recognised by international law and repeatedly affirmed by the United Nations — remains unfulfilled.

This is not a regional issue. It is a test of the credibility of the international legal order itself.

If a people recognised by the UN as colonised can be denied their right to decide their future for half a century, what meaning does international legality still hold?

The Legal Foundation: Self-Determination as

Jus Cogens

As jurists, we know that the right to self-determination is not a political aspiration, it is a jus cogens norm: a peremptory rule of international law that admits no exception.

It was the foundation of decolonisation after 1945. Yet today, in Western Sahara, that foundation is being quietly eroded by political expediency, diplomatic fatigue, and economic interest.

Resolution 2797 and the Struggle for Meaning

Let us turn to the latest development : the adoption of United Nations Security Council Resolution 2797 in October 2025, hailed by Morocco as a diplomatic victory.

At first glance, the resolution appears routine, renewing the mandate of MINURSO, the UN Mission originally created to organise a referendum on self-determination.

But in recent years, Morocco, backed by the United States, France, Spain, and others, has sought to reframe the debate, presenting its autonomy proposal as the only acceptable basis for negotiations.

This has been firmly opposed by the Polisario Front, Algeria, and by Russia and China, all of whom defend the principle of self-determination and resist attempts to rewrite the UN framework.

After difficult negotiations, the final text of Resolution 2797 reflects that tension.

While it mentions the Moroccan autonomy proposal as “serious and credible”, it does not adopt it as the sole or mandatory basis for talks.

Crucially, it reaffirms the call for a mutually acceptable political solution that ensures self-determination for the Sahrawi people.

This fragile balance represents a setback to Morocco's effort to redefine the nature of the conflict. Yet even without full victory, Morocco's gradual attempts to reshape the UN discourse erode the organisation's legitimacy, risking the transformation of a decolonisation issue into a territorial dispute — something international law explicitly rejects.

The Voice of the United Nations

Following the adoption of the resolution, UN Secretary-General's Personal Envoy Staffan de Mistura addressed the press, offering clarity amid confusion. His words were unequivocal:

“Resolution 2797, in its carefully drafted paragraphs, establishes — and I insist on this term — a framework for negotiations. It does not prescribe a predetermined outcome, because a lasting solution can only result from negotiations conducted in good faith. Taking part in negotiations does not mean accepting their result in advance; what matters is to be fully engaged in them.”

In plain terms, Resolution 2797 does not impose autonomy. It sets a framework for negotiation, reaffirming that only good-faith dialogue among all parties can lead to a just and lasting solution.

Yet, every attempt to reinterpret the resolution as endorsing Moroccan sovereignty weakens the credibility of the United Nations and its ability to act as a neutral arbiter.

Between Legality and Geopolitics

These developments reveal a broader tension, the struggle between legality and geopolitics.

Each year, the Sahrawi people are told to wait while their land remains occupied, their resources exploited, and their voices silenced.

Meanwhile, the Security Council's language grows increasingly ambiguous, shaped by states that prioritise strategic interests, migration control, or energy cooperation over international law and human rights.

But let us be clear: stability built on injustice is never lasting stability.

As jurists, our role is to restore clarity, to reaffirm that the right to self-determination, the prohibition of annexation, and the obligations of an occupying power are non-negotiable norms.

When these are compromised, the entire system of international law weakens.

Closing Reflection

Let us remember one essential truth:

Law is never neutral in the face of oppression.

It either legitimises power or it liberates people.

Our duty is to ensure it serves liberation.

The struggle of the Sahrawi people is not isolated; it reflects a broader crisis of international law and of the UN system itself.

If the right to self-determination of the Sahrawi people can be deferred indefinitely, then no right is safe.

So, even through this digital space, let us reaffirm our collective commitment to individual and collective rights, to dignity, and to justice.