



Access to Social Services among Communities in Kakuma-Kalobeyi: The Inhibitive Regulatory Frameworks and the Intervention by Non-State Actors

Kakuma-Kalobeyi Topluluklarında Sosyal Hizmetlere Erişim: Engelleyici Düzenleyici Çerçeveseler ve Devlet Dışı Aktörlerin Müdahalesi

Calvince OMONDI BARACK ^a

Abstract

The integration of the refugees in Kenya especially under the Comprehensive Refugees Response Framework-CRRF has adopted different plans and incorporated different stakeholders in ensuring increased access to services by both the host communities and the refugees in promoting social cohesion. The UNHCR and the Government of Kenya for instance settled on a pilot project at Kalobeyi settlement as a model in Turkana County that would enhance self-reliance among the refugees and the host communities in promoting service delivery and cohesion. However, fieldwork research conducted in late 2021 has revealed that access to services like education has been hampered by regulatory frameworks put in place by the government. For instance, before children are registered in schools, they are required to have a birth certificate which is only available at Lodwar which is 120 kilometres from Kakuma-Kalobeyi. Coupled with poor infrastructure and expensive means of transport, many parents fail to acquire the birth certificates necessary for the registration of

^a Dr., Mesano University, Kenya, Political Science and International Relations, barackcalvince@gmail.com.

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their children in schools. This is true also with the requirements on the size of the classroom and child protection measures. Subsequently, this study, has explored the role played by non-state actors in aiding the agency of the residents of Kakuma-Kalobeyei in meeting the regulatory requirements to access social services. By employing the use of qualitative data collected at Kakuma-Kalobeyei, it has established that non-state actors are instrumental in providing necessary physical infrastructure, facilities, training, and food in meeting the regulatory requirements imposed by the government, thus, aiding access to social services.

Keywords: CRRF, education, health, integration, Kakuma-Kalobeyei, refugees, social protection.

Öz

Kenya'daki mültecilerin entegrasyonu, özellikle Kapsamlı Mülteci Yanıt Çerçevesi (Comprehensive Refugees Response Framework-CRRF) kapsamında, hizmetlere erişimin artırılmasını ve toplumsal uyumun teşvik edilmesini sağlamak için farklı planları benimsemiş ve çeşitli paydaşları bir araya getirmiştir. Örneğin, UNHCR ve Kenya Hükümeti, Turkana County'de mültecilerin ve ev sahibi toplulukların kendi kendine yeterliliğini artırarak hizmet sunumunu ve uyumu teşvik edecek bir model olarak Kalobeyei yerleşiminde bir pilot proje üzerinde anlaşmıştır. Ancak, 2021 yılının sonlarında yapılan saha araştırması, eğitim gibi hizmetlere erişimin hükümet tarafından uygulanan yasal düzenlemeler nedeniyle engellendiğini ortaya koymuştur. Örneğin, çocukların okullara kaydedilmeden önce doğum belgesi almaları gerekmektedir ve bu belge yalnızca Kakuma-Kalobeyei'den 120 kilometre uzaklıktaki Lodwar'da temin edilebilmektedir. Zayıf altyapı ve pahalı ulaşım imkânlarıyla bir araya geldiğinde, birçok ebeveyn çocuklarını okullara kaydettirmek için gerekli olan doğum belgelerini alamamaktadır. Bu durum, sınıf büyüklüğü ve çocuk koruma önlemleri gibi gereklilikler için de geçerlidir. Buna bağlı olarak, bu çalışma, Kakuma-Kalobeyei sakinlerinin sosyal hizmetlere erişim için yasal düzenlemelere uyum sağlamasında, devlet dışı aktörlerin oynadığı rolü araştırmıştır. Kakuma-Kalobeyei'de toplanan niteliksel verilerin kullanımıyla yapılan bu çalışma, devlet dışı aktörlerin gerekli fiziksel altyapı, tesisler, eğitim ve gıda sağlama konularında önemli rol oynadığını, böylece hükümet tarafından dayatılan düzenleyici gereklilikleri karşılayarak sosyal hizmetlere erişimi desteklediğini ortaya koymuştur.

Anahtar Kelimeler: CRRF, eğitim, sağlık, entegrasyon, Kakuma-Kalobeyei, mülteciler, sosyal koruma.

1. Introduction

The integration of the refugees in Kenya especially under the Comprehensive Refugees Response Framework-CRRF has adopted different plans and incorporated different stakeholders in ensuring increased access to services by both the host communities and the refugees in promoting social cohesion. This is a complete departure from the previous policy regime that championed encampment and required that all refugees live within the camps with little or no interaction with the host communities (Mogire, 2009 & Nyaoro, 2000). After the ratification of the Global Compact on Refugees (GCR) by the UN General Assembly on 17 December 2018 which Kenya took part, the UNHCR and the government of Kenya settled on a pilot project at Kakuma-Kalobeyei settlement as a model in Turkana County that would enhance self-reliance among the refugees and the host communities in promoting service delivery and cohesion.

Despite the continued existence of Kakuma as a refugee camp under the encampment policy that Kenya has practiced from early 1990s, in 2015, there was a gradual shift from the strict following of the encampment policy by the Government of Kenya. This gradual shift was marked by the establishment of Kalobeyei settlement as a joint initiative between Turkana County Government and the UNHCR just about 3.5 Kilometers from the Kakuma Camp (Betts, A., Omata, N., & Sterck, O., 2020). The essence of the establishment of the Kalobeyei settlement was to promote self-reliance among the refugees as well as to promote the interaction between the refugees and the Turkana Community as the dominant host community (Ibid). This provided the basis for the implementation of the Comprehensive Refugees Response Framework by the government of Kenya with Kalobeyei Integrated Social and Economic Development Programme (KISED) being the pilot project.

The development of KISED by UNHCR in collaboration with the World Bank and other agencies was to help re-orient the refugees assistance framework in promoting self-reliance among the refugees in improving their socio-economic conditions. Similarly, this initiative sought to prepare the host community to benefit from the emerging opportunities around mining and improved agriculture hence lessening their dependence on humanitarian aid in buttressing efforts towards durable solutions (UNHCR, 2016). According to the Kenya Statistical Report for May 2024 issued by UNHCR indicates that Kakuma and kalobeyei hosts 212,283 and 73,786 refugees and asylum seekers from different countries (UNHCR, 2024).

The countries of origin includes Somalia, South Sudan, Democratic Republic of Congo and Ethiopia who are meant to benefit from the pilot project.

The pilot project meant that the refugees and the host communities had to begin sharing of facilities and services. The sharing of facilities and services poised the challenge of policy clashes and collisions since the camp management under the encampment policy fell squarely under the UNHCR and the management of the affairs of the host communities fell under both the county and national governments. The integration, therefore, was poised to encounter challenges, especially on regulatory requirements for access to social services (UNHCR, 2014). For instance, for admission of children to pre-primary or primary schools, a birth certificate is required as per the admission policy. This document is not easily obtainable by refugees who otherwise would prefer to be enrolled in the host community school (GoK, 2013). In navigating between access to social services and the strict regulatory requirements are the non-state actors who play auxiliary services in complementing the roles of both the county and national governments. From the foregoing, this paper has analyzed the role played by non-state actors in aiding the communities in Kakuma-Kalobeyi to access social services.

This paper has used data collected qualitatively using qualitative interview schedules and funded by German Development Institute. The data used is gathered through face-to-face interviews with 27 employees of different non-state organizations who have provided insights on the various activities that their organizations are involved in and the challenges they are facing in promoting access to social services in this area. Similarly, another round of face to face interviews was conducted with three government employees on the requirements for access to various services and how such regulations hamper or facilitate access to social services. The school-going children on the opportunities and challenges they experience in accessing education either in the refugees' schools or host community schools. Secondary data in the form of publications especially those from the government has also been used to corroborate the primary data in enhancing reliability and validity. The data has been analyzed using content analysis and is organized around the policy on the size of classrooms, access to child protection services, free primary, and other fees, camp closure ideation, and cost-sharing policy in access to health services.

2. Policy on the Size of Classrooms and Number of Learners to be Accommodated

The government of Kenya has a policy framework that specifies the exact measurement of a standard classroom in terms of space. For instance, the government through its policy has established that the standard classroom size for Pre-Primary Schools that seek to be registered

must be 6M by 8M (1.9m per child with a maximum of 25 learners between 4-5 years). The size of the classroom requirements for Primary schools changes to 8m by 9m (1.2 m² per learner with a maximum number of learners capped at 45) (Mwadinze, 2022: August 7). Besides the policy requirements on the size of the classroom and the number of learners, other requirements specify that the doors should open outwards and be of a standard size of 1.2m by 1.5m (Ibid). The requirements are also extensive for the accommodation of Children Living with Disability by demanding that classrooms provide learning and turning spaces of 1.8m by 2.0m for learners in a wheelchair (Ibid).

These requirements don't reflect the reality in Kakuma and Kalobeyei Refugee Settlement and in Turkana County where the camps are hosted. This stems from the different challenges that are faced in these camps that are unique and do not reflect the general challenges faced in other regions. This has necessitated the involvement of non-state actors in the construction of classrooms as a way of promoting access to education for the host communities and the refugees. For instance, UNICEF and Red Cross have been engaged in the construction of classrooms for all the communities in Kakuma-Kalobeyei. Several schools in the area have benefitted from classrooms and laboratories constructed and equipped by non-state actors including Pokotom Primary and Secondary Schools which belong to the host communities in bolstering the integration and access to educational services (Interview 001, Kakuma, 22.12.2021).

A huge number of refugees would be locked out of schools if the strict regulations on class sizes are adhered to. An interview with a member of an Non-Governmental Organization (NGO) indicated that Schools in this area are overcrowded with one class hosting up to 200 learners against the recommended number of 40-45 learners. This has negative implications on the teacher-to-pupil ratio which currently stands at 1:56 in Kenya higher than the recommended 1:40 ratio by the ministry of education (Mbaka, 2017: 30 December). In the Kakuma-Kalobeyei area, the teacher-to-pupil ratio stands at 1:112 which is way above the national and standard ratios (Interview 006, Kakuma, 18.12.2021). It emerged from the interviews that handling this number is complex to an extent that teachers usually stand outside when teaching (Ibid). Similarly, to help aid in access to education by the majority of children, the non-state actors have provided incentives to teachers to allow the learners to learn in shifts. One of the pupils while commenting on the differences between refugee and host schools indicated that "there is no difference. Just one thing. It is just that in the host

schools they learn up to 4 pm, but at the refugee schools they break at noon all of them... because in the refugee camp there are very many pupils so what they do is to divide them and they learn in shifts” (Interview 004, Kakuma, 17.12.2021).

This means that the contact hours between teachers and learners in refugee schools is highly reduced compared to the contact hours in host community schools. The strict adherence to government policy on standard working hours for teachers and the specific teaching load would definitely keep many refugee children out of school hence the inability to access education as a basic right. The Red Cross has for an instant been instrumental in ensuring that there are adequate teachers and learning materials in promoting access to education among children in the area. It is indicated that “Agencies are building schools, adding teachers, but the partners are still overwhelmed because you need teachers, classroom, teachers’ quarters, etc. (Interview 005, Kakuma, 17.12.2021). It is the efforts of these non-state actors that make access to education possible for children in this area.

Finally, the structures in the schools do not just play the strict role in which they have been put in place. For instance, classes have been turned into dormitories for girls who have been rescued from early marriages. One respondent indicated that Echieneka School has had its classes turned into dormitories for girls escaping early marriages (Interview 005, Kakuma, 17.12.2021). They have been turned into dormitories since the girls cannot be released to go home even during holidays for the danger of losing them to early marriages. This implies that strict following of rules and regulations on the use of physical facilities in school would deny children access to education and expose them to early marriages. The ability to keep young girls in schools such as Echieneka is only possible with the support of non-state actors who provide food and other necessities to keep such schools running.

3. Access to Child Protection Services and the Intervening Role of Non-State Actors

The government employs children officers and social workers whose roles are to ensure that children's rights are upheld in their areas of jurisdiction. However, the number of children officers in the expansive Turkana County is only three (Interview 003, Kakuma, 16.12.2021). In protecting the children and increasing access to social protection services, the non-state actors have undertaken several activities in increasing access to child protection services. First, the non-state actors have addressed the grey policy areas in the standardization of the social service workforce. One interviewee indicated that non-state actors engaged an international firm that developed a 10-day curriculum for the social service workforce which

has been adopted by the Kenya School of Government (Interview 005, Kakuma, 17.12.2021). The first beneficiaries have been indicated to have included the government officials on children protection and others from the camp so that they can be accredited to be trainers of trainees and 100 individuals who work in Daadab and Kakuma-Kalobeyei have been trained (Ibid).

This training has also incorporated para-professionals and volunteers trained in two bunches on 90 at the beginning of the year and 60 in the year. The essence is to build the capacity of different actors in promoting child protection (Interview 005, Kakuma, 17.12.2021). Second, the non-state actors have engaged in mapping child abuse hot spots for closer supervision and protection. The non-state actors established that service providers in the hot spot areas like Nedeia and Zongot were few with the former area only having African Inland Church offering child protection services (Ibid). The training developed by the non-state actors is, therefore, key in building capacity for the locals in enhancing child protection services. Similarly, the non-state actors enforce a code of conduct among their employees with regard to child sexual abuse and follow the law in ensuring that the protector does not end up as the abuser while the rule on the government side is “a bit relaxed” (Interview 008, Kakuma, 22.12.2021).

Third, the non-state actors have incorporated teachers as incentive workers in enhancing child protection services where extra payment is given for this extra work. The teachers get trained on child abuse, exploitation, and accountability to the beneficiaries. Given the fact that some pupils are over 18 years, the non-state actors inform teachers of the power imbalance that exists between the teachers and pupils and the dangers of sexual exploitation in their interactions. The non-state actors make the teachers commit to a code of conduct and ensure that the rule of law takes its course in an event of a breach of the code of conduct (Interview 005, Kakuma, 17.12.2021).

Finally, the non-state actors have negotiated and navigated the complex socio-cultural practices in ensuring that access to social services is guaranteed among refugees and host communities. The non-state actors carry out sensitization campaigns against early marriages and they persuade community members to change their attitude with regard to child marriages. The non-state actors also operate rescue centers for children escaping early marriages as well as helping in the pursuit of legal justice for children who have found themselves in early child marriages. These efforts have been confronted by challenges, especially with regard to access to hard-to-reach areas as well as lack of community support

since dowry negotiations always incorporate many actors who otherwise would have been relied on as the protectors (Interview 011, Kakuma, 23.12.2021). Schools and rescue centers are important in protecting the girls since the community members are pastoralists and can easily relocate with the girl taken to the husband without a trace.

4. Free Primary Education and ‘Other Fees’

The government of Kenya introduced the Free Primary Education Policy in 2002 (GoK, 2002). This policy envisioned that all school-going children would be enrolled in schools by the NARC government (Ibid). This was bolstered by the Jubilee administration which introduced the 100% transition policy for learners in Kenya to promote literacy levels and transition from lower levels to higher levels of education (GoK, 2013). These two policies have had their share of challenges, especially at implementation levels which have impacted the access to free primary education. For instance, in Kakuma and Kalanoyei area, host community schools charge fees for examinations that at times prevent learners from accessing schools. One learner interviewed reported that in her host school they were paying 300 shillings for exams something that her parents were struggling to pay hence threatening her stay at school throughout the term (Interview 008, Kakuma, 22.12.2021).

The drought and climatic conditions make access to food, especially for the local community here hectic hence the introduction of the school feeding program. This program has stopped despite its contribution to the access to education among host communities living in Kakuma-Kalobeyei. The essence of the feeding program has been captured by one interviewee who retorted that “initially the children just go to school to feed and as they continue, they realize that school is important in itself” (Interview 005, Kakuma, 17.12. 2021). The feeding program is also very important in managing school attendance and transition since some pupils walk over 5 kilometers to attend school and hence are not able to return home for lunch during the lunch break. One interviewee noted that “again due to the distance, host children are difficult to be sent to refugees’ schools and those schools are filled to the top also” (Interview 008, Kakuma, 22.12.2021). The non-state actors have stepped in to help provide meals as a way of enhancing access to education.

In tandem with the above are the requirement that before registration, children are required to have a birth certificate which is only available at Lodwar which is 120 kilometers from Kakuma-Kalobeyei. Coupled with poor infrastructure and expensive means of transport, many parents fail to acquire the birth certificates necessary for the registration of their

children in schools. The non-state actors need to help more in batch processing of this important document to aid in access to education services by children in Kakuma-Kalobeyei.

5. Camp Closure Policy/Ideas and Its Impact on Service Delivery/Access to Services

The government's policy on camp closure or towing with the idea of camp closure has had a negative impact on service delivery and access to services in general. This has two major impacts one on the side of the non-state actors and the refugees. On the part of the non-state actors, it has created uncertainty and slowed down the financing of programs in keeping services running within the camps. For instance, it made it difficult for non-state actors to convince the donors that they needed the money to run the affairs of the camp yet the government had developed a camp closure roadmap. "On the other hand, the government is also not consistent and does not allow us to reprogram our activities and align them to the roadmap" (Interview 005, Kakuma, 17.12.2021).

On the part of the refugees, it increased suicide ideation. Is reported by one of the respondents that "suicide ideation rose by more than half with recorded cases rising from 4 cases to 48 cases (Interview 005, Kakuma, 17.12.2021). The towing with the idea of camp closure by the government threw most of the refugees into the fray for lack of options. The agony in handling children was even higher there was a need for more resources in terms of funds and personnel in addressing the needs of children under protection. Is indicated by one of the respondents that there was a need for verification, family tracing, reunification, and transfer of cases to the relevant authorities (Interview 005, Kakuma, 17.12.2021).

6. Cost-Sharing Policy of the Government in Accessing Health Services

The cost-sharing approach in accessing government services has hindered access to health services. The health facilities operated by the UNHCR and other non-state actors for refugees have no user fees attached as compared to those of the government which hinders access to health services. Despite these health facilities being of lower level than the Kalobeyei hospital, they provide services that have been made inaccessible by fees charged in public hospitals. The non-state actors operate other health care facilities like Natukubenyo Health facility which is a level 3 facility operated by the Red Cross. It was confirmed that the "facility has a 33-bed capacity, a maternity, and 130 deliveries per month and that is merely a ½ of what country referral hospital do per month" (Interview 005, Kakuma, 17.12.2021). The

Red Cross increases access to health care facilities by operating ambulance services which ferry the sick to and from the health facility.

7. CRRF as an Intervening Variable

The developments brought about by the CRRF in the development of the Kalobeyei Integrated Socio-Economic Development (KISDEP) that has provided a guideline on the cooperation and working arrangement among different actors like the county and national government, the UNHCR, and other actors in promoting service delivery to Kakuma-Kalobeyei communities. For instance, the agreement has been on facilitating free access to services for both refugees and host communities. The UNHCR for instance has been cited to have played an instrumental role in facilitating the service deliveries by providing the logistics like fuel for ambulances run by the Red Cross society. The picking of patients from the host communities to the hospital has been observed as making the host feel the benefits of the presence of refugees (Interview 010, Kakuma, 23.12.2021). This synergized approach under CRRF has increased the cooperation between the government and the non-state actors under the auspices of the UNHCR in enhancing service delivery and increase to access to social services. The monthly and bi-monthly meetings between the different actors which helps to monitor the progress of CRRF implementation have served to enhance efficiency and effectiveness in the delivery of social services to the host community.

8. Conclusion

This study has established, that regulatory requirements on the size of the classroom, the number of learners, the teacher-pupil ratio, and the standard working hours for a teacher poses a great threat to access to education among children of school-going age in the Kakuma-Kalobeyei region. It is established by this study that if it is not for the efforts of non-state actors who support the employment of additional teachers, building of classrooms, and offering incentives to teachers to adopt a flexible teaching timetable, many pupils would be deprived of the right to education. Further, this study has found out that majorly of children in need of social protection would miss out on these key service since the government staff dealing with child protection is not only lean on the ground but also cover a large and expansive area which makes them less effective. It is established in this study that non-state actors have both offered training and incentives to different individuals to serve as child protection officers while establishing rescue centers and mapping to aid in the protection of girls at risk of early marriage. Similarly, it has been established that the government's failure

to provide a school feeding programs has compromised the ability of many children to access education due to the long distance that some children have to cover to reach school. This gap has however been filled by the non-state actors who have provided food supplies hence helping to attract and retain learners in school hence enhancing access to education. Finally, the cost-sharing policy and its negative impact on access to health have been remedied by the collaboration among non-state actors under the CRRF agreement in the provision of free services hence enhancing access to health services by the community members.

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Yazarın Katkı Oranı

Makale tek yazarlıdır.

Çıkar Çatışması Beyanı

Çalışma kapsamında herhangi bir kurum veya kişi ile bir çıkar çatışması bulunmamaktadır.

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