

“Safe Countries” in a burning world: climate-induced displacement and legal denial in the Senegalese case

“Países seguros” em um mundo em chamas: deslocamento induzido pelas mudanças climáticas e negação jurídica no caso senegalês

*Antonio Ricci**

1 INTRODUCTION: A FRACTURED PARADIGM

As the planet continues to burn, the European Union fortifies its borders. Despite the climate crisis being one of the principal drivers of global instability and forced displacement, it remains conspicuously absent from the legal criteria by which claims for international protection are assessed. In the face of a transforming world, European asylum frameworks remain anchored in a twentieth-century paradigm of human mobility, based on the rigid dichotomy between “economic migrants” and “political refugees” (KUNZ, 1973). This binary, established by the 1951 Geneva Convention and the 1967 Protocol, is proving increasingly unsuitable to interpret the complexity of contemporary migratory dynamics, which escape traditional categorizations and develop within hybrid constellations of economic, environmental, social, and political drivers.

The recent volume *Undesired guests* (COCCIA & RICCI, 2022) confronts this issue head-on, emphasizing that, seventy years after its inception, the Refugee Convention reveals significant limitations in addressing the contemporary global challenges posed by asymmetric conflicts, pandemics, environmental catastrophes and the collapse of entire socio-

* Centro Studi e Ricerche IDOS, Rome

economic ecosystems. Its legal architecture, although innovative for the time, is today inadequate to guarantee effective protection to those displaced by climate change and the ecological crisis. Its core concept of “persecution” fails to encompass - except in indirect and limited ways - the emergent forms of systemic violence linked to environmental degradation, food insecurity, and desertification.

Compounding this is a troubling political trend toward the restriction of asylum rights, both in the United States under “Trump 2.0” Administration and within the European Union, where asylum has increasingly become a field of political contestation. The policies pursued in Italy and across the EU - documented for over three decades by IDOS researchers thanks to the well-known *Statistical Dossier on Immigration*¹ - oscillate between a security-oriented rhetoric and the externalization of border control. These strategies frequently employ legal and administrative instruments in ways that undermine the fundamental principles of international protection, most notably the principle of non-refoulement.

A striking illustration of this dissonance is the inclusion of countries such as Senegal on Italy’s list of “safe countries of origin”. This designation starkly contrasts with the lived realities of these regions. Senegal, for instance, faces escalating challenges from coastal erosion, chronic drought and widespread food insecurity, factors that increasingly position climate change as a silent yet powerful driver of migration. Nevertheless, environmental factors are not formally recognized as legitimate grounds for protection under current legal frameworks. This “juridical myopia” manifests in the systematic rejection of applications, exclusions from the asylum system and the forced repatriation of individuals whose displacement is clearly linked to ecological crises.

The fragility of the current asylum regime is further reflected in the wide discrepancies in asylum procedures and recognition rates across EU member states. The considerable variation in outcomes - alongside the high incidence of positive decisions only being secured through appeal - points to a structurally restrictive approach in the initial stages of evaluation. This legal uncertainty consigns many applicants to a condition of permanent liminality, entrapped in procedural limbo and effectively denied access to rights and protection.

Within this increasingly securitized context, the figure of the refugee has been transformed: from a rights-bearing individual in need of protection to an “undesired guest”, subject to suspicion and aggressive containment practices. The militarization of borders, systematic pushbacks, the strategic deployment of hotspots and the proliferation of bilateral agreements with third countries have entrenched a regime of perpetual exception.

Reforming asylum law must go beyond a mere revision of definitional boundaries. It requires the recognition that environmental crises - no less than armed conflicts or political persecution - create conditions of vulnerability, dispossess communities and forces millions of people to flee. The continued absence of legal recognition for so-called “environmental refugees” is not merely a normative gap: it reveals a deeper political unwillingness to treat the ecological crisis as a collective and shared responsibility.

2 CLIMATE CRISIS AND MIGRATION: A STRUCTURAL NEXUS

Senegal today stands as one of the most emblematic case studies for observing the structural nexus between climate change, environmental degradation, and forced migration. In this West African context, the climate crisis is not an abstract or distant threat; rather, it constitutes a daily, tangible process that reshapes landscapes, disrupts ecosystems, undermines local economies, and compels communities to relocate. Since 1960, the country has experienced an average temperature increase of approximately +0.9°C and a steady decline in precipitation. Currently, nearly 46% of Senegal’s national territory is classified as semi-arid (WORLD BANK, 2021). Desertification continues to advance, coastal erosion threatens population centers and access to freshwater grows becomes increasingly uncertain.

These environmental transformations have had a profound impact on Senegal’s primary sector, which employs nearly one-third of the population. Agriculture is suffering from declining soil fertility and the growing unpredictability of seasonal cycles. Meanwhile, artisanal fishing - long a cornerstone of both the coastal economy and national food security - has entered a state of systemic crisis. This collapse is driven by a combination of factors: climate change, overfishing and the widespread practice of illegal, unreported and unregulated (IUU) fishing. Vessels operating under the flags of European, Asian, and African nations exploit the same waters reserved for artisanal fishers, often enabled by opaque licensing agreements or in blatant violation of national regulations. As a result, an estimated 57% of fish stocks in Senegalese waters are now biologically depleted (EJF, 2025).

According to the Food and Agriculture Organization (FAO)², IUU fishing constitutes one of the gravest threats to marine biodiversity and global food security. Exploiting weak governance structures and inadequate monitoring systems - especially in developing countries - IUU fishing undermines sustainable resource management, deprives local fishers of their livelihoods and contributes to both ecological and social degradation. In many cases, it is linked to transnational organized crime and its products often enter global markets, exacerbating poverty and food insecurity in the communities

of origin. The social consequences are severe: artisanal fishers, deprived of their main source of income, fall into debt in a last-ditch effort to sustain their activity, frequently without viable prospects for economic recovery. Young people, facing a lack of opportunity, abandon rural villages for overcrowded urban peripheries such as those surrounding Dakar, or they undertake dangerous and irregular migration journeys in search of a future in Europe. The Wolof proverb *Barça mba Barzakh* (“Barcelona or death”) bears witness to the existential weight of such choices: migration is no longer a developmental aspiration, but a desperate survival strategy (DEGLI UBERTI & RICCIO, 2017).

The World Bank estimates that Senegal could see up to one million internal climate migrants by 2050 (WORLD BANK, 2021). Yet this mobility is not confined within national borders. In 2024 alone, over 12,000 individuals departed Senegal irregularly along the Atlantic route to the Canary Islands³. This journey, one of the most perilous globally, has claimed in the same year the lives of more than 10,000 people, many of them minors⁴.

Compounding these pressures is the pervasive yet often overlooked phenomenon of land grabbing. Foreign investors and multinational corporations purchase or lease vast tracts of arable land for industrial monocultures or extractive operations, dispossessing local communities. This shift toward export-oriented agricultural production deepens national food dependency, while simultaneously eroding rural communities’ control over essential natural resources.

These dynamics, now also documented by academic studies and field investigations, had already emerged clearly in an in-depth ethnographic investigation conducted directly in Senegal. Based on interviews with former migrants, young people, families and local authorities, the research was published by IDOS with the support of Green Cross Italia (ATTANASIO & RICCI, 2018). It underscored the systemic interconnections between environmental degradation, social vulnerability, and forced migration, while also highlighting the necessity of centering the voices of those directly affected as a key methodological approach to understanding migratory processes.

Importantly, this crisis cannot be explained merely as a consequence of poor local governance or geographic misfortune. It must be understood as the outcome of a global development model rooted in exploitation, asymmetrical trade relations, and the extraction of resources from the Global South for the benefit of the Global North. European fleets that deplete Senegalese waters (a form of “ocean grabbing”), bilateral agreements that privatize access to land and marine resources and the chronic underinvestment in sustainable fisheries and resilient local agriculture are all manifestations of a wider framework of systemic inequality.

In this light, Senegal becomes a mirror of a broader socio-ecological crisis, in which political and economic decisions made at the global level directly translate into forced displacement. Current European migration policies, which continue to classify Senegal as a “safe country of origin” for the purposes of international protection, appear fundamentally inadequate and misaligned with the lived realities on the ground. The persistent refusal to recognize environmental factors as legitimate legal and political causes of migration perpetuates a system that is both blind and unjust, which punishes those who are displaced while absolving the structures and actors responsible for their dispossession.

3 THE FICTION OF THE “SAFE COUNTRY”: AN IDEOLOGICAL CONSTRUCTION

The notion of a “safe country of origin” is a normative and legal construct developed at the European level, ostensibly to expedite asylum procedures and, in particular, to accelerate the rejection of claims deemed manifestly unfounded. Codified in Directive 2013/32/EU⁵ of the European Parliament and Council (the recast Asylum Procedures Directive), this mechanism rests on the assumption that certain countries can be generally considered free from persecution or serious harm, and thus, their citizens are presumed not to qualify for international protection.

This presumption, however, has been the subject of significant criticism from both academic scholars and human rights organizations, who argue that it is arbitrary and ill-suited to the complex, multi-layered realities of contemporary forced migration. As Costello and Foster (2016) argue, the “safe country” designation functions as an inverted legal presumption, one that preemptively delegitimizes applicants and requires them to present exceptional evidence to overcome a presumption of inadmissibility. This framework is at odds with core principles enshrined in the 1951 Geneva Convention and Article 3 of the European Convention on Human Rights (ECHR), both of which demand an individual, effective, and non-discriminatory assessment of each asylum claim.

In the case of Senegal, the Italian government added the country to its official list of “safe countries of origin” through an interministerial decree dated 4 October 2019⁶, a classification that was reaffirmed in 2024. Yet a close reading of the Country of Origin Information (Col) reports⁷ - produced jointly by the Italian Ministries of Foreign Affairs, Justice, and the Interior⁸ - reveals a fundamental contradiction between the label of “safety” and the documented on-the-ground realities. While the reports acknowledge serious issues - such as repression of political protests, instrumentalization

of the judiciary, discrimination against women and vulnerable minorities (including talibé children, LGBTQI+ individuals and people with albinism), systemic censorship and an ongoing low-intensity armed conflict in the Casamance region - these are neutralized through a bureaucratic lexicon that relegates them to marginal exceptions, not sufficient to call into question the “generalized security” of the country.

The legal paradox is even more evident in the total absence of references to the ongoing environmental crises: desertification, food insecurity, the collapse of marine resources, coastal erosion and water scarcity are completely ignored, although documented in a systemic way by international agencies, NGOs and even by the Italian development cooperation agency.

This omission is not neutral: it reveals a reductionist paradigm that arbitrarily separates the recognized forms of violence - political or armed - from environmental and structural ones. This conceptual separation ignores the systemic vulnerabilities generated by climate change and ecological collapse.

As UNHCR (2020) has emphasized, environmental conditions can not only interact with the traditional causes of persecution but also act as threat multipliers, accelerating social unrest, conflict and processes of forced expulsion from territories. Yet, to date, neither European nor Italian law provides explicit recognition of environmentally-induced forced migration. This remains a critical “blind spot” within the existing legal framework.

The exclusion of such factors from asylum assessments constitutes a form of institutional blindness with profound implications. First, Senegalese asylum seekers often see their applications declared inadmissible based solely on geographic origin, stripped of the right to an individualized and substantive evaluation. Second, the asylum system as a whole becomes entrenched in a defensive and ideological logic, wherein legal instruments are subverted to serve the aims of deterrence and containment.

The classification of Senegal as a “safe country” thus becomes a legal fiction, a performative mechanism that produces a façade of formal security while concrete conditions of insecurity persist. It serves to legitimise restrictive practices, to facilitate expulsions and to curtail access to international protection, regardless of the reality experienced by individuals. As Thomas Gammeltoft-Hansen (2011) observes, these strategies are integral to a broader process of externalisation of protection, which aims to move the legal frontiers of asylum further and further away from the substantive guarantees of human rights.

In the Senegalese context, this fiction entails the erasure of the complex interplay of political repression, socioeconomic inequality and ecological breakdown. The resulting migratory movements are categorized as

“economic” and thus considered illegitimate under current asylum law, even when they are in fact expressions of forced displacement driven by climate and structural causes. In this sense, the law operates not as a neutral arbiter, but as a tool of exclusion: it selects who is entitled to protection and who is not, based on abstract and politically constructed assumptions.

Addressing this distortion requires a fundamental rethinking of the category of “safe country.” Such a re-evaluation must account for the evolving geographies of vulnerability and the systemic transformations redefining the drivers of forced mobility. Only through an ecological and multidimensional approach to international protection can we begin to dismantle the legal fictions that obscure the real causes of exclusion.

4 ENVIRONMENT AS LEGAL ABSENCE: THE REGULATORY VACUUM ON CLIMATE MIGRATION

Within the international legal framework, the climate crisis continues to be treated primarily as an environmental issue rather than a legitimate ground for international protection. This regulatory lag is particularly pronounced in the realm of asylum law, where individuals displaced by natural disasters, desertification, sea-level rise, or systemic environmental degradation are not recognized as refugees under current legal definitions.

The 1951 Geneva Convention, a foundational pillar of the international protection system, defines a refugee as an individual who has a “well-founded fear of being persecuted” on the basis of race, religion, nationality, membership in a particular social group or political opinion. Although groundbreaking at the time of its adoption, this definition is narrowly anthropocentric and individualized, excluding those fleeing environmental threats. As Jane McAdam (2012) and Walter Kälin (2010) have noted, the absence of environmental factors in this legal definition has created a significant normative gap that, to date, no international instrument has filled in a binding way.

In the European context, this vacuum persists through a protection system that continues to treat environmental displacement as a peripheral issue, addressable only through subsidiary forms of protection, such as humanitarian or “special” protection measures (the latter now regulated in Italy by Legislative Decree 130/2020). These forms of protection, however, remain weak, discretionary and frequently inaccessible. Applicants must meet an exceptionally high burden of proof, including the demonstration of a direct and personal link between environmental degradation and a serious individual risk, despite the absence of clear guidelines for evaluating such claims within existing asylum procedures.

Senegal, which Italy has designated a “safe country of origin” since 2019, provides a paradigmatic example of this contradiction. Despite the extensive and well-documented effects of climate change - ranging from desertification and coastal erosion to the collapse of marine ecosystems and worsening food insecurity - Italian authorities continue to uphold the country’s “safe” status. This classification relies almost exclusively on political and institutional parameters, disregarding the ecological conditions that drive systemic vulnerability and forced displacement. As noted previously, the official country-of-origin reports issued by Italian ministries mention certain human rights concerns, but remain entirely silent on environmental factors, as though they had no bearing on human security or migratory pressure.

This omission is not merely technical; it is political. The designation of a country as “safe” enables asylum claims submitted by its nationals to be dismissed in an expedited or even summary manner⁹. In doing so, Italian and European authorities effectively circumvent the principle of non-refoulement enshrined in Article 33 of the 1951 Geneva Convention and reaffirmed in Article 19 of the Charter of Fundamental Rights of the European Union. Individuals are thus returned to territories that, while nominally “peaceful”, have become ecologically uninhabitable.

The result is a systematic depoliticization of climate-induced migration. Those fleeing unlivable environments are treated not as forcibly displaced persons, but as “irregular” economic migrants, stripped of any claim to protection. As Saskia Sassen (2014) has argued, environmental displacement constitutes a contemporary form of post-colonial dispossession, which displaces entire populations not only from their land, but from the right to remain. Climate-induced flight is thus rendered invisible in law, but becomes highly visible in the form of pushbacks, detention, inadmissibility rulings and forced returns.

This legal vacuum reveals a profound paradox: even as international organizations such as the World Bank and the International Organization for Migration (IOM) acknowledge that tens of millions will be displaced by climate change in the coming decades, no structured legal mechanism exists to afford them international protection. Environmental migrants remain unrecognized by law, despite their increasing presence at borders and in asylum systems ill-equipped to address their claims.

Ultimately, the failure to recognize the climate crisis as a legally relevant cause of displacement exposes a deeper epistemic rupture within the contemporary asylum regime. Grounded in a state-centric and individualized logic, the current framework is structurally incapable of accounting for the new forms of vulnerability engendered by global, interdependent

phenomena such as climate change. Addressing this gap requires not only legal reform, but a paradigmatic shift in how we conceptualize protection in an era of ecological breakdown.

5 ITALIAN HYPOCRISIES: THE SO-CALLED “MATTEI PLAN” AND THE DOUBLE STANDARD

The “Mattei Plan” (Law 2/2024)¹⁰, introduced by the Italian government as a framework for structural cooperation with African countries, does not seem to resolve the profound contradictions that characterize Italy’s approach to migration and development. While rhetorically framed as the foundation for a new partnership with Africa, the Plan remains embedded in political and legal practices rooted in exploitative, securitized and fundamentally asymmetrical logics. Promoted as a strategic initiative to enhance economic cooperation with African countries, the “Plan” has been portrayed by Italian officials as a symbol of Italy’s renewed and proactive role on the continent. Yet, beyond this political narrative, the substantive content of the “Plan” - as reflected in official documents and public statements - reveals a focus primarily on infrastructure investments in the energy and logistics sectors, with the stated aim of addressing irregular migration “at its source”.

The environmental dimension - both in the form of “climate justice” and in that of the ecological resilience of local communities - remains completely marginal, if not completely absent. The “Plan” fail to engage with the root causes of environmental and social instability in contexts such as Senegal, where documented phenomena of land grabbing, ocean grabbing and overexploitation of natural resources fuel the spiral of precariousness and forced mobility. Rather than framing Africa as a partner in a project of structural rebalancing and rights recognition, the “Plan” constructs the continent as a “problem to be managed”, reinforcing a model of containment and outsourcing of border control to African states.

This approach is intertwined with a second, more silent but equally relevant level: that of the “legal production of security”. With Legislative Decree 158/2024, the Italian government confirmed Senegal in the list of safe countries of origin, explicitly excluding any reference to the ecological dimension of the Senegalese crisis. The decision, in clear continuity with the interministerial decrees of 2019, is based on a reductive and obsolete evaluation criterion, which continues to measure security only on the basis of institutional stability and the absence of large-scale armed conflicts.

The outcome is a structural double standard. On the one hand, Italy and the European Union claim to want to support the “development capacity” of African countries; on the other, they use the same countries as buffer zones

for migration control. Mechanisms such as Frontex operations, the Dublin III Regulation and bilateral readmission agreements, often negotiated without adequate human rights guarantees (CASSARINO, 2007), are deployed to externalize Europe's borders. Senegal, in particular, has emerged as a regional hub for surveillance and migration management, sustained by EU funding aimed at strengthening borders and police cooperation, without addressing the structural drivers of displacement. In this context, the emergency logic takes precedence over any prospect of justice or long-term solidarity.

This policy approach illustrates a significant disconnect between Italy's foreign policy objectives and its obligations under international human rights law. Cooperation with formally "stable" states that are, in reality, deeply affected by socio-environmental collapse enables the legitimization of restrictive measures and the acceleration of returns. This is in clear tension with multiple UNHCR General Comments and recommendations, which urge states to integrate environmental considerations into the assessment of international protection claims.

Ultimately, the "Mattei Plan" and the continued classification of Senegal as a "safe country" epitomize the normative and geopolitical hypocrisy underlying Italy's current migration strategy. While invoking notions of partnership and cooperation, the state simultaneously reinforces a regime of exclusion and denial, based on a narrow and geopolitically selective understanding of vulnerability.

Addressing this contradiction would require a fundamental paradigm shift: from the technocratic management of migratory flows toward an ethical and political recognition of shared global responsibility in generating the conditions that produce forced mobility. Without such a reorientation, the discourse of "structural cooperation" risks remaining a rhetorical exercise, incapable of confronting the systemic linkages between the climate crisis, denied rights and involuntary displacement.

6 TOWARDS A "CLIMATE JUSTICE" APPROACH TO MIGRATION

In light of the deepening interconnections between environmental degradation, global inequality, and forced mobility, there is an urgent need to reconceptualize the legal and political frameworks through which Europe addresses migration. The climate crisis can no longer be treated as an external or marginal factor; rather, it constitutes a structural and transversal force, reshaping the geographies of vulnerability and challenging the very contours of the right to protection.

As Jane McAdam (2012) - a leading scholar in the field of climate-induced displacement - has emphasized, the absence of a binding legal framework explicitly recognizing the status of environmental migrants

remains one of the most significant gaps in contemporary international law. The 1951 Geneva Convention, conceived in a post-war geopolitical context, is today insufficient to protect people forced to migrate not because of direct persecution, but because of slow, cumulative and structural processes linked to the ecological crisis.

This limitation was underscored in the 2020 case *Teitiota v. New Zealand*¹¹, in which the UN Human Rights Committee acknowledged that, under certain conditions, climate change can pose a serious threat to the right to life (Article 6 of the International Covenant on Civil and Political Rights). While the Committee ultimately found that the threshold of risk had not been met in that particular case, the decision opened a crucial space for legal reflection on the role of environmental factors in international protection frameworks.

In light of these developments, the shift from a predominantly security-driven model to a paradigm of “climate justice” in migration governance is increasingly imperative. “Climate justice” entails acknowledging that responsibility for climate change is unevenly distributed, while its consequences disproportionately affect populations in the Global South, populations that often have limited or no access to international protection mechanisms. This shift requires rethinking migration through at least four interrelated dimensions:

- 1. New Legal Categories of Protection.** The traditional binary between “refugees” and “economic migrants” is increasingly inadequate in capturing the complex realities of displacement linked to environmental degradation. There is a pressing need to explicitly recognize environmental migrants as rights-bearing subjects. Proposals in this direction have emerged in both academic and institutional spheres, including recommendations from the IOM, UNHCR, and UN Special Rapporteurs on the right to a healthy environment. Flexible legal instruments - such as temporary protection permits or specific forms of subsidiary protection for environmental causes - represent a crucial first step toward a coherent normative response.
- 2. Reform of the “Safe Country” Concept.** As illustrated by cases such as Senegal and other states in the Sahel, the assessment of safety can no longer rest solely on indicators of political stability or the absence of armed conflict. “Ecological security” - defined by access to essential resources, environmental sustainability and the basic livability of territories - must become a core criterion in determining the designation of safe countries of origin. In this regard, Article 3 of the European Convention on Human

Rights (ECHR) and Article 19 of the Charter of Fundamental Rights of the European Union offer interpretive space to broaden the notion of risk in return decisions.

3. **Transformation of Cooperation Policies.** The EU's external action, including initiatives such as the "Mattei Plan", must move beyond a containment paradigm and embrace a model of structural solidarity. This involves supporting the resilience of rural communities, promoting sustainable agricultural practices, curbing predatory fishing, and addressing the overexploitation of natural resources. Such measures are essential to securing what has been termed the "right not to migrate", a right implicitly grounded in Article 25 of the Universal Declaration of Human Rights, which guarantees the right to an adequate standard of living.
4. **Recognition of Global Ecological Debt.** As articulated by the climate justice movement and scholars like Joan Martinez-Alier (2002), industrialized nations have accrued a substantial ecological debt to the Global South, as a result of centuries of resource extraction and disproportionate contributions to global emissions. This debt must be addressed through reparative and redistributive policies, including the establishment of legal migration pathways for those displaced by environmental degradation and the implementation of international compensation mechanisms.

Only through a multidimensional and justice-oriented framework can migration governance begin to reflect the systemic nature of the climate crisis and its entanglement with historical injustices. A "climate justice" approach demands not only legal reform but a moral reckoning with the global inequalities that shape contemporary patterns of displacement.

7 CONCLUSION: FROM BORDERS TO RESPONSIBILITY

In the context of the global ecological crisis, borders no longer function merely as territorial demarcations between states. Rather, they have become normative filters, mechanisms of selection that determine who is deemed worthy of protection, who may remain, and who must be expelled. These emerging "climate borders" - invisible yet profoundly consequential - are redrawing the geographies of mobility, rendering vast regions of the Global South into zones of systematic exclusion. The absence of a legal framework

capable of recognizing environmental displacement is not simply a normative vacuum; it reflects a political decision to disavow responsibility, perpetuating a form of institutional indifference.

As recent scholarship has shown (COCCIA & RICCI, 2022), the existing framework of international protection can no longer be grounded in a rigid and historically bounded conception of persecution. New systemic threats - desertification, ecological collapse, and the accelerating crises of water and food insecurity - demand a reconceptualization of asylum, beginning with an expansive interpretation of the principle of non-refoulement under Article 33 of the 1951 Geneva Convention.

The continued exclusion of environmental factors from the assessment of “safe countries of origin” - as exemplified by Senegal’s reconfirmation on Italy’s safe country list through Legislative Decree 158/2024 - reveals a deep legal and political distortion. Classifying as “safe” a country that is profoundly affected by systemic environmental degradation undermines the spirit of the right to asylum, reducing it to a bureaucratic mechanism for expediting deportations.

As also recalled by the UN Human Rights Committee in the case *Teitiota v. New Zealand* (2020), climate change can in certain circumstances represent a concrete threat to the right to life (protected by art. 6 of the International Covenant on Civil and Political Rights¹²). This ruling, while not paving the way for a formal legal status for climate migrants, has helped to legitimize the environmental dimension as a relevant factor in international protection, marking an interpretative turning point that cannot be ignored.

Senegal, with its arid lands and impoverished seas, cannot credibly be considered a “safe country” for those who flee crises they did not cause, but endure daily. The fisherman displaced by industrial fleets in once-abundant waters; the farmer confronting empty wells and sterile soil; the youth leaving a village transformed into dust and despair: these are the new faces of forced migration. Senegal raises a fundamental and unavoidable question: can a country be considered “safe” when the climate itself constitutes a threat to human life?

If the answer is negative - as empirical and scientific evidences increasingly affirm - then the legal frameworks must evolve accordingly. This is not merely a matter of procedural reform, but of operating a paradigmatic shift, in which the concept of “security” is redefined through ecological, social and existential lenses. As Philippe Sands (2003) and John Knox (2018) have argued, international law must integrate the principle of “environmental justice” into the corpus of human rights, recognizing that a safe and healthy environment is a necessary condition for the enjoyment of all other rights.

To move from borders to responsibility means abandoning the logic of containment in favor of one of recognition: recognition of the structural links between North and South, between colonial histories and present vulnerabilities, between unsustainable development and forced migration. It means acknowledging that those who flee do not do so by choice, but because the world they inhabit has become uninhabitable. And if the law is to remain faithful to its foundational purpose - the defense of human dignity - it cannot afford to remain blind to the defining emergency of our time.

It is urgent to adopt a new paradigm of “climate justice and mobility”, one that recognizes environmental displacement not as an anomaly, but as a structural and widespread reality. This entails integrating environmental criteria into asylum assessments, suspending readmission agreements with ecologically unstable countries, and investing in the resilience of local communities, restoring control over the resources essential to survival.

Absent such a shift, the sea will continue to be emptied - not only of fish, but of futures - and young Senegalese, like millions across the Global South, will continue to look toward Europe not as a beacon of hope, but as a last resort. An escape that defies conventional legal categories, no longer simply “economic” or “political”, but profoundly and tragically inevitable.

NOTES

¹ <https://www.dossierimmigrazione.it/>. Accessed on: June 30, 2025.

² <https://www.fao.org/iuu-fishing/en/>. Accessed on: June 30, 2025.

³ <https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-map/>. Accessed on: June 30, 2025.

⁴ https://www.eldiario.es/desalambre/10-457-personas-han-muerto-migrar-espana-2024-ano-mortifero_1_11925508.html. Accessed on: June 30, 2025.

⁵ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0060:0095:IT:PDF>. Accessed on: June 30, 2025.

⁶ Ministerial Decree of Foreign Affairs, issued in agreement with the Ministry of the Interior and the Ministry of Justice on 4 October 2019, <https://www.gazzettaufficiale.it/eli/id/2019/10/07/19A06239/SG>. Accessed on: June 30, 2025.

⁷ <https://www.asgi.it/wp-content/uploads/2024/06/Schede-Paesi-Sicuri-aggiornamento-2024-4.pdf>. Accessed on: June 30, 2025.

⁸ Made available thanks to the “civic access” exercised by the Association for Legal Studies on Immigration (ASGI).

⁹ For applicants coming from Countries considered “safe”, the so-called “accelerated procedure” - introduced by Legislative Decree 20/2023 - applies at the border. This procedure allows for the examination of applications for international protection in a very short time and with reduced guarantees, often in detention centers or transit zones. This procedure is based on a presumption of groundlessness of the application, unless the applicant proves otherwise.

¹⁰ Enrico Mattei was an innovative politician and public manager who, in the 1950s, firmly opposed the dominance of major international oil companies. However, given the historical distance and the differing objectives, it might be more appropriate to refer to the current initiative as the “Meloni Plan”, after the Prime Minister who is its main promoter. The “Plan”, in some way inspired by Mattei’s vision, aims to build a fair partnership with resource-producing countries by promoting bilateral cooperation on energy and infrastructure projects, with the goal of offering alternatives to migration and supporting local development. Nevertheless, beyond the limited resources actually allocated, there is no shortage of criticism, particularly from the opposition. The newspaper *Il Manifesto* summed up the more skeptical perspective as follows: “The objective is far less emphatic than the presentation. It’s about closing the doors to boats and opening the gas taps, with little regard for climate and social justice” (*Il Manifesto*, January 30, 2024).

¹¹ UN Human Rights Committee, *Teitiota v. New Zealand*, CCPR/C/127/D/2728/2016, 2020.

¹² International Covenant on Civil and Political Rights (ICCPR), 1966, art. 6 (right to life).

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RESUMO

Enquanto o planeta continua a arder, a União Europeia fortifica as suas fronteiras. Apesar de a crise climática ser um dos principais motores da instabilidade global e do deslocamento forçado, permanece visivelmente ausente dos critérios legais pelos quais são avaliados os pedidos de proteção internacional. Perante um mundo em transformação, os quadros europeus de asilo permanecem ancorados num paradigma de mobilidade humana do século XX, baseado na rígida dicotomia entre “migrantes económicos” e “refugiados políticos” (KUNZ, 1973). Esta dicotomia, estabelecida pela Convenção de Genebra de 1951 e pelo Protocolo de 1967, revela-se cada vez mais inadequada para interpretar a complexidade da dinâmica migratória contemporânea, que escapa às categorizações tradicionais e se desenvolve em constelações híbridas de fatores económicos, ambientais, sociais e políticos. Essa “miopia jurídica” se manifesta na rejeição sistemática de pedidos, nas exclusões do sistema de asilo e na repatriação forçada de indivíduos cujo deslocamento está claramente ligado a crises ecológicas. A reforma da lei do asilo deve ir além de uma mera revisão dos limites conceituais. É necessário reconhecer que as crises ambientais - tanto quanto os conflitos armados ou a perseguição política - criam condições de vulnerabilidade, desapropriam comunidades e forçam milhões de pessoas a fugir. A persistente ausência de reconhecimento legal para os chamados “refugiados ambientais” não é apenas uma lacuna normativa: revela uma profunda relutância política em tratar a crise ecológica como uma responsabilidade coletiva e compartilhada.

Palavras-chave: Crise ambiental; Refugiados ambientais; Securitização; Senegal; União Europeia.

ABSTRACT

As the planet continues to burn, the European Union fortifies its borders. Despite the climate crisis being one of the principal drivers of global instability and forced displacement, it remains conspicuously absent from the legal criteria by which claims for international protection are assessed. In the face of a transforming world, European asylum frameworks remain anchored in a twentieth-century paradigm of human mobility, based on the rigid dichotomy between “economic migrants” and “political refugees” (KUNZ, 1973). This binary, established by the 1951 Geneva Convention and the 1967 Protocol, is proving increasingly unsuitable to interpret the complexity of contemporary migratory dynamics, which escape traditional categorizations and develop within hybrid constellations of economic, environmental, social, and political drivers. This “juridical myopia” manifests in the systematic rejection of applications, exclusions from the asylum system and the forced repatriation of individuals whose displacement is clearly linked to ecological crises. Reforming asylum law must go beyond a mere revision of definitional boundaries. It requires the recognition that environmental crises - no less than armed conflicts or political persecution - create conditions of vulnerability, dispossess communities and forces millions of people to flee. The continued absence of legal recognition for so-called “environmental refugees” is not merely a normative gap: it reveals a deeper political unwillingness to treat the ecological crisis as a collective and shared responsibility.

Keywords: Environmental crisis; Environmental refugees; Securitization; Senegal; European Union.

