THE HORN OF AFRICA AND THE REFUGEE FIELD IN DADAAB IN KENYA

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Introduction

The political and economic emancipation in the African continent occurred, mostly, through wars of national liberation, from 1953 to 1960, causing the uprooting of civilians who were in the midst of these conflicts, as in the case of analysis on the Horn of Africa - Somalia. Civil wars, coups d'état, political instability, physical and climatic conditions from Somalia forced the exodus of Somalis to neighboring countries in search of protection and minimum conditions for survival (Silva 2016).

Kenya had an open policy for refugees, however after the fall of the military regime in Barré in 1991 it began to receive thousands of Somalis in its territory. Therefore, as a result of this large flow of people, the Kenyan government had to enlist the assistance of the United Nations High Commissioner for Refugees (UNHCR) in search of humanitarian aid. Thus, the Kenyan government began to adopt the refugee camps as an host policy.

Initially, refugee camps, especially Dadaab, were a way of removing refugees from the Kenyan capital - Nairobi. This was because, as soon as the return of the refugees to their country of origin was not envisaged. The situation in Somalia remained unstable, due to the government's vulnerability that was added to the territorial disputes with Ethiopia, resulting in the continued use and dependence on refugee camps by the Kenyan government.

Furthermore, the conflict between neighboring countries and the expansion of globalization, culminated in the emergence of the armed group al-Shabaab – associated with al-Qaeda – that dominated southern Somalia

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and committed successive atrocities under the mantle of executing Islamic doctrine – Sharia (Mohamed 2009). Since then, the African State and, in particular, its civilians, have suffered material restrictions on humanitarian aid and permanent violations of human rights.

What motivated this research was the Kenyan government's decision, announced in 2015, to close the refugee camp in Dadaab, due to the attacks carried out by the al-Shabaab group in Kenya. The question that emerges from this situation is: are refugee camps the best alternative to accommodate people forced to leave their country of origin?

In order to search for possible answers, a hypothesis was raised as to whether the lasting solution of local integration could respond more effectively to the situation of Somali refugees. The general objective of this article is to analyze the historical-political precedents that led to instability in Somalia and as a specific objective to identify the causes that led the formation and dependence of thousands of Somalis to refugee camps in Kenya, especially the Dadaab camp.

The theorists adopted are Antônio Augusto Cançado Trindade, Helen Chapin Metz, James Milner and Mark Cutts. The methodology is deductive, simple, qualitative, with a historical period between 1948 and 2019. The geographical area is the countries Somalia and Kenya. To better guide the reader, a political map of the region was drawn up, which outlines the horn of Africa.

For geopolitics, the Horn of Africa occupies a strategic position, especially the city of Berbera, where one of the most important port areas in the world is located - which stands out for transferring oil from Saudi Arabia and goods from Western Europe that they descend by the Red Sea, cross the Gulf of Aden and flow to the other continents through the Indian Ocean.

Map 1: Somalia Migration - Kenya

Source: Aizawa (2018).

The route in red is a highway, and it is also possible to locate the capital Mogadishu in southern Somalia and, in Kenyan territory, the city of Dadaab, where the largest refugee camp in the world is located. Finally, near Dadaab, is the city of Garissa, where al-Shabaab carried out in 2015 a terrorist attack at the graduation ceremony of a Kenyan university, a fact that culminated in the Kenyan government's position to close the camp. After this brief exposition on the methodological bibliographic path, we will analyze the theme.

Historical precedents in Somalia

Somalia, by agreement with European colonial interests in Africa in the late 19th century, was a British and Italian colony. The Somali people had by this time characteristic grazing nomadism, because of the semi-arid climate of the country, characterized by the rain shortage and the rigorous climate. Therefore, the only existing economy that can sustain itself in this poor environment is animal husbandry (Mohamoud 2006, 48).

From 1950, European countries were under pressure to liberate their colonies on the African continent, the protectorate of Somalia was extin-

guished in 1960. A constitution was promulgated and the country became known as the Republic of Somalia.

> The new aspiration reiterated for the first time the struggle of Sheikh Muhammad Adbdille Hassan. His legacy and influence as the father of Somali nationalism continued to influence nationalist thinking. This spirit of freedom facilitated the post-colonial order of the newly independent nation (Njoku 2013, 89).

Somalia's independence from the beginning has had a turbulent administration. Although the country had some linguistic homogeneity, the fact that it was located in the semiarid region of Africa, did not favor the Somali population to have an independent economy due to the scarce material resources of the environment. Furthermore, after territorial unification - the North an old British colony, and the South an old Italian colony - tensions were diverse, especially among the elites. It is also observed the pressure made by the great powers in order to receive the raw material they had before independence.

> The Soviet Union also provided nonmilitary assistance, including technical training scholarships, printing presses, broadcasting equipment for the government, and agricultural and industrial development aid. By 1969 considerable nonmilitary assistance had also been provided by China. Such projects included the construction of hospitals and factories and in the 1970s of the major north south road (Abukar 2015, 20).

The government, with the desire to demonstrate self-confidence and counting on a geographically strategic position, was forced to open up to international relations. Shortly after independence, ties with the Soviet Union and China were strengthened, with the country benefiting from agricultural projects, the implementation of weaving and the construction of bridges and roads.

> Its strategic importance made it possible for Somalia to become, in 1977, one of the main countries benefiting from Soviet aid in Africa, with a total of US $ 154 million, in addition to being ranked first in terms of military assistance (US $ 181 million), making the Somali armed forces one of the best equipped in black Africa (Mazrui and Wondji 2010, 987, our translation).

The most interesting dimension of this integration of the socialist countries in Africa was the scientific ties between African, Soviet and Chinese institutions. Cooperation took place especially in the field of teaching and research, educational training and the sending of professors and researchers to African universities and research centers.

> The Soviet Union also provided non-military assistance, including grants for technical training, printing machines, broadcasting equipment for the government and aid in the development of industry and agriculture. In 1969 he had assistance considered non-military also provided by China. As a project including construction of hospitals and factories and in 1970 the great north-south road (Metz 1992, 30 and 31).

Somalia's relations with Italy remained stable and Italian investments favored the modernization of sectors and cultural relations. This stability was possible because there were still many Italians living in Somalia with a large agricultural production in the river valleys. The "Italian sponsorship made it possible for Somalia to join an association of the European Economic Community (EEC) that formed another source of technical and economic assistance, with Somalia having a certain preference for exporting to the Western European market" (Metz 1992, 31).

Somalia occupies a region that was strategic for both the socialist and the capitalist fields. Being geographically located in the so-called Horn of Africa, the country has first-rate port facilities located in the Gulf of Aden and the Indian Ocean, as well as the small vital sea routes that link the oil-producing countries to North America and Europe.

The presence of the Indian Ocean, where over 70% (seventy percent) of the import of oil and other raw materials from Western Europe flowed, made control of the Horn of Africa, close to the Middle East, largely decisive among the world powers.

> The large scale of United States military aid to Ethiopia was particularly resented. Although aid to that country had begun long before the Somali-Ethiopian conflict and was based on other considerations, the Somalis' attitude remained unchanged as long as the United States continued to train and equip a hostile neighbor (Metz 1992, 31).

Domestic problems between Ethiopia and Somalia have worsened due to US foreign investment in Ethiopia and the Soviet Union in Somalia.

The arms hostility, fueled by a dispute of international strategic interests, would later result in an armed conflict between the two African countries.

Other aggravations of political instability after the country's independence were corruption and nepotism. Despite the establishment of direct elections, the establishment of a parliament and the promulgation of a constitution, corruption and nepotism became customary in the country's first government and were not opposed by President Aden Abdullah Osman Daar (1960-1977) or by its prime minister.

> Neither the president nor the prime minister seemed particularly concerned with official corruption and nepotism. Although these practices were conceived as normal in a society based on kinship, some were bitter at their prevalence in the National Assembly, where deputies seemed to ignore their constituents in the trade of votes for personal gain (Metz 1992, 36).

Political problems continued and in 1969 President Abdirashid Ali Shermarke (1967-1969) was assassinated by a bodyguard while Prime Minister Mahammad Ibrahim Iggal was out of the country. Subsequently, the army captured strategic points of Mogadishu with police cooperation, culminating in the coup d'état that instituted an authoritarian regime and brought Major General Muhammed Siad Barré to power.

> On October 21, four colonels in the Somali army carried out a bloodless coup and Major General Muhammed Siad Barré took over the civilian government. The army and police took over Mogadishu, and the Supreme Revolutionary Council was established. The National Assembly and the Cabinet were dissolved, the Constitution was suspended and existing political parties were abolished. The new military regime promised to eliminate corruption and rebuild social and economic institutions (Abukar 2015, 20 and 21).

The new military regime in Somalia, strongly supported by the Soviet Union, fostered massive military investment in Ethiopia by the United States. In 1977, the Somali government incited an armed uprising that became known as the Ogaden War, the result of military aid from the Soviet Union, Libya, East Germany, Israel, Cuba and North Korea. Somalia invaded Ethiopia to annex Ogaden, a region of predominantly Somali ethnicity, to its territory (Nogueira 2020).

The Soviet Union disapproved of the military offensive and ended its support for Somalia. In 1978 Ethiopia took over Ogaden with aero-military

aid from Cuba, the Soviet Union and South Yemen (Nogueira 2020). This war weakened the Barré government and fostered the emergence of armed groups such as the Somali National Movement (SNM) and the United Somali Congress (USC) made it possible to overthrow the military regime in 1991.

> In southern Somalia, a prolonged period of violence, illegality, power struggles, clashes between clans and the collapse of institutions followed the removal of the Barré regime. Chaos and disputes between the regime's armed factions invaded Mogadishu and parts of southern Somalia. Former USC leaders, General Mohamed Farah Aideed and Ali Mahdi Mohamed, competed for the power of Mogadishu, and the capital became the scene of murders, robberies and other criminal activities, with many individuals and groups trying to profit from anarchy and chaos that have emerged. Police stations, hospitals, banks, military bases, shops and museums were robbed (Abukar 2015, 25).

The struggle for control of the Somali capital - Mogadishu, stalled and a line demarcated the city in two parts. The central government has become weak due to a number of factors such as internal and external conflicts, extreme climatic conditions and the natural instability of a young state. Consequently, the population adopts the exodus in search of better living conditions as an alternative to chaos and violence. Among so many conflicts, post-colonialism instability, group friction, semi-arid climate and massive violence resulted in the weakening of government power. Civil society was forced to flee conflict regions and rural areas to try to survive.

The dramatic situation with the end of the Barré regime in 1991 culminated in the displacement of thousands of Somali citizens to Kenya. This exodus to the neighboring country was only possible because the Kenyan president opened a border with Somalia and allowed more than 400.000 (four hundred thousand) Somali refugees to enter between 1991 and 1992 (Milner 2009, 86). In the following section, we will talk about the asylum policy adopted by the Kenyan government.

Asylum policy in Kenya

In the second half of the 20th century, a period in which the independence of African countries occurred, the African continent experienced a great number of conflicts. Instability and internal disputes are common in countries that have been subjected to the colonial system for decades. The

revolutions and, mainly, the civil wars and the wars over territorial dispute between the States, resulted in a high number of refugees within the African continent. The number of people moving to another continent is negligible, considering the internal diaspora of the continent of origin of these refugees. According to the latest UNHCR "Global Trends" report, published on June 19, 2018, although Somalia was the fifth largest source of refugees in the world in 2017, the number of Somali refugees has decreased by three percent over the year. In all, 986.400 people left Somalia. The main destination countries for Somali refugees are Kenya (281.700), Yemen (255.900) and Ethiopia (253.800). In addition, a few groups resided in South Africa (27.000), Uganda (25.000) and Sweden (22.000) (UNHCR 2018, 14).

Kenya, because it borders extremely conflicting states - Sudan, Uganda, Ethiopia and Somalia - welcomed a considerable number of refugees in its territory between 1960 and 1980, an average of 10,000 (ten thousand) refugees, mostly from Uganda. Realizing the professional training of refugees, mostly doctors and teachers, and the contributions they could make to society, the Kenyan government sought an open asylum policy.

> Individual status was granted by a government agency, and refugees enjoyed freedom of movement, access to the labor market, and many benefits from the social rights detailed in the 1951 Convention. While the priority in this period was to integrate socially and economically refugees as soon as possible, there was no national refugee policy or national refugee legislation (Milner 2009, 86).

The 1951 Convention, known as the Refugee Statute, brought the classic definition of a refugee as a person who "fearing being persecuted for reasons of race, religion, nationality, social group or political opinion, finds himself outside the country of his nationality and who cannot or, because of this fear, do not want to avail themselves of the protection of that country" (UNHCR 1951, 2).

The Refugee Statute gave UNHCR a mandate of 3 (three) years to manage the flow of displaced persons due to events that occurred before January 1, 1951 in Europe. The geographical and temporal cuts of the 1951 Convention defined the scope of the respective international instrument.

In addition, the Protocol underscored the need for member states to cooperate with UNHCR or any United Nations institution to apply the provisions of this respective international normative instrument. It is known that global instruments are minimum parameters to be followed to ensure an imperative general rule of international law and that regional instruments

are more authentic to address the specific human rights violations of peoples in certain regions, due to the geographical approximation of States involved (Piovesan 2011).

Considering, among others, the specific problems of displaced persons in African states, in 1963 the Organization of African Unity (OAU) was created. 32 African heads of state joined the organization, including the emancipation of colonialism and the end of Apartheid. In 1969, the African Unity Convention on Protection and Assistance of Internally Displaced Persons in Africa was signed, due to the complexity and uniqueness of the repeated violations of the human rights of African peoples.

In 1981, the African Charter on Human and Peoples' Rights was drawn up, also known as the Banjul Charter, which came into force in 1986. The respective document contains first, second and third generation rights, which are - civil and political rights; economic and social rights; solidarity collective rights. These regional complementary instruments have the jurisdiction of the signatory States as assessed by the African Commission on Human Rights.

One of the situations in which this regional mechanism was invoked, occurred with the decline of the Barré regime. This is because the Kenyan refugee policy has changed dramatically and in 1989 the government increased securitization on the border with Somalia, due to the flow of Somali displaced people arriving in the country. The Kenyan government initially hosted former government officials and military officers associated with the Barré regime. In 1991, with the fall of the military government in Somalia, thousands of Somali civilians bailed out the Kenya border.

> In March 1991, there were an estimated 16.000 refugees in Kenya. That number rose to 39.000 in July, and to 92.200 in December 1991. The arrival rate continued to rise the following year, as the refugee population in Kenya reached an estimate of 246.000 in May 1992 and the peak of 427.278 at the end 1992. The refugee population in Kenya has grown to over 400.000 in just two years (Milner 2009, 86).

The high number of refugees in Kenya has led the country to a state of emergency. Refugees in Nairobi, the capital of Kenya, were living in dire straits and Kenyan civilians were suffering from increased violence. In this way, the Kenyan government relied on assistance from UNHCR and NGOs – in particular Amnesty International and the International Commission of Jurists, to deliberate on the situation of refugees.

> Seven new camps were opened in 1992, extending from Mandera and El-Wak in the far north-east of Kenya to Utange and Hatimy, virtually a suburb of Mombasa, Kenya's second largest city and an important port on the Indian Ocean. Refugees were transferred to the camps, and the government transferred responsibility for the management of the camps to UNHCR (Milner 2009, 87).

Although the Kenyan government transferred the management of the refugee camp to UNHCR, the assistance provided by that international body was minimal and the responsibility for providing minimum basic inputs for detainees' survival fluctuated between the Kenyan government and the international body. The situation worsened since 1992, when refugees began to die from malnutrition in the camps.

> As a result, mortality and malnutrition rates among the refugee population skyrocketed in 1992, while cross-border attacks by Somali elements posed a threat to security and assistant workers. The death rate reached 100 a day for 100.000 refugees, five times the "normal" level. Malnutrition rates were recorded at 54 percent higher among refugee children in some camps [...] (Milner 2009, 87).

In addition, due to insecurity in the camps and the vulnerability of detainees, there has been an increase in violence against women and girls, with a significant increase in cases of rape and sexual abuse. In view of the precarious infrastructure, insecurity and limited resources for medical assistance, the Kenyan government, in 1993, asked UNHCR to repatriate refugees.

It is important to take into account the internal context of Somalia between 1991 and 1993, the year the Kenyan government requested repatriation. In 1991 the Union of Islamic Courts (UIC) group emerged, which used Sharia doctrine to impose order in the face of instability in government representation in Somali territory. In addition, physically, the capital Mogadishu was divided into a northern part and a southern part, due to the action of the "warlords", another impediment to the country's reconstruction and pacification.

> There was great support and legitimation on the part of the population that was exhausted due to the situation in which the country was in since 1991, after the fall of the Barré regime and the collapse of the central government. The UIC provided the population with justice, education and medical assistance, maintaining a climate of relative stability, but it was a source of concern for some neighboring countries such as Ethiopia and the USA because of the defense of Sharia (Monteiro 2012, 157).

Although the camps have become the refugee migration policy adopted by the Kenyan government, it is important to consider that this alternative, assisted by UNHCR and NGOs, has created certain dependency links on the part of refugees to that host location.

The Somali state was not stable. There was an attempt to restructure it, but away from the civilian population, a fact that made the state a target for armed groups associated with al-Qaeda. These groups would later infiltrate Kenya's refugee camps to use them as a base for attacking the country.

It should be noted that the United States in 2006 subsidized a new armed conflict between Ethiopia and Somalia, to remove the UIC, on the grounds that the armed group was leading the Somali state into a close link with Islamic radicalism. The Ethiopian military mission was successful, but, on the other hand, it strengthened the radical al-Shabaab militia linked to the extremist al-Qaeda group. Initially al-Shabaab had the support of Somalis and Eritrea to expel the enemy – Ethiopia (BBC 2013).

The military expedition from Ethiopia weakened the Somali state and, on leaving the country, the al-Shabaab group continued to act violently, recruiting foreign jihadists and using religion as a shield to shield atrocities against civilians and interest in territorial domination (Navas 2013).

Al-Shabaab's actions have crossed the Somali border and claimed attacks against civilians in Kenya. Which forced the Kenyan government to opt for national security and resort to the closure of refugee camps, especially that of Dadaab.

Some international instruments have recently been created to reaffirm the need to protect the people of Africa. The OAU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, known as the Kampala Convention of 23 October 2009, which entered into force on 6 December 2012, aims to promote and strengthen regional and national measures to prevent or mitigate; prevent internal displacement and protect; helping internally displaced people in Africa (UA 2009).

In addition, it seeks to establish a legal framework for solidarity, cooperation, promotion of lasting solutions and mutual support among States Parties to combat displacement and promote the treatment of its consequences; obligations and responsibilities of States Parties with regard to the prevention of internal displacement and the protection and assistance of internally displaced persons; provide for the respective obligations, responsibilities and roles of the non-state armed groups and other relevant actors, including civil society organizations, with regard to the prevention of internal displacement and the protection and assistance of internally displaced persons (UA 2009).

The right of asylum granted initially by the Kenyan State is at its core solidarity and cooperation with the Somalis. UNHCR, in its regulation, provides as a long-term solutions for welcoming people forced to leave their country of origin, voluntary repatriation, local integration and resettlement in a third country.

Voluntary repatriation concerns the free choice of the refugee to seek the right of return, to return to the country of origin, voluntarily (UNHCR 2011, 25; IOM 2009, 65). Local integration is a gradual and multidisciplinary process, involving legal, economic, social and cultural aspects.

Resettlement in a third country is the transfer from a host country to another that has agreed to accommodate the refugee. This lasting solution has three main functions "it represents an instrument of international protection for refugees at risk in the first country of refuge; corresponds to a lasting solution with local integration and voluntary repatriation; and aims to deepen international solidarity" (Cavalcanti 2017, 599, our translation).

The refugee camp is a palliative way of welcoming people forced to leave their country. However, when welcoming becomes a lasting solution, it can trigger some disastrous situations like those in the Dadaab camp in Kenya, which will be better addressed in the next section of this article.

Al-Shabaab and the refugee camp - Dadaab in Kenya

With the fall of the Barré regime, Somalia came to be controlled by militias from different clans: warlords. This tribal structure (clans) is rooted in the very social structure of the peoples of Africa. However, it is important to know that Somalia's current problems have led to an increase in the number of Somalis in Kenya's refugee camps, which have several interconnected factors.

> In recent years, politics and dynamics of conflict have been shaped by different types of actors, mainly: (1) the Transitional Federal Government (TFG) and its security forces; (2) the so-called regional or provincial administration, such as Somaliland, Puntland, Galmudug and Ximan iyo Xeeb; (3) armed factions, mainly Ahlu Sunna wa'al Jamaa (ASWJ), al-Shabaab and Hizbul Islam; (4) clans and traditional religious leaders; (5) diaspora groups; and (6) secular leaders, most of whom have already left the country (Willians 2011, 37).

Although a large part of the population in 1991 supported the UIC (Union of Islamic Courts) in an attempt to stabilize the Somali State, the

United States of America rejected the group since they adopted Sharia as a doctrine and for its connection with Islam.

The burden of interconnected problems - religion, clans, provincial administration and Islamic groups; culminated, in December 2006, in sending Ethiopian troops to Somalia to expel ICU from Mogadishu. This military expedition was financed by the United States and supported by the UN, with Federal Transitional Government (FTG) forces competing with the armed factions Ahlu Sunna wa'al Jamaa (ASWJ), al-Shabaab and Hizbul Islam.

The invasion of Ethiopia weakened in 2009 and the conquered territory was returned to the African Union in 2011. However, the domestic problems between Somali and Ethiopians gave rise to the growth of the al-Shabaab group – which means youth, in Arabic.

> The Ethiopian invasion was also a major driver of substantial growth for al-Shabaab between 2006 and 2008. Initially comprising only a small core of ex-AIAI members, al-Shabaab emerged with a flood of Somali nationalist volunteers on fire for what they saw as an Ethiopian aggression against his homeland (Wise 2011, 5).

Al-Shabaab defends the Wahhabist[2] view, inspired by Saudi Arabia; while the majority of Somalis follow the Sufi[3] line and have as their main exercise of their faith the reverence for the tombs that the rebel groups indiscriminately destroy - one of the main causes that feed the unpopularity of the extremist group (BBC 2013). In addition, it is an extremely violent organization, which commits successive atrocities against the few civilians left in the south of rural Somalia, a region where it has greater dominance.

Among the violations of human rights under the pretext of applying Sharia law are: murders, persecutions, partial trials, torture, recruitment of children as soldiers, abuse of power, denial of the rights of association and

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2 Wahhabism emerged in the 18th century in Saudi Arabia, inspired by the thinking of the theologian Ibn Taymiyya and fostered by Muhammed Ibn 'Abd al-Wahhab. It is an orthodox current that has as its characteristic the belief in divine oneness, religious dogmatism, austerity, social conservatism, political condescension to the Saudi regime and the basis is the Koran (Costa 2010).

3 Sufism (Sufis) is based on the interpretation of *Sharia*, conveying Muhammad's thought through prayers, music and chants. Several Islamic groups, including the Sufis, have been incorporated into the Salafism movement, which concentrates tradition with regard to the internal affairs of Islam and the radical tendencies of jihadis (mostly Muslims who obey specific rules and principles). Jihadist Salafism gained considerable space after the 1990s in Afghanistan, with the appearance of al-Qaeda and associated groups, expanding with globalization and providing a transnational character (Costa 2010).

religious freedom, conducting forced marriages and the scourging of women in the public square, often stoned to death.

> The group has banned music, videos, shaving and even bras in areas where it controls and maintains control often with brutal methods. Women accused of adultery are publicly stoned to death; teen thieves had their limbs cut off; a Somali said his brother was killed simply for selling phone cards to Ethiopian troops. Although Somalia is a national Muslim majority, their faith has been traditionally more moderate; repression by al Shabab is viewed by many Somalis with disapproval and fear (James 2009, 1).

The group associated with al-Qaeda, too, has inhibited humanitarian aid to Somali civilians, that is when they do not kidnap the assistant workers of the international entities that are in the region to provide minimum aid to that population.

Islam and Somali groups condemn al-Shabaab's abuse of power using Sharia as an argument for so many atrocities. According to a spokesman for a group in Somalia Abdirasak Mohamed Al Ash'ari "these radical groups shed Muslim blood every day [...] they are funded from outside and their Wahhabi ideology must be treated as foreign" (Mohamed 2009, 1, our translation).

Al-Shabaab uses methods of suicide attack and bombardment of highly populated areas. Some examples of the atrocities that the armed group commits are in Amnesty International's report, published in March 2010, called "No End in Sight: the Ongoing Suffering of Somalia's Civilians", such as: suicide bomber during the medical graduation ceremony , threats to journalists, a bomb that exploded at Martini hospital - a place where the disabled and their families were. Other equally deadly attacks were carried out in the Ramadan period in 2010, which made al-Shabaab even more unpopular, "especially as it claims to be a religious organization that wants Sharia to be applied across Somalia, but at the same time while disrespecting the sacred period of Islam" (Monteiro 2012, 164).

"A third of the refugee population left Somalia in 2011 in the face of dire conditions of drought, hunger and violence" (UNHCR 2012, 1). Weakened by successive crises and retaliation by the al-Shabaab group, Somalis are forcibly uprooted from their place of origin, migrating mainly to neighboring countries: Kenya, Uganda and Djibouti.

The concerns of the countries that grant asylum - mainly Kenya - are the attacks by the terrorist group. In 2013, the al-Shabaab group carried out

a suicide attack in a shopping center in Nairobi, which resulted in the death of 65 (sixty-five) civilians. In 2015 "militants invaded a university in the city of Garissa, close to the border with Somalia, shooting at least 147 people and taking dozens of other students hostage, according to authorities" (BBC 2015).

According to UNHCR's 2016 Global Trends report (2016, 6) Somalia is the fifth country in the world that generates the most refugees - with 2,6 million Somalis requiring refuge and asylum, second only to: Iraq (4,2 million), South Sudan (3,3 million), Sudan (2,9 million) and Democratic Republic of Congo (2,9 million). Located in Kenya, Dadaab is the largest refugee camp in the world, it has been open since 1991 and currently hosts 308.651 (three hundred and eight thousand six hundred and fifty-one) refugees, mostly Somali.

In 2015 the Kenyan government decided to close the Dadaab camp. The decision was subsequently reviewed by the Kenya Supreme Court, declared unconstitutional and revoked. The government claims that maintaining refugee camps puts the security of the Kenyan people at risk, given the various attacks on civilians undertaken by al-Shabaab.

The various factors exposed demonstrate that forced repatriation is not the best alternative to Somalis. In addition, the Convention of the Organization of African Unity - which governs the specific aspects of refugee problems in Africa, adopted on September 10, 1969 - states in its article 2, subparagraph 3, that non refoulement is the principle and inhibits forced repatriation.

The Kenyan government increased securitization on the Kenya-Somalia border and is building a fence between the two countries, such information is extracted from the documentary made by the Folha de São Paulo newspaper: Um Mundo de Muros – Kenya and Somalia (Especial um Mundo de Muros – Quênia e Somália 2017). Although the international organizations cover the responsibility and commitment of the Kenyan government, it has kept refugees in solidarity in the camps, mainly in Dadaab, for over 28 (twenty-eight) years.

Kenya's spirit of solidarity with its Somali neighbors is remarkable, remarkably complying with one of the guiding principles of the 1969 OAU Charter for Refugees, even with the minimum assistance provided by UNHCR. It is known that the principle of solidarity reaffirms the commitment of International Cooperation throughout these 28 (twenty-eight) years of the opening of the field, as in the case under analysis - Dadaab.

The 2019 report shows that, of the donations made to UNHCR 88% (eighty-eight percent) go to humanitarian aid to refugees and their relatives

sheltered in camps for refugees or urban centers. The values are reversed in favor of the need for subsistence, such as food, health, housing, education, drinking water and basic sanitation. On average, refugees live over 17 years in refugee camps (UNHCR 2019, 30), even though there is not just the Dadaab camp to assist the refugee contingent.

Although mechanisms for the protection of human rights have advanced with the creation of the African Commission on Human and Peoples 'Rights (ACHPR), the African Court on Human and Peoples' Rights (ACHPR), the Extraordinary African Chambers (EAC), the Commission AU on International Law (CAUIL), war crimes and genocide are a major challenge for UNHCR in refugee camps in Africa, because some people, suspected of human rights violations, may have lived in the camps for and for reasons of its extension, management has sometimes compromised practical order and security.

UNHCR does not have a coercive and police force, the function of the High Commissioner is to welcome refugees. However, it is up to him to bring information to the UN and International Courts to investigate war crimes and genocides, in order to restore harmony and cooperation, especially in host states (UNHCR 2020).

The 1969 OAU Charter was a major advance, given the peculiar situation experienced in African countries after emancipation. However, the effectiveness of universal rights inherent to the human person, in this case, depends on a moral policy, in which countries, in a spirit of cooperation, guarantee the minimum existential to people in chronic poverty.

> Finally, in examining the theme of the other aspects of the international protection of the human person, the relations and convergences between International Human Rights Law, International Humanitarian Law, and International Refugee Law were highlighted. It was also noted that the effective universalization of human rights today depends, to a large extent, on the ability of countries to take a moral turn that allows combining the structures that keep so many people in a situation of extreme and chronic marginality, threatening the validity of all human rights (Trindade and Robles 2003, 24, our translation).

The factors are diverse and the complexity of the problems in Somalia led to state anarchy, with the consequent mass production of diaspora civilians to neighboring countries. In addition, there is a global force with indiscriminate interest in geopolitics in the horn of Africa, whose national instability generates a return in areas such as education and technology,

which were points of integration and social economic development of the Somali population.

Finally, the monopoly on a grazing labor regime in a semi-arid region and the violence spent by the extremism of al-Shabaab, generates no alternative to Somalis but to take refuge, with limited prospects of starting over.

Conclusion

After independence, Somalia received support from the Soviet Union and China, which invested in military strength, technology and education in the country. The United States, concerned with the strategic importance of Somalia, began to invest in Ethiopia, fueling an old dualism between the two nations. The friction between neighboring countries and the interests of international powers culminated in the fall of General Barré, in Somalia, in 1991, and since then the country has not stabilized.

Somali refugees came to the aid of neighboring countries and migrated especially to Kenya, which until 1989 had an open refugee policy. However, with thousands of Somalis crossing the Kenyan border in 1991, even with UNHCR help, resources were and are scarce. And to organize/manage so many people, the Kenyan government started to adopt refugee camps as a migration policy.

The aggravating factor of all this situation is that the intervention of international forces, culminated in a territory with notable political decline, since the governments after Barré are not strong enough to stabilize the country. The semi-arid region's scarcity of material resources and ongoing conflicts since 1991 have forced thousands of Somalis to live in refugee camps, especially that of Dadaab.

Due to the scarce natural resources and the fact that the Somalis have the characteristic of grazing, the autonomy of those who are sheltered in Dadaab is even more difficult. In addition, the encouragement of the Ethiopian military mission in Somali territory because of its proximity to Islam not only brought it closer, but it also condemned Somalia to be rejected and usurped by the extremist group al-Shabaab, of international doctrine, which routinely kills and violates fundamental human rights.

Although there has been considerable progress in the internationalization of human rights, and regionally with the 1969 OAU Charter and the Courts for the Protection of Human Rights in Africa, the regional context is

complex and the repeated situations of violence lead to extreme marginality of the populations that seek refuge.

It must also be considered that Kenya has been granting asylum to thousands of Somali refugees in its territory for more than 28 (twenty-eight) years. However, after the al-Shabaab attack in 2013 at a shopping center in Nairobi and in 2015 the shooting at a graduation ceremony at the city university of Garissa, the Kenyan government was prompted to rule on the closure of camps for refugees, mainly from Dadaab.

It is observed that the main argument used by the Kenyan government to disable the camps was the defense of national security, an argument that was reinforced with the attacks by al-Shabaab, but that did not prevent the Supreme Court from revoking the end of the camps. from Kenya. On the other hand, the twenty-eight (28) years of Dadaab demonstrate that the burdens borne by Kenya and the efforts of UNHCR, sometimes have diminished possibilities to make the people who take refuge there able to manage their own subsistence autonomously.

Furthermore, the isolation of these people in refugee camps creates a feeling of rejection and permeates the action of extremist groups, making the granting of asylum even more negative. Thinking about granting asylum in the initial premises, that is, allocating refugees in camps, has proven to be inefficient for remaining situations. The durable solutions provided by UNHCR are repatriation, local integration and resettlement. It should be noted that repatriation must be sought spontaneously and resettlement is for situations where refugees have not adapted to the host country. This is not the case for Somalis, who have been in the Dadaab camp for about 28 years and need to be integrated locally.

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The permanence and maintenance of the field went from palliative to permanent assistance. Although subsistence assistance is indispensable, the

promotion of mechanisms to insert these people into society, perhaps, would be an alternative to reestablish the feeling of belonging as subjects of rights.

Making it possible, through this mechanism, to start again where they are already, return if they wish, or a new perspective on life in another country if they do not feel able or safe where they are. But this perception will only be possible if the Somalis have the possibility to start over with the initial mechanisms of local integration, having access to documents, work, education and culture.

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ABSTRACT

After the Second World War, the national liberation wars of countries in Africa took place violently. The former European colonies, after the 1960s, counted on humanitarian aid from UNHCR, due to the most diverse socio-political barriers that emerged on the continent. Somalia is an example of the diaspora in Africa, due to coups d'état and violence, thousands of Somalis were uprooted and sought protection mainly in Kenya. The crisis in Somalia led to the creation of refugee camps, such as the example of Dadaab (Kenya), which has been maintained for more than 28 (twenty-eight) years. Somalia is a country that stands out in global geopolitics, but the political decline, semi-arid climate and militia activity associated with al-Qaeda, an al-Shabaab armed group, has made it even more difficult for Somali refugees to be pacified, stable and return to Somalia. your country of origin.

Translated by Isabella Cruzichi de Oliveira Silva