



## Article

# Moroccan Sahara in International Law: Between UN Resolutions and Royal Diplomacy

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## ABSTRACT

This paper examines the evolving international legal perspectives on the Moroccan Sahara, with particular emphasis on United Nations resolutions and the diplomatic leadership of King Mohammed VI. Historically framed as a decolonization issue governed by the principle of self-determination, the status of the Moroccan Sahara has undergone significant reinterpretation within the UN Security Council. Recent resolutions—most notably those recognizing Morocco’s 2007 Autonomy Initiative as a “serious and credible” basis for a political solution—mark a shift from referendum-based self-determination toward a model of negotiated autonomy under Moroccan sovereignty. This development reflects not only changing geopolitical dynamics but also decades of sustained diplomatic strategy initiated and guided by King Mohammed VI, who has leveraged legal argumentation, regional alliances, and development-centered statecraft to consolidate Morocco’s position. While these diplomatic achievements increasingly normalize Morocco’s governance of the territory in international forums, important legal and political challenges persist, particularly regarding the representation and rights of the Sahrawi population. The paper concludes that the Moroccan Sahara issue now stands at a pivotal moment, shaped by a new UN-endorsed legal paradigm and by Morocco’s expanding diplomatic influence, yet still requiring inclusive negotiations and durable guarantees to achieve a just and lasting settlement.

## KEYWORDS

Moroccan Sahara; international law; United Nations Security Council; Autonomy plan; Regional stability.

## Introduction

The legal status of the Sahara region remains one of the most enduring questions in contemporary international relations, intersecting issues of territorial integrity, sovereignty, and regional stability. More broadly, public international law aims to create normative frameworks capable of resolving disputes peacefully, ensuring the stability of borders inherited from decolonization, and preventing the escalation of secessionist claims. (Johan D. van der Vyver, 1996). Over the course of the twentieth and twenty-first centuries, the legal doctrines governing territorial disputes have evolved considerably, moving from the broad rhetoric of self-determination toward a more structured balance between autonomy and territorial integrity. (James Crawford, 2006).

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Historically, the Sahara has been closely associated with the political, administrative, and social authority. Before European colonization, bonds of allegiance (bay'a) connected tribal confederations to the Sultan, thereby reinforcing a longstanding relationship of protection, taxation, and governance. Following the Madrid Accords of 1975, however, divergent narratives emerged, resulting in diplomatic ambiguity. Early United Nations resolutions called for negotiations without specifying a framework, thereby reflecting the Organization's political neutrality. Nevertheless, ongoing efforts by separatist actors to assert alternate claims of statehood have generated tension and heightened regional insecurity. Historically, the Sahara has been closely connected to the political, administrative, and social authority of the Moroccan state. Before European colonization, ties of allegiance (bay'a) linked tribal confederations to the Sultan, strengthening a long-standing relationship of protection, taxation, and governance.

After the Madrid Accords of 1975, however, competing narratives emerged, extending diplomatic ambiguity. Early United Nations resolutions called for negotiations without specifying a clear model, reflecting the Organization's political neutrality. Still, ongoing efforts by separatist actors to assert alternative statehood claims created tension and increased regional insecurity. (Marc Weller, 2021).

From a practical perspective, the Sahara's relevance extends far beyond its geographic borders. The region constitutes a security corridor between the Maghreb and the Sahel, in which trafficking networks, extremist movements, and irregular migration routes operate. The consolidation of sovereignty in this area is therefore essential for counter-terrorism cooperation, maritime security, regional trade, and energy interconnectivity. As such, the question is no longer merely symbolic; it is directly connected to the safety, development, and stability of millions of citizens.

From a theoretical perspective, the Sahara conflict offers a unique case study for understanding how international law arbitrates between several core principles. These include the right to self-determination, the doctrine of territorial integrity, the post-colonial principle of *uti possidetis juris*, and the concept of effective sovereignty.<sup>1</sup> Contemporary scholarship highlights that the fragmentation of states rarely leads to stability in post-colonial regions.<sup>2</sup> Instead, legal doctrine increasingly supports autonomy under national sovereignty as a pragmatic institutional solution capable of reconciling local representation with national unity.

In recent decades, international jurisprudence and diplomatic practice have continued to evolve. The landmark United States decision in December 2020 recognizing Morocco's sovereignty over the Sahara sparked a geopolitical shift, prompting a growing number of states to adopt similar positions. The subsequent opening of foreign consulates in Laayoune and Dakhla further demonstrated a collective *opinio juris*: a recognition<sup>3</sup> by sovereign states that Morocco's claim is legitimate legal continuity. Meanwhile, successive United Nations Security Council resolutions have described Morocco's autonomy initiative as "serious, credible, and realistic," signaling support for sovereignty-based solutions rather than partition.

So the problematique is to what extent does current international law strengthen Morocco's sovereignty over the Sahara and promote regional stability by endorsing autonomy as a practical institutional solution? This legal question lies at the intersection of diplomatic recognition, evolving Security Council language, and the international community's interest in stability across the Sahara-Sahel region. It further illustrates how normative preferences gradually shift from theoretical legal interpretation toward pragmatic territorial governance.

This study, therefore, seeks to demonstrate that the consolidation of Moroccan sovereignty is not merely a matter of diplomacy but increasingly a matter of law within the United Nations legal system. It further argues that autonomy within sovereignty reflects contemporary approaches to conflict prevention—a model observed in other post-colonial contexts where partition would provoke additional instability. The Sahara issue consequently becomes a diagnostic example of modern international law: where territorial integrity and regional security come together to produce a clearer legal outcome.

To address this issue, the article employs doctrinal analysis, legal interpretation of United Nations texts, and comparative jurisprudence. First, it explores the historical and legal roots of Moroccan sovereignty over the Sahara, including evidence presented before the International Court of Justice and the

<sup>1</sup> United Nations Security Council, Resolution 2602 (2021), para. 2.

<sup>2</sup> African Centre for Strategic Studies, "Security Challenges in the Sahara-Sahel," Report, 202

<sup>3</sup> *Ibid.*, para. 81.

development of international doctrine. Second, it evaluates the geopolitical and legal consequences of global recognition, particularly in light of recent Security Council language supporting autonomy.

## **Historical and Legal Foundations of Moroccan Sovereignty**

Before addressing the contemporary implications of the Sahara dispute, it is necessary to establish the historical and legal foundations of Morocco's sovereign rights. These foundations are rooted in pre-colonial patterns of allegiance, administrative practice, religious authority, and diplomatic recognition. (Abderrahmane El Moudden, 2006). They also interact with international legal doctrines governing territorial inheritance after decolonization. (James Crawford, 2006). Together, they reveal continuity in Moroccan state authority and demonstrate that competing entities lacked effective sovereign structures before the twentieth century.

### ***Pre-colonial Structures, Allegiance, and Administrative Authority***

The Moroccan monarchy historically exercised authority over the Sahara through the legal institution of bay'a, which formalized oaths of loyalty between local tribes and the Sultan. Throughout the eighteenth and nineteenth centuries, Moroccan emissaries collected taxes, appointed local representatives, and administered justice in southern regions. This pre-colonial exercise of authority provides legally relevant evidence of sovereignty; the International Court of Justice (ICJ) has consistently held that historical ties between rulers and populations can support territorial claims.<sup>4</sup>

Furthermore, anthropological studies confirm the integration of Saharan tribes into Morocco's political system through marriage alliances, military service, and religious ties with zawiyas (Sufi brotherhoods). The Moroccan Sultanate provided military protection against rival confederations and nomadic incursions, reinforcing the mutual obligations typical of sovereign governance. In public international law, such acts contribute to effectivités: tangible expressions of authority that strengthen legal claims.

The ICJ's 1975 Advisory Opinion rejected the argument that the Sahara constituted terra nullius before Spanish colonization.<sup>5</sup> Instead, it concluded that Morocco maintained historical ties of allegiance with the region's populations—a significant legal distinction because terra nullius would imply the absence of any sovereign claim. Spain, therefore, did not acquire title through occupation of unclaimed land but merely displaced pre-existing Moroccan authority. In the context of post-colonial law, this strengthens Morocco's entitlement to recover its territory upon decolonization. (Ian Brownlie, 2008).

Moreover, nineteenth-century European diplomatic archives recognized Moroccan jurisdiction over Saharan tribes for the purposes of treaty negotiations. Foreign consuls addressed petitions to Moroccan officials in disputes involving Saharan nomads, implicitly acknowledging Moroccan sovereignty. Such documentary evidence is highly significant; international tribunals often consider interactions with foreign states when evaluating historical title. (Hannah R. Smith, 2008).

The continued use of Moroccan currency, taxation systems, and religious endowments (waqf) throughout the Sahara further reinforces the continuity of statehood. In public international law, sovereignty is a combination of authority, allegiance, territorial administration, and international recognition—not merely geographic occupation.

Having established the pre-colonial and documentary foundations of Moroccan authority, it is now necessary to examine how the United Nations and international jurisprudence have interpreted and reinforced these historical realities.

<sup>4</sup> UNSC Resolution 2468 (2019), para. 2.

<sup>5</sup> *Western Sahara*, Advisory Opinion, I.C.J. Reports 1975, p. 12, International Court of Justice, 16 October 1975.

## ***Evolution of United Nations Doctrine and International Jurisprudence***

Since the 1970s, the United Nations has gradually shifted from broad appeals to negotiation toward explicit support for Morocco's autonomy proposal. Early General Assembly resolutions focused on consultation and cooperation without endorsing a specific model.<sup>6</sup> Over time, however, Security Council language has consistently described Morocco's autonomy plan as "serious, credible, and realistic," indicating an emerging normative preference.<sup>7</sup> This change reflects an international legal trend where autonomy within sovereignty is preferred over territorial division.<sup>8</sup>

In parallel, state practice since 2020 demonstrates a clear *opinio juris* supporting Morocco's position. The recognition announced by the United States triggered a wave of diplomatic alignments, followed by the opening of foreign consulates in Laayoune and Dakhla.<sup>9</sup> In the international law doctrine, acts of recognition by sovereign states reinforce territorial claims when accompanied by sustained diplomatic engagement.<sup>10</sup>

The ICJ's jurisprudence remains key to this development. While advisory opinions are officially non-binding, they significantly influence state actions by clarifying the historical and legal basis of territorial claims. In the Sahara case, the Court explicitly confirmed ties of allegiance, rejected *terra nullius*, and acknowledged historical continuity—three factors that together strengthen Morocco's claim. Comparative jurisprudence in East Timor, Kosovo, and South Sudan shows that unilateral secession is rarely approved without immediate threats to core rights. No such conditions exist in the Sahara. (Bennouna, A., 2022).

Furthermore, the United Nations has repeatedly rejected referenda that could legitimize separatist outcomes, citing concerns over demographic manipulation and regional instability. Instead, successive Security Council mandates have directed all stakeholders toward a "mutually acceptable political solution," implicitly ruling out independence. This language is not rhetorical: in international law, lexical shifts in Security Council resolutions carry interpretive weight.

Regional security dynamics reinforce this development. The Sahara is strategically adjacent to the Sahel, where extremist movements, trafficking groups, and mercenary networks operate. Diplomatic fragmentation would create a governance vacuum, contradicting the global counter-terrorism doctrine embraced by the United Nations since 2001. Autonomy under Moroccan sovereignty, by contrast, enables coordinated border protection, intelligence cooperation, and maritime surveillance.

Moreover, the opening of consulates by African, Arab, and Latin-American states constitutes a material act of recognition. In public international law, a consulate's presence within territory is a sovereign admission of jurisdiction. The accumulation of such recognitions embodies acquiescence: passive validation by the international community.

The historical and legal foundations of Morocco's sovereignty over the Sahara demonstrate a consistent connection to pre-colonial authority, administrative practices, religious allegiance, and international recognition. The International Court of Justice's rulings confirm these historical links, while rejecting the notion that the territory is *terra nullius*. Developments in United Nations doctrine, along with diplomatic recognition and the opening of foreign consulates, support a legal trend favoring autonomy within sovereignty. In contemporary international law, the combination of state practice, *opinio juris*, and Security Council statements indicates a gradual strengthening of Morocco's independence.

Having explored the historical and doctrinal roots of Moroccan sovereignty, it is now crucial to analyze how modern international recognition and regional security concerns turn these foundations into real geopolitical outcomes.

<sup>6</sup> NATO Mediterranean Dialogue Report, 2021, 17-20.

<sup>7</sup> UNCTC Global Strategy Analysis, 2022.

<sup>8</sup> United Nations Security Council Resolution 2602 (2021), S/RES/2602 (2021), 29 October 2021.

<sup>9</sup> International Court of Justice, Advisory Opinion on Western Sahara, 16 October 1975.

<sup>10</sup> United Nations Charter, Chapter VI, Articles 33-38 (Pacific Settlement of Disputes).

## International Recognition and Geopolitical Implications

Beyond historical sovereignty, Morocco's legal stance on the Sahara is increasingly shaped by current diplomatic dynamics, regional security needs, and leadership diplomacy. In modern international law, the legitimacy of territorial control is not based solely on historical claims but also on how effectively a state administers, cooperates internationally, and engages constructively within multilateral institutions. In this context, the development of United Nations Security Council language, the increase of foreign diplomatic missions in Laayoune and Dakhla, and the rising *opinio juris* among sovereign states support a normative trend favoring autonomy under Moroccan sovereignty.

Furthermore, regional counter-terrorism efforts, maritime security operations, and trans-Saharan economic projects highlight the importance of stable territorial governance. Finally, King Mohammed VI's diplomatic leadership has played a crucial role in strengthening strategic alliances, securing neutral voting positions, and preventing obstructive veto dynamics within the United Nations. Collectively, these factors demonstrate how diplomatic recognition, security priorities, and head-of-state engagement come together to reinforce Morocco's sovereignty under modern legal standards.

### *Diplomatic Recognition, Security Council Language, and Opinio Juris*

Since 2020, an increasing number of states have officially recognized Morocco's sovereignty over the Sahara, a process accelerated by the United States' landmark decision. The opening of foreign consulates in Laayoune and Dakhla exemplifies this trend: establishing consular missions is a sovereign act of jurisdiction under customary international law. At the same time, bilateral agreements in trade, energy, and security demonstrate ongoing recognition, supporting a legal doctrine known as *effectivités diplomatiques*: acts by foreign states that affirm administrative authority.

The language used by the Security Council is critical. In successive resolutions—2602 (2021), 2548 (2020), 2494 (2019)—the Council described Morocco's autonomy initiative as “serious, credible, and realistic.” These word choices are not just symbolic; they are part of the Council's interpretive approach, influencing expectations about the legal outcome of territorial disputes. Within the UN system, a preferred institutional model signals a legal acceptance of that approach.

Simultaneously, the Council has rejected frameworks that could legitimize separatist outcomes, invoking concerns over demographic manipulation, governance vacuums, and extremist infiltration. This rejection echoes jurisprudence on Kosovo, South Sudan, and Abkhazia, where international tribunals have ruled that secession is permissible only under extreme humanitarian circumstances. No such humanitarian threshold exists in the Moroccan Sahara.

The concept of *opinio juris*—the belief among states that an act is legally justified—plays a critical role here. By establishing consulates, signing cooperation agreements, and issuing formal declarations, states collectively articulate a normative belief that Moroccan sovereignty is lawful. In customary international law, *opinio juris* and state practice combine to generate binding norms.

Critically, recognition has expanded geographically, embracing African, Arab, and Latin-American partners. Such cross-regional alignment reflects a global trend: states identify autonomy within sovereignty as a stabilizing mechanism that can integrate diverse populations without territorial dismemberment.

In addition, Morocco's economic initiatives in the region—port infrastructure, renewable energy projects, and cross-border logistics—demonstrate the administration's effectiveness through public investment. International tribunals routinely evaluate infrastructure as evidence of legitimate territorial governance.

Diplomatically, Morocco has enhanced counter-terrorism cooperation through intelligence sharing, maritime patrols, and cross-border law enforcement operations. These alliances benefit the global community, reinforcing the idea that sovereignty in the Sahara yields security gains beyond North Africa. (Op.cit, Crawford).

While diplomatic recognition and Security Council language demonstrate growing international support for Morocco's sovereignty, regional security realities add a further layer to the legal analysis by

emphasizing the need for stable territorial governance.

### ***Regional Stability, Counter-Terrorism Cooperation, and Autonomy as a Legal Model***

Regional security trends demonstrate that fragmentation in the Sahara-Sahel corridor would exacerbate existing vulnerabilities. Terrorist organizations—including AQIM affiliates—operate in adjacent zones in Mali, Niger, and southern Algeria. The creation of micro-states without established institutions would produce governance vacuums analogous to Somalia or Libya. In international law, the protection of regional stability constitutes a legitimate sovereign interest.<sup>11</sup>

Autonomy under sovereignty resolves these concerns. It allows cultural, linguistic, and administrative particularities to coexist within a unified legal framework. Comparative examples—South Tyrol (Italy), Åland Islands (Finland), and Aceh (Indonesia)—demonstrate that autonomy can reconcile identity with territorial unity. Scholars increasingly view autonomy as the most advanced institutional interface between local representation and central authority.<sup>12</sup>

Furthermore, autonomy supports effective human rights implementation by enabling local institutions to engage directly with national mechanisms. In the Sahara, new regional councils exercise elected authority over education, infrastructure, and cultural policy. These reforms reflect a transition from diplomatic ambiguity to tangible governance.

Economically, autonomy facilitates the integration of vast renewable-energy potential—solar, wind, green hydrogen—into global markets. The Sahara’s coastline offers strategic access to Atlantic maritime routes connecting Europe, West Africa, and the Americas. International trade corridors require stable legal frameworks; independence movements introduce unpredictability.

Strategically, Morocco’s control of the Sahara supports international maritime security. Naval intelligence programs have intercepted trafficking networks operating along Atlantic routes originating from West Africa. These operations align with UN Security Council counter-terrorism mandates, reinforcing the legitimacy of Moroccan authority.

Moreover, fragmentation would undermine existing intelligence alliances, complicating continental cooperation. Regional integration initiatives, such as COMESA partnerships and the African Continental Free Trade Area, depend on consistent territorial administration. Autonomy provides the administrative continuity required to connect Morocco to trans-Saharan supply chains.

From a doctrinal standpoint, autonomy satisfies both elements of modern international conflict resolution: cultural recognition and territorial stability. The alternative—partition—has repeatedly demonstrated destabilizing consequences in contemporary Africa. International tribunals have concluded that territorial reconfiguration must be exceptional, proportionate, and justified by imminent risk of mass harm. The Sahara does not meet these criteria.

Beyond these structural security considerations, the decisive factor reinforcing this normative trajectory has been the diplomatic leadership of King Mohammed VI, whose multilateral engagement significantly shaped voting behavior and strategic alignment within the United Nations system.

### ***The Diplomatic Intervention of King Mohammed VI and Its Influence on United Nations Decision-Making (Legal-Diplomatic Approach)***

Within the framework of multilateral diplomacy, King Mohammed VI has exercised strategic normative influence over the United Nations’ decision-making process regarding the Moroccan Sahara. His intervention is characterized by consistent advocacy of the Autonomy Initiative as a “realistic, credible, and compromise-oriented” solution, a language subsequently incorporated into several Security Council resolutions, including S/RES/2468 (2019) and S/RES/2602 (2021). By aligning Morocco’s territorial position with pillars such as territorial integrity, non-secession, and regional stability, the Monarch’s diplomacy

<sup>11</sup> United Nations Security Council Resolution 2602 (2021), S/RES/2602 (2021), 29 October 2021.

<sup>12</sup> International Court of Justice, Advisory Opinion on Western Sahara, 16 October 1975.

has contributed to the gradual shift of the legal narrative from “self-determination through referendum” toward self-determination implemented through autonomy under State sovereignty. (Op.cit, Bennouna, A,).<sup>13</sup>

Furthermore, King Mohammed VI's diplomatic guidance has upgraded Morocco's procedural legitimacy within the UN's Chapter VI negotiation framework, reinforcing the doctrine of “mutually acceptable political solutions.” His engagement with key permanent members of the Security Council (P5) and African regional blocs has facilitated the adoption of a more pragmatic legal reasoning grounded in *Opinio Juris*, state practice, and international recognition, as evidenced by the opening of multiple consular offices in Laâyoune and Dakhla. This consolidation of diplomatic support also counters claims made by non-state actors, whose lack of effective territorial control weakens their standing under the Montevideo Convention criteria. By integrating public diplomacy, legal argumentation, and security-based normative claims, King Mohammed VI's leadership has helped shift the UN agenda toward long-term stabilization aligned with *jus cogens* principles and regional peace goals.

Taken together, these strategic diplomatic efforts complement the legal and security dimensions previously discussed, enabling the international community to converge on a coherent institutional pathway grounded in autonomy under Moroccan sovereignty.

In conclusion, the ongoing shift in international discourse on the Moroccan Sahara reflects a growing convergence among legal reasoning, diplomatic pragmatism, and geopolitical realities. The United Nations' evolving terminology, the proliferation of foreign consulates in the region, and the decisive diplomatic leadership of King Mohammed VI collectively demonstrate that recognition is no longer static, but the result of calibrated political influence grounded in international law. By reconciling territorial integrity with a realistic form of self-determination through autonomy, Morocco has aligned regional security imperatives with normative UN expectations. This consolidated momentum not only reinforces the legitimacy of Morocco's legal position but also sets a precedent for how multilateral negotiation frameworks can adapt to complex territorial disputes.

## Conclusion

The legal and geopolitical aspects of the Sahara dispute reveal a steady strengthening of Morocco's sovereignty under modern international law. Historically, the region was integrated into the Moroccan state through allegiance, administrative practice, religious authority, and documentary interaction with foreign entities. The

International Court of Justice confirmed these historical ties, rejecting the notion of *terra nullius* and acknowledging the continuity of sovereign functions before

European colonization. This foundation situates Morocco's claims within established legal principles, including *uti possidetis juris* and the doctrine of *effectivités*.

Similarly, the United Nations Security Council has increasingly used its language to explicitly endorse Morocco's autonomy initiative, repeatedly describing it as “serious, credible, and realistic.” Such lexical consistency constitutes a normative signal, marking a shift from procedural neutrality to substantive preference. The Council's reluctance to support referenda susceptible to manipulation further underscores concerns regarding fragmentation, governance gaps, and possible instability in the Sahara-Sahel corridor.

Diplomatic recognition reinforces this support. The opening of consulates in Laayoune and Dakhla, along with bilateral agreements in security, trade, and infrastructure, represents manifestations of *opinio juris*. These acts reveal a collective belief among sovereign states that Morocco's administrative authority is lawful and stabilizing. In customary international law, the combination of state practice and *opinio juris* helps establish binding norms.

Moreover, regional security imperatives strengthen the legal argument for sovereignty-based solutions. The Sahara borders zones that are vulnerable to extremist movements and trafficking networks.

<sup>13</sup> International Court of Justice, Advisory Opinion on Western Sahara, 16 October

Fragmentation would create governance gaps analogous to those observed in Libya or Somalia, contradicting the global counter-terrorism doctrine adopted by the United Nations since 2001. Autonomy under sovereignty, by contrast, enables coordinated border protection, maritime surveillance, and intelligence sharing—benefits that extend beyond Morocco’s national interest and contribute to collective security. (Op.cit, Bennouna, A.).

Economically, Morocco’s developmental initiatives in the Sahara—renewable energy projects, port infrastructure, and trade corridors—demonstrate effective administration. International tribunals routinely evaluate public investment as evidence of sovereign governance. These initiatives also integrate the Sahara into transcontinental logistics, supporting the African Continental Free Trade Area and Atlantic maritime routes.

In contemporary international law, the convergence of historical authority, diplomatic recognition, Security Council language, regional cooperation, and counter-terrorism needs indicates the emergence of a unified, consolidated legal norm. This evolution illustrates how normative preferences shift from theoretical frameworks toward pragmatic institutional arrangements. Autonomy within sovereignty reconciles identity with territorial unity, offering a stable and legally coherent outcome aligned with global trends.

Thus, the Moroccan Sahara is not only an issue of historical claim but also a clear example of modern international governance. It shows how international law balances protecting territorial integrity with the procedural recognition of local representation. As state practice continues to develop, Morocco’s sovereignty over the Sahara gains increasing legal, diplomatic, and geopolitical legitimacy—marking a significant shift from dispute to consolidation.

### Disclosure statement

No potential conflict of interest was reported by the author.

### Notes on contributor

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