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Theorizing Children's Right of Access to Basic Education in Conflict Situations in Kenya

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Abstract

Children's right of access to basic education has been provided for under International Law, Article 53(1) (b) of the Constitution of Kenya, the Basic Education Act and the Children's Act.¹ Nevertheless, these laws do not accommodate the needs of children who are living in the conflict areas of Kenya. For instance, in the arid and semi-arid areas of Kenya, over 5million children miss out on their right to access to education due to conflict. At Arabel Primary School in Baringo County, intercommunal conflicts have constantly result to vandalization of school property. In Samburu County, parents have had to withdraw their children from school due to insecurity.

This has subsequently seen children miss out on their education. Aside from the conflicts, the effects of the COVID-19 pandemic and the tensions owing to the looming general elections continue to escalate the education crisis. The objective of this study is to determine the factors that impede the children's right of access to basic education in conflict areas. In order to answer the research questions, the paper utilized diverse theories to investigate, explain and possibly offer a solution to these problems. This

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¹ The Constitution of Kenya, 2010; Basic Education Act, No. 14 of 2013; Children's Act, No. 8 of 2001.

paper also utilized the diverse theories to draw responses to these children's plight. The above mentioned theories include; theories that explain the nature and effectiveness of the law on children's right of access to basic education in conflict situations and theories that analyze the current situation and its impact on the right of access to basic education. The research will undertake a library-based approach. The methodology utilized is mainly an analysis of the available literature, observation and examination of the unfolding events in the field.

Keywords: *Access, discrimination, distribution, conflict, children and governance systems theorizing.*

1 Introduction

In the world today, education has been acknowledged as the gateway for the enjoyment of all the other human rights. Conversely, the children who find themselves in conflict situations have difficulties in enjoying their right to basic education.² A case in point is West Pokot County where there have been conflicts with surrounding communities. The affected communities include the Tugen, Marakwet, Turkana and the Samburu communities.³

Subsequently, conflict occurs in other arid and semi-arid areas of Garissa, Mandera, Moyale, Lamu, Kilifi and Kwale. Due to the prevailing

²Achoka J S K, 'Accessing to Basic Education in Kenya: Inherent Concerns,' (2007) 2 (10) Educational Research and Review at 1. Also see Mooney E. and French C., 'Barriers and Bridges: Access to Education for Internally Displaced Children' (2005) Brookings-Bern Project on Internal Displacement, available at https://www.brookings.edu/wp-content/uploads/2016/06/20050111_mooney.pdf accessed on 19th August, 2020. also see Kariuki Muigua actualizing social economic rights for sustainable development in Kenya <<http://kmco.co.ke/wp-content/uploads/2019/02/Actualising-Socio-Economic-Rights-for-Sustainable-Development-in-Kenya-Kariuki-Muigua-9-February-2019.pdf>> accessed on 4th October 2020.

³Stephen Aleksovi, Oliver Bakreski, and Biljana Avaramovska (2014), Collective Security— The Role of International Organizations: Implications in International Security Order, *Mediterranean Journal of Social Sciences*, 5(27).

circumstances of conflict in these areas, over five million children aged six to seventeen years are deprived of adequate education.⁴

The various theories utilized demonstrate the reason behind the phenomena. It was our finding that the right to education among other social economic rights are guaranteed in the Constitution.⁵ It is important that the enforcement, actualization and promotion of these rights should not be done as an extension of an act of *grace* from the duty bearers.⁶ The realization of these rights should instead be based on the State's obligations to its citizens. Additionally, it was important to evaluate whether the nature of the relationship between the State and its citizens, created some leeway for the State to realize rights on its own terms. Grace is a Hebrew word used by Christians to mean undeserved favors extended by the superior Jesus Christ when he died on the cross for the inferior humanity.⁷ The question that begs an answer is if access to basic education is a right, why is it not readily available to all including children in conflict situations? To answer the above question and to identify the gap in law the paper mainly examined various theories to understand the phenomenon and lead to practicable solutions.⁸

⁴ Mongare A.B, 'the right to education for children in Conflict situations in Kenya: How responsive is Kenya?' (2014), available http://erepository.uonbi.ac.ke/bitstream/handle/11295/94616/Mong%60are_The%20to%20education%20for%20children%20in%20conflict%20situation:%20how%20is%20Kenya.pdf?sequence=1>

Accessed on 19th January, 2019. Also see Macharia, M. (2011). *Reflections on Kenya's National and Security Interests*, Journal of Language, Technology and Entrepreneurship in Africa, 3(1).

⁵ The Constitution of Kenya, 2010.

⁶ The **word 'grace'** literally means 'favor' In **Hebrew** it is CHEN from a root **word CHANAN** - to bend or stoop in kindness to another as a superior to an inferior https://en.wikibooks.org/wiki/HebrewRoots/Theoriginal_foundation/Grace accessed on 24th April, 2020.

⁷ Clifford Goldstein, 'The Final Hope Three Messages for an anxious world,' (2021) Africa Herald Publishing House; also see New King James Bible: 2Corinthians 12:8-9, Hebrews 4:16, Romans <https://www.biblestudytools.com/topical-verses/grace-bible-verses/> accessed on 24th April 24, 2019.

⁸ Achoka J S K, 'Accessing to Basic Education in Kenya: Inherent Concerns,' (2007) 2 (10) Educational Research And Review at 1.

The children in conflict situations being rights holders, are entitled to demand protection of their rights from the State and its organs.⁹ The question is, have the duty bearers lived up to their promise and obligation to protect all citizenry rights regardless of their status?¹⁰ This paper analyzes various theories surrounding this area of rights. It is this paper's argument and assertion that the learning process of the children who live and go to school in an unstable, chaotic and conflict ridden environment, was constantly interrupted.

2 Theories Examining the Nature of the Law On Right to Education and the Input Required for its Realization in Conflict Situations in Kenya

There are several theories that explain the reasons why education is not available for children in conflict areas. To explain this topic, the authors settled on the various theories. The theories include the rights theory, social contract theory, vulnerability theory, conflict theory and Ubuntu theory.

2.1 The Rights Theory

Robert Nozick a key proponent of this theory in the new age states that, individuals have rights, and there are things no person or group may do to them (without violating their rights).¹¹ Locke argues that in a state of nature there would be a natural law that “no-one should harm another in his life, liberty or property.”¹² To gauge the nature and legal position of the right to basic education and its availability, we begin with the analysis of the Rights Theory. Rights are inherent to all human beings, the State being the duty

⁹Benta A. Abuya, Maurice Mutisya, Elijah O. Onsomu, Moses Ngware, and Moses Oketch, ‘Family Structure and Child Educational Attainment in the Slums of Nairobi, Kenya’

<file:///C:/Users/uaer/Desktop/articles/2158244019855849-%20education%20in%20conflict.pdf. Accessed on 20th December 2019.

¹⁰ ibid

¹¹ Robert Nozick, ‘Anarchy, State and Utopia’ (1974)

¹² *Two Treatises of Government*, ed. Peter Laslett, 2nd edition, Cambridge University Press, 1967).

bearer should ensure that nobody is deprived of that which is their legal entitlement, such as the right to education.¹³

States shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized within the Convention of the Rights of the Child. With regard to economic, social and cultural rights, States shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.¹⁴

Further, the Convention on the Rights of the Child seeks to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation by providing that States shall take the appropriate measures to protect the child.¹⁵ The available framework has not accounted for the right to access basic education for the children living in conflict areas. In the rights theory as read with the convention on the rights of the child, it is essential to safeguard the child's social, economic and cultural rights from being violated.¹⁶ Their vulnerability entitles them to this protection as they are physically and mentally immature to pursue this rights themselves¹⁷.

The law does not specifically recognize the double vulnerability of children who find themselves in conflict situations, which require clear and enabling systems, to realize their rights.¹⁸ Perhaps that explains absence of this right. The children's right to access to basic education in conflict areas has been compromised and neglected despite the existence of this theory that resonates well with the Constitution of Kenya, 2010. Every person is equal

¹³ Abuya E.O and Ikobe, internally displaced person during 2007/08 in Kenya

¹⁴ Article 4, UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577

¹⁵ Article 19, UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577

¹⁶ *ibid*

¹⁷ A conclusion pursuant to The Preamble, UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577

¹⁸ Scholastica Awino Omondi, 'An Evaluation of Child Sexual Abuse Trial Procedure in Kenya' www.questjournals.org, vol 2 issue 4(2014) pp:11-63

before the law and has the right to equal protection and equal benefit of the law. Equality includes the full and equal enjoyment of all rights and fundamental freedoms.¹⁹

Based on the above provisions, every child has the right to equal treatment. Discrimination is only allowed to bring the vulnerable to the level of their peers who are not affected by conflict.²⁰ The situation is further supported by the social contract theory that guarantees children in conflict situations, their rights as citizens of Kenya and participants in the social contract. The question that begs answers is why then are children in conflict situations not able to access their right to basic education?

2.2 The Social contract theory

The social contract theory postulates that there exists a contract between those in governance and the governed.²¹ Accordingly, the proponents of this theory argue that a body polity is formed by the people through a social covenant also known as government.²² The sovereign body polity created is therefore empowered, mandated and given the relevant machinery to enforce the rights of the people on their behalf and on their own.²³ In this case the right being protected is the right to basic education for their children.

Most scholars criticize this theory on the basis that it requires other criteria to directly confer the right to education to the rights holders.²⁴ As a matter

¹⁹ Article 27 of the Constitution of Kenya, 2010.

²⁰ The 2010 Constitution of Kenya, on equality at Article 27, also see Kurki, Visa A. J., Rights, Harming and Wrongs: A restatement of Interest Theory |Oxford Journal of Legal studies, vol 38, issue 3, Autumn 2018, pages 430-450, <<https://doi.org/10.1093/ojls/gqy005>> accessed on 22nd December 2020.

²¹ A. Weale, associative obligation and social contract', . accessed on 20th December, 2019.

²² Hobbes, Thomas. "Social Contract Theory. "Also see Gerhard F. Hasel (PhD, Vanderbilt University) The Theory. "Also 2nd Quarter, 2021, The Promise God's Everlasting Covenant

²³ RG HOLCOMBE (2014) The economic theory of rights / journal of institutional economics /Cambridge Core

²⁴ *ibid*

of fact and law, the right to education is one of the benefits that should be extended to children in conflict situations.²⁵

Under the Constitution of Kenya, 2010, the polity formed by the people of Kenya is divided into two; the national and county government. As postulated in the Social Contract Theory, the people of Kenya ceded their rights to the government to enforce it on their behalf. *Ex abundanti cautela*, the people of Kenya found it necessary to include the right to education under Article 43(1) (f), perhaps to remind the government that they are entitled to that right.²⁶ The provision herein then proceeded to expressly mention the right to education as a socio-economic right to which the people of Kenya, including children, are entitled, and that the right is mandatorily free and compulsory.²⁷

This means that holding everything constant, all governance systems and levels should ensure that all children including those in conflict situations access basic education at all costs. This is notwithstanding, the challenges against them. Unfortunately, the realization of this noble idea has been a tall order.²⁸ For clarity purposes, this paper argues that the social contract is in the Constitution of Kenya, 2010. The elephant in the room, however, is that, despite the Constitution being a grundnorm, children who find themselves in conflict situations are still not able to access their right to education.

Although children and education are not pointed out by Hobbes and Rousseau in their discussions concerning social contract theory, one can infer that children in conflict situations in Kenya deserve free and proper access to basic education.²⁹ Pursuant to the covenant mentioned above, it is

²⁵ Benta A. et al family structure on education achievement in slums of Nairobi

²⁶ Article 43(1)(f) Constitution of Kenya, 2010. *Ex abundanti cautela* means out of an abundance of caution

²⁷ Article 53(1)(b) of the Constitution of Kenya, 2010.

²⁸ Brock-Utne, B. (2000). *Who's Education for All? The decolonization of the African Mind*. Falmer Press, New York.

²⁹ A. B. Mongare (2018) When the victim stings the Good Samaritan: Legal implication on Refoulment of refugees, a Kenyan perspective: *Journal of Current innovation* 6th Edn vol 2.

the state's obligation to protect its citizens and preserve their rights and fundamental freedoms.³⁰ This acknowledgement forms the rationale for the people ceding their power to the body polity which they created and gave the mandate to work on their behalf and for their benefit.³¹

The social contract under the Constitution envisaged strict protection of the rights and fundamental freedoms including the right to education. The entrenchment of the Bill of Rights in the Constitution was to make it impossible for anyone to interfere with these rights.³² This protection is reiterated under Article 255(1) (e), whereby an amendment involving the rights and fundamental freedoms of the people, must be subjected to a referendum, in which case the people must pass the amendment by themselves.³³ This means, that the people were cautious of the fact that the government, may fail to protect these rights. It is in that light that they decided that these fundamental rights should be protected by the Constitution which is the supreme law rather than the government.³⁴

Protection of the right to education for the children in the marginalized regions and conflict zones needs to be elevated so that the regional standards of living are improved.³⁵ This elevated protection can be realized by ensuring that every concerned citizen can enforce the right to free and compulsory basic education. When considering whether a party has *locus standi*, courts generally take a liberalized approach especially in matters related to the upholding of the bill of rights.³⁶

³⁰ David Jason Karp, (2015) the concept of human rights Protection and the UN Guiding Principles on Business and Human Rights pp137-158.

³¹ *ibid*

³² Chapter 4 of the Constitution of Kenya, 2010

³³ Constitution, *supra*. Article 255(1)(e)

³⁴ Section 4 and 5 of The Fair Administrative Actions Act No. 4 of 2015

³⁵ ALRMP/GoK. (2004). The Pastoralist communities and free primary education in Kenya. Preliminary findings. Commissioned by Coalition of Pastoralist Child Education of Arid Lands Resource Management Project and Action Aid Kenya.

³⁶ Mohamed Feisal & 19 others v Henry Kandie, Chief Inspector of Police, OCS, Ongata Rongai Police Station & 7 others; National Police Service Commission & another (Interested Party) [2018] eKLR

Luckily, the Constitution under Articles 22 and 258 has adopted a liberal approach to the doctrine of *locus standi*.³⁷ The Constitution has donated power to any person whose rights are violated alongside other persons who are vulnerable to appear in court to seek redress on their behalf.³⁸ This powers accord members of the society an opportunity to move to court to enforce the right to basic education of the child.

Other great milestones in the post-2010 Constitutional dispensation include, the power of the High Court to entertain strategic litigation under Articles 22 and 165 of the Constitution.³⁹ Additionally, the power to make appropriate orders to enforce children's rights, including the right to education for all the children born or living in the Republic of Kenya, has been a great milestone in the post-2010 dispensation.

Take for example Ms. Kadzo a teacher at Utange Primary school at the Coastal region of Kenya. She recently declined to continue teaching at a school that had been marred by early marriages. Spurred by the government's slow rate of rescuing victims and prosecuting offenders, Ms. Kadzo has made it her mission to fight the abuse that blights her neighborhood. So much so, that she has even taken the initiative to inquire at the local courthouse about a case that has dragged on for two years.⁴⁰

Based on the above scenario, it is discernible that the government has done little to address the plight of the children to the extent that a private citizen has decided to take matters into her own hands. Why would this be the case yet, the Kenyan Constitution opens the gate for anyone who considers that any right including the right to education, has been infringed or is likely to

³⁷ OAPA (Suing as Parents and/or Guardians of student minors currently schooling at Oshwal Academy) v Oshwal Education Relief Board & 2 others [2020] eKLR

³⁸ Article 22 (1) a) (b) and (c) of the Constitution of Kenya, 2010.

³⁹ Article 22 and 165 (3)(b) of the Constitution of Kenya, 2010.

⁴⁰ Mukelwa Hlatshwayo, 'This Woman Rescues Kenyan Girls From Sex Traffickers' *The Christian Science Monitor* (2022)

<<https://www.csmonitor.com/World/Africa/2022/0706/This-woman-rescues-Kenyan-girls-from-sex-traffickers>> accessed 7 July 2022.

be infringed or is in the process of being infringed, to approach the court for remedies?⁴¹

Your answer might be as good as mine, that the above provision offers blanket protection to the government. In turn, this insinuates that the government has failed and/or neglected to take proper and effective measures to address the plight of children in conflict situations in Kenya. It shows that the government as the body polity created by the people of Kenya has breached the social contract which brought it to existence.

Under the social contract theory, the people are the sovereign. The people have the right by themselves to address their issues directly, but for orderly purposes, they seek to have the power exercised on their behalf by the government that they created and ceded their individual powers to. The Kenyan government is obligated to take affirmative actions to redress the plight of historically disadvantaged people.⁴² Additionally, Article 27 envisages positive discrimination aimed at uplifting the marginalized such as children's education in conflict regions. The education of children living in conflict situations in Kenya has been a major example of marginalization.⁴³

The government of Kenya has, for far too long, neglected the conflict regions due to their unproductive nature in the same manner and for the same reason the colonial government did.⁴⁴ This explains why Article 27 of the

⁴¹ M Roa, 2014, Considering strategic litigation as an advocacy tool: <www.tandfonline.com > doi > pdf> accessed on 13/4/21

⁴² Judy Achieng Kabbalah, office of the ombudsman as an advocate of access to administrative justice: Lessons for Kenya. Also see Migai Akech, public law values and the politics of criminal injustices: creating a democratic Framework for Policing in Kenya.

⁴³ Adan, M. A., & Orodho, J. A. (2016). Effects of inter-clan conflicts on quality school outcomes in secondary Schools among nomadic community in Mandera County, Kenya. *Journal of Research and Methods in Education*, 6(3); 22-29

⁴⁴ Sifuna, D.N. (2005). Increasing access and participation of pastoralist communities in primary education in Kenya. In *International Review of Education* (2005) 51: 499-516.

Constitution reiterates the social contract that exists between the people and the government, by providing that: -

“... to give full effect to the realization of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.

(7) Any measure taken under clause (6) shall adequately provide for any benefits to be on the basis of genuine need.”⁴⁵

From this provision, it is important to appreciate that, even though under social contract theory the government is the holder of power, Kenyans may not be able to implement the rights individually.⁴⁶ The prevailing circumstances point to the people's vulnerability calling for an explanation and analysis of the situation under the vulnerability theory.

2.3 Vulnerability Theory

The key proponent of this theory is Martha Fineman. Martha Albertson Fineman proposes that vulnerability is inherent to the human condition, and that governments therefore have a responsibility to respond affirmatively to that vulnerability by ensuring that all people have equal access to the societal institutions that distribute resources.⁴⁷

The people who are factually susceptible or exposed to harm than ordinary people in the ordinary state of events such as children in a conflict situation are considered vulnerable.⁴⁸ The theory postulates that the vulnerable need

⁴⁵ The Constitution of Kenya, 2010.

⁴⁶ Mary Nyeri Kinyanjui African Markets and the Utu-ubuntu Business Model: a perspective on economic informality in Nairobi. Cape Town: African Minds (Pb R250 – 978 1 928331 78 0). 2019, 200 pp. Cambridge University Press: 15 January 2021.

⁴⁷ Nina Kohn, 'Vulnerability Theory And The Role Of Government' (2014) 26 Yale Journal of Law and Feminism <<https://core.ac.uk/download/pdf/72837901.pdf>> accessed 7 July 2022.

⁴⁸ Anton J. M. Dijker 2014 A Theory of Vulnerability- based Morality<<https://>

special protection than that accorded to the general population. It is worth noting that vulnerability is considered a long-lasting problem requiring positive action to remedy it.

Children are vulnerable members of the society and this is depicted in the Constitution which provides that every child has the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour.⁴⁹ The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.⁵⁰

Although the constitution recognizes the vulnerable and disadvantaged persons, children who find themselves in conflict situations miss out on their right to access to education. In addition to the aforementioned provisions of the Constitution, Article 56 of the Constitution responds and complies with the vulnerability principle.⁵¹ The government is specifically, required to extend the scope of affirmative action to include the protection and preservation of the vulnerable people's right to education.⁵²

[//doi.org/10.1177/17540073913514120](https://doi.org/10.1177/17540073913514120)> accessed on 23rd December 2019.

⁴⁹ Article 53(1)(d) of the Constitution of Kenya, 2010

⁵⁰ As Set out in the Preamble of, UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <https://www.refworld.org/docid/3ae6b38f0.html> [accessed 6 July 2022]; given effect by Article 2(6) of the Constitution of Kenya, 2010; also see N. de Groot, Gouke J., Erwin Birnie, Nicole B. Valentine (2019) towards a universal concept of vulnerability: Broadening the evidence from the elderly to prenatal health using a Delphi approach. <PLoS ONE14 (2): e0212633> doi: 101371/journal.pone.0212633> accessed 23rd dec 2019.

⁵¹ The State shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups—(a) Participate and are represented in governance and other spheres of life; (b) Are provided special opportunities in educational and economic fields;(c) Are provided special opportunities for access to employment;(d) Develop their cultural values, languages and practices; and (e) Have reasonable access to water, health services and infrastructure.

⁵² Lucyline Nkatha Murungi 'the right to Education under the constitution of Kenya: Scope and prospects for Enforcement' in Japhet Biegon and Geoffrey Musila (eds), *Judicial Enforcement of Socio-Economic Rights under the New Constitution:*

When the above proviso of the Constitution is read together with Articles 43 and 53, the resultant inference will be that the governance systems are under a strict obligation to ensure that children in conflict situations in Kenya are accorded quality education.⁵³ That is notwithstanding the challenges that come with according them such services.

It is imperative that the government, notwithstanding the difficulty associated with providing educational services in the places hit by conflict, it should demonstrate efforts made to ensure the children have access to education services.⁵⁴ Research cites lack of infrastructure as one of the critical issues affecting the delivery of basic education to children in conflict situations in arid and semi-arid regions.⁵⁵

To explain more on the question of vulnerability from a theoretical perspective, we shall look at the Ubuntu theory.

2.4 Ubuntu (Humanity)

This theory comes from the Swahili word UTU (meaning humanity).⁵⁶ It means that as a people, we should empathize with each other and especially the vulnerable such as persons with disabilities, children and the marginalized.⁵⁷ We should be sensitive to the needs of everyone in society

Challenges and Opportunities for Kenya (Kenya Section of the International Commission of Jurists 2011). 217-244.

⁵³ The Constitution of Kenya, 2010.

⁵⁴ Nzesei, Mutua Meshack. "Education Marginalization in the Kenyan Conflict-Affected Areas: Human Capital Theory and Rights-based Perspectives." *International Journal of Innovative Research and Development* 6, no. 6 (2017).

⁵⁵ Ruto Sarah J, Ongwenyi Zipporah N, Mugo John K, 2009. Educational Marginalization in Northern Kenya. *United Nations Educational, Scientific and Cultural Organization*, UNESCO.

⁵⁶ Mary Nyeri Kinyanjui African Markets and the Utu-ubuntu Business Model: a perspective on economic informality in Nairobi. Cape Town: African Minds (Pb R250 – 978 1 928331 78 0). 2019, 200 pp. Cambridge University Press: 15 January 2021

⁵⁷ M Letseka, 2012, in defense of Ubuntu.

since we exist because they do. The concept of Ubuntu ideally recognizes the importance of everyone in society.⁵⁸

Therefore, in enacting policies and laws, the legislature should consider all the vulnerable persons in society and provide for their needs. The question is why do children in conflict situations seem to have been left out of the foundation for the enjoyment of basic rights? This calls for the conflict theory to explain the problem.

2.5 Conflict Theory

The famous philosopher Socrates asserts that an unexamined life is not worth living. In the same breath, Conflict theory proponents postulate that society is perpetually in a conflict in the bid to compete for the limited resources.⁵⁹ Formulated by Karl Marx, the conflict theory postulates that the bourgeoisie is constantly oppressing the proletariat for purposes of acquisition of more resources and maintenance of the same. While the bourgeoisie has a lot of wealth and means for maintenance, the proletariat has to attempt to serve the bourgeoisie so that they can survive.

Developed from the deepest part of capitalism, the conflict theory postulates that most societal alignments are characterized by social exclusion and marginalization in an attempt by the bourgeoisie to isolate the proletariats from reaping the benefits therefrom. This is the position that attempts to explain that much of marginalization is due to the continued conflict of class between the wealthy owners and the servants. Between the haves and the have-nots, the situation is best explained by George Orwell in "*Animal Farm*."⁶⁰ The notion is that children in conflict situations are in a survival mode and owing to their vulnerability, they cannot compete.

⁵⁸ Chuma Himonga, *the right to health in an African Cultural Context: The role of Ubuntu in realization of right to Health with special reference to South Africa*. Cambridge University press.

⁵⁹ Kariuki Muigwa, *Natural resources conflict addressing inter- ethnic strife through environmental justice in Kenya*<*natural –resource-conflict- addressing inter-ethnic strife- through-environmental justice*> 20th November 2019.

⁶⁰ The Survival for the fittest and the Darwinian principle of natural selection.

In the present case, it is believable that the government of Kenya which has always been led by top families with a lot of wealth and power has marginalized the north and eastern regions. The arid and semi-arid areas, in the manner contemplated under the conflict theory, have been neglected for so many years since independence.

The government of Jomo Kenyatta the first Kenyan President and that of President Daniel Arap Moi ignored and neglected the conflict regions.⁶¹ In both regimes education has not been realized in the areas. The national government included increased funding for education in the country but failed to appreciate that the North-Eastern region needed special attention due to the situations and practices in the place. The government promised free primary education and included it in their manifesto which they dubbed "*What a KANU Government offers you.*"⁶² KANU was the ruling party then. In the infancy stage, the government attempted to create a public image that they were good and put in place appropriate measures to address the issue of education in the whole country including the marginalized conflict regions. The Ominde Commission – *The Kenya Education Commission* was charged with coming up with policies aimed at improving the education sector. The Ominde Commission came up with a report that proposed the need to shift focus to Northern Kenya which had been neglected by the colonial government on the premise that it had no significance to the economic ambitions of the then government.⁶³

Other notable inquiries included the Sessional Paper No. 10 of 1965 which advocated for the channeling of the country's resources to "high potential areas" most of which were agricultural areas.⁶⁴ This would take the form of

⁶¹ Krätli, S. (2001). Education provision to nomadic pastoralists a literature review. IDS Working Paper 126

⁶² Sifuna, D.N (2007). The challenge of increasing access and improving quality: An analysis of universal primary education interventions in Kenya and Tanzania since 1970s. In *International Review of Education* (2007) 53: 687-699.

⁶³ Republic of Kenya. (1974). *Development Plan 1974-1978*. Government Printers. Nairobi. (1964). *Education Commission Report of 1964*. Government Printers. Nairobi.

⁶⁴ Sessional Paper No. 10 of 1965 on African Socialism and its Application in to Planning in Kenya.

more financial allocation for purposes of, *inter alia*, running the education programs.

The Ndegwa Commission was operationalized in (1970-1971) and its mandate was centered on the Civil Service. It made some recommendations on education in a bid to foster the development of the Civil service. It recommended the formulation of District Education Boards to respond adequately to the local needs of the communities by the active participation and local involvement of the community.⁶⁵ Based on the above inquiry, it is notable that the key objective of the recommendation was the growth of the Civil service and not to realize the right to education.

The Koech Commission Report was formed in 1999 and one of the key recommendations of the report was the provision of a universal and compulsory basic education. This recommendation aimed to eliminate disparities caused by geographical factors, social and gender issues thus leading to equity in education at all levels.⁶⁶ It is notable that even though this report may have formed the basis of the Right to education as envisaged under the Constitution, H.E. The Late Daniel Toroitich Arap Moi dismissed the report.⁶⁷

The situation in Kibera a slum in Nairobi, Kenya, parents threatened to set the school ablaze after the principal declined to admit any more students due to the numbers. A citizen who had taken his child to school at the time remarked that the government declaration that primary education is free and

⁶⁵ Jospat Gachie, 'The Ndegwa Commission Report And Recommendations- Ndegwa Report' (*Kenya Cradle.com*, 2020) <<https://kenyacradle.com/ndegwa-commission-report-and-recommendations-ndegwa-report/>> accessed 7 July 2022. The Ndegwa Commission was also known as The Public Service Structure and Remuneration commission chaired by Duncan Ndegwa

⁶⁶ Brian Waititu, 'Koech Commission Report and Recommendations- Koech Report' (*Kenya Cradle.com*, 2020) <<https://kenyacradle.com/koech-commission/>> accessed 7 July 2022. The Commission of Inquiry into the Education System of Kenya is also known as the Koech Commission.

⁶⁷ Article 53 of the Constitution of Kenya, 2010; His Excellency the Late President Daniel Moi dismissed the report terming it as wishful thinking, unrealistic and unworkable.

compulsory does not help when it has not made preparations for its implementation.⁶⁸ This scenario as was witnessed in the Kibaki regime validates the sentiments espoused under the conflict theory on the limitation of resources.

Notably, the government came up with **Sessional Paper No. 8 of 2012**, which set out an elaborate policy framework for children's education in, marginalized conflict zones.⁶⁹ The Sessional Paper was followed by an initiative of aiding northern Kenya from its worst problems, a year later.⁷⁰ Implementation of the same did not change the sad story concerning the provision of basic education in these regions. It appears that the bourgeoisie government was more interested in developing the more productive places than the northern part of Kenya.

It is worth noting that the bourgeoisies' government has been coming up with ideas to solve the problem of poor education and marginalization of the aforementioned region. The real solution lies in proper financial allocation to this place for installation of infrastructure for the education program, even if the schools are mobile. The Conflict theory seems to have provided a good explanation concerning the reluctance by the Kenyan Government to allocate adequate resources to Northern Kenya to ameliorate the place and the education system.

⁶⁸ Marc Lacey, 'Primary Schools In Kenya, Fees Abolished, Are Filled To Overflowing' *The New York Times* (2003) <<https://www.nytimes.com/2003/01/07/world/primary-schools-in-kenya-fees-abolished-are-filled-to-overflowing.html>> accessed 7 July 2022.

⁶⁹ GoK (2005). Sessional Paper No. 1 of 2005 on a Policy framework for education, training and Research. Government Printers, Nairobi. And Sessional paper No. 8, 2012.

⁷⁰ GoK (2006). National policy for the sustainable development of arid and semi-arid lands of Kenya.

3 Theories Analyzing The Findings on the Learning Process of Children in Conflict Situations in Kenya.

3.1 Introduction.

It was this research's assertion that the learning process for children in conflict situations is a checkered one. We have seen the importance of the law in ensuring access to basic education in conflict situations. It was established under this research that several factors influence the learning outcomes. For instance, currently, in Kenya, learning continues amid the COVID-19 pandemic. In Arabel and Mukuru Kwa Njenga in Baringo and Nairobi counties respectively, children were unable to report back to school because their schools had been vandalized. In Samburu, County, parents had to withdraw their children from school due to insecurity.

This part of the paper examines theories that explain the problem at hand in the areas mentioned. There are several theories explaining that situation of learning in conflict areas. However, we shall concentrate on four theories to explain the phenomena: The cognitive development theory, the attachment theory, the social learning theory and the social-cultural theory.

3.2 Cognitive Development Theory

Cognitive development theory was designed by Jean Piaget to look into the thought process of a person in the bid to make a comprehensive appreciation of his or her surroundings.⁷¹ This theory has a lot of implications for the learning process of children in conflict situations in Kenya. The cognitive development theory looks into how a person understands and interacts with the world around them.

It is notable that, how children perceive their environment and relate to concepts is very different from how adults do. Children who are brought up by a single parent or who are orphaned are not likely to do well in their

⁷¹ Papalia, Diane E., Sally Wendkos Olds, and Ruth Duskin Feldman. *Human development*. McGraw-Hill, 2007.

studies.⁷² Perhaps this explains why children in conflict situations stand disadvantaged because they would need a state of normalcy and proper setting to relate to the ideas and concepts imparted to them during their early childhood basic education.

Cognitive development theory postulates that children's thought and perception is influenced by their environment and the things they relate to.⁷³ There are stages of this theory as advanced by Piaget but the underlying idea is the effect of the environment on the education and learning process. It needs to be appreciated that the role of the environment in shaping the mental development and perception of children on matters is fundamental to their appreciation of academic concepts. It is for this reason that it becomes necessary to recognize that a chaotic situation herein referred to as 'a conflict situation' fails to provide a conducive environment for child learning and education.

Notwithstanding the developed mental ability and ability to learn, children remain attached to the ideas and the situations they went through during their early stages of mental development. This is why children in conflict situations in Kenya are disadvantaged because there are a lot of things, they learn due to the hardship and aggression which they cannot unlearn easily.

Children also develop interpersonal skills based on their interactions with people, what they observe and what they are taught. It is worthy to note that all the aforementioned learning processes are affected by the conflict situation in arid and semi-arid areas of Kenya.

3.3 Attachment Theory

Apart from Jean Piaget's cognitive development theory, the next influential theory in the realm of early childhood basic education is the attachment theory developed by John Bowlby. Bowlby, the major proponent of this

⁷² Abuya B. etal, Family Structure and Child Educational Attainment in the Slums of Nairobi, Kenya

<https://doi.org/10.1177/2158244019855849> accessed on 23rd December 2019.

⁷³ *ibid*

theory opines that there is an inherent tendency for children to form attachments with their caregivers as they grow and learn.⁷⁴ Children inherently form attachments during their early stages.⁷⁵

This theory postulates that though children would form some form of attachment with their caregivers, the nature of attachments they form may differ from one child to another. According to this theory, if children are given consistent care, they form secure attachments but if they are not given consistent care their attachments become repulsive, disorganized or ambivalent.⁷⁶ The implication of lacking proper and secure attachments usually influences the behavior of children when they grow to become adults. Insecure attachments in children have serious implications on children's learning, especially in conflict situations, such as the cases of Moyale, Wajir, Garissa, Kwale, Lamu and West Pokot areas among others. It is very natural for children who failed to have secure attachments during their childhood to become repulsive or aggressive. The problem is that children in conflict situations in Kenya are unlikely to have secure attachments due to the rough conditions of life that make it very difficult for their parents to give them consistent attention.⁷⁷

Livelihood in conflict situations in Kenya is characterized by migration from one place to another, transfer of teachers, death or injury of some teachers or caregivers and food problems. This situation implies that children are not able to form proper attachments because they do not have a proper setting for that. If they develop some attachments with a teacher as a caregiver but the teacher leaves the region due to insecurity issues, the children who depended on her or him are left without the support they are used to.

⁷⁴ Schore, Judith R., and Allan N. Schore. "Modern attachment theory: The central role of affect regulation in development and treatment." *Clinical Social Work Journal* 36, no. 1 (2008): 9-20.

⁷⁵ Psychologist World. Attachment Theory. Developmental Psychology. Retrieved from: <https://www.psychologistworld.com/developmental/attachment-theory>. Accessed: August 30th, 2018.

⁷⁶ Holmes, Jeremy. *John Bowlby and attachment theory*. Routledge, 2014.

⁷⁷ Some parents in conflict situations may have died or simply displaced leaving their children without proper attachment.

On other occasions, teachers resign from their employment due to issues concerning insecurity. In the same manner, children who depended on the teacher for support are seriously disadvantaged.⁷⁸ On other occasions, when parents migrate with their children from one region to another in search of food and livelihood, they fail to give their children sufficient attention because of the never-ending problems they have to solve.

In the above mentioned situations, children never get sufficient and consistent attention. They, therefore, become repulsive and continue to be so even after they pass the age of ten.⁷⁹ The implication of the same is that children in such places become difficult to teach. Such children with repulsive behavior are never willing to learn.

Children's learning at an early stage of education requires that they develop some attachments with the teacher. As compared to children learning in serene and conducive environments in places such as Nairobi; children in Pokot and Samburu lands would be slow in learning and grasping concepts because on most occasions they did not have secure attachments with their caregivers including teachers in their early stages.

3.4 Social Learning Theory

Developed by Albert Bandura, the social learning theory explains how children learning in conflict situations is utterly impaired due to their exposure. The theory postulates that children's learning takes place through observation, listening and/or perception of their environment.⁸⁰ Other than what children are taught in school, they mostly learn from what they see other people do, what they hear from other people and what they have been exposed to. It would be difficult for children to unlearn what the environment has taught them consistently.

⁷⁸ Due to ethnic conflict in the Northeastern teachers have resigned to secure their lives.

⁷⁹ Bretherton, Inge, and Kristine A. Munholland. "Internal working models in attachment relationships: Elaborating a central construct in attachment theory." (2008).

⁸⁰ Fonagy, Peter. *Attachment theory and psychoanalysis*. Routledge, 2018.

Further, it is worth noting that observation plays a critical role in the learning and development of children.⁸¹ When children in the marginalized conflict situations in Kenya are exposed to incessant conflict, they become accustomed to conflict and in the process, they acquire such habits or behavior.⁸² While school learning would impact how children perceive things and go about their business when they become adults, the mannerisms and the behavior of adults around the children in armed conflict areas as well as the habits of their peers influence a lot of their conduct and behavior.

3.5 The Sociocultural Theory

Developed by Lev Vygotsky, the sociocultural theory postulate that children learning is majorly influenced by the social and cultural setting they are exposed to.⁸³ When children are born in a region and grow in it, they are likely to acquire the traits they find there. According to the sociocultural theory, culture and social happenings around a child provide elementary education to a child and continue to form an integral part of his education life until he becomes an adult. It is noteworthy that the influence of culture and social organization of a child does not cease with adulthood.

Children have an innate tendency to observe the values they learnt from their cultural and social upbringing especially when the said cultural or social learning was very strong. For this reason, the exposure of children to conflict and chaotic societal alignment influence how children learn and acquire new ideas. When academic learning of children is constantly interrupted due to conflict and chaos, the children would begin to relate cordially with violence and get their attention much to issues revolving around violence instead of focusing on academic concepts. For this reason, the social and cultural environment children are exposed to have a serious impact on them.

⁸¹ Cherry, Kendra. "Social learning theory: An overview of Bandura's social learning theory." *The New York Times Company. (Online article)* (2011).

⁸² McLeod, Saul A. "Bandura-social learning theory." *Retrieved from* (2011).

⁸³ Lantolf, James P., ed. *sociocultural theory and second language learning*. Vol. 78, no. 4. Oxford University Press, 2000.

Vygotsky who is the major proponent of the sociocultural theory holds the opinion that learning is a social process especially when the same is being done formally in an education system.⁸⁴ When children are taught, they attempt to first relate with the person teaching them and interact with him or her socially before they get to appreciate the concepts he/she is talking about.⁸⁵ This is the reason why learning is faster and more efficient when children relate cordially with their teacher than when they have no regard for him.

The social aspect of learning requires that teachers develop a good working relationship with the students since this makes the process of acquisition of knowledge easier and better.

4 Conclusions and Recommendations

4.1 Conclusion

4.1.1 Pros

It is apparent from the theories concerning the nature of the right to basic education that;

1. The right to basic education if deprived, violated or denied leads to the infringement of a right.
2. That the government under the social contract theory, ought to take the necessary steps to protect the right to basic education.
3. From the vulnerability theory, it is apparent that focus ought to be channeled towards the children in the vulnerable regions in order to realize the right to basic education.

⁸⁴ Kozulin, Alex, Boris Gindis, Vladimir S. Ageyev, and Suzanne M. Miller, eds. *Vygotsky's educational theory in cultural context*. Cambridge University Press, 2003.

⁸⁵ Lupton, Deborah, ed. *Risk and sociocultural theory: new directions and perspectives*. Cambridge University Press, 1999.

It is also clear that the right to education under the social contract theory cannot be alienated. It is noteworthy that a slight change in the children's environment might go a long way to realizing the right to basic education. The study established that the available laws generally provide that education shall be availed to all.

4.1.2 Cons

From the assessment of the conflict theory and the various commission reports it is apparent that the government has a bit of an issue allocating resources to less productive regions for educational purposes. It is also a challenge to get teachers who are the caregivers of the children at school in conflict situations to stay in those areas let alone perform their duties. Lastly, conflict prevents some students from getting to school, while some schools are closed indefinitely until the status of security in the regions improves. It is only under a secure atmosphere that individuals within the State can engage in productive activities to meet their needs.

4.2 Recommendations.

The people who find themselves in conflict situations need to be taught the effect of conflict on their social-economic activities and children's education. There is a need to adopt methodologies of learning to unlearn the negative ideas imparted to the youth. We need to synergize the governance systems and stakeholders' roles in the lives of the children who find themselves in conflict situations.

Once each duty bearer gets committed to their respective roles the result will be the achievement of uniformity on children's right to access to basic education. We need to embrace the spirit behind the distributive justice theory by John Rawls. Finally, the laws and policies should be aligned to cater for children in conflict situations.

Bibliography

- A. B. Mongare (2018), 'When the Victim Stings the Good Samaritan: Legal implication on Refoulment of refugees, a Kenyan perspective' *Journal of Current innovation* 6th Edn vol 2.
- A. Weale, 'Associative Obligation and Social Contract.' <
<https://doi.org/10.1007/s11406-016-9797-5> >accessed on
21st July 2022.
- Abuya B. et al, 'Family Structure and Child Educational Attainment in the Slums of Nairobi, Kenya'
- Abuya E.O and Ikobe, 'Internally displaced person during 2007/08 in Kenya.'
- Achoka J S K, 'Accessing to Basic Education in Kenya: Inherent Concerns,' (2007) 2 (10) *Educational Research*
- Adan, M. A., & Orodho, J. A. (2016), 'Effects of inter-clan conflicts on quality school outcomes in secondary.'
- ALRMP/GoK. (2004). 'The Pastoralist communities and free primary education in Kenya. Preliminary findings. Commissioned by Coalition of Pastoralist Child Education of Arid Lands Resource Management Project and Action Aid Kenya.
- Anton J. M. Dijker (2014), 'A Theory of Vulnerability- based Morality.'
- Benta A. Abuya, Maurice Mutisya, Elijah O. Onsomu, Moses Ngware, and Moses Oketch, 'Family Structure and Child Educational Attainment in the Slums of Nairobi, Kenya' Can be accessed at;
<<file:///C:/Users/uaer/Desktop/articles/2158244019855849%20education%20in%20conflict.pdf>.

Benta A. Abuya et al, 'Parental education and high school completion in the urban informal settlements in Kenya'

Benta A. et al, 'Family Structure on Education Achievement in Slums of Nairobi.'

Bretherton, Inge, and Kristine A. Munholland. "Internal working models in attachment relationships: Elaborating a central construct in attachment theory." (2008).

Brock-Utne, B. (2000), 'Who's Education for All? The decolonization of the African Mind,' Falmer Press, New York.

Cherry, Kendra. "Social learning theory: An overview of Bandura's social learning theory." *The New York Times Company. (Online article)* (2011).

Chuma Himonga, 'The right to health in an African Cultural Context: The role of Ubuntu in realization of right to Education.'

Clifford Goldstein, 'The Final Hope: Three Messages For An Anxious World,' 2021, Africa Herald Publishing House.

David Jason (2015), 'The Concept of Human Rights Protection and the UN Guiding Principles on Business and Human Rights.' pp137-158.

Fonagy, Peter, '*Attachment theory and psychoanalysis*,' Routledge, 2018.

Hobbes, Thomas. "Social Contract Theory. "Also see Gerhard F. Hasel (PhD, Vanderbilt University) The Theory. "Also 2nd Quarter, 2021, The Promise God's Everlasting Covenant

Holmes, Jeremy. *John Bowlby and attachment theory*. Routledge, 2014.

- B. Abuya, Family Structure and Child Educational Attainment in the Slums of Nairobi, Kenya
< <https://doi.org/10.1177/2158244019855849> > accessed on 23rd December 2019.
- Justino, Patricia. "Barriers to education in conflict-affected countries and policy opportunities." *Findings from the Global Initiative on Out-of-School Children* (2014).
- Kariuki Muigua, 'Natural resources conflict addressing inter- ethnic strife through environmental justice in Kenya.' Can be accessed at < *natural –resource-conflict- addressing-inter-ethnic strife- through-environmental justice* >
- Kendra Cherry, "The 4 Stages of Cognitive Development: Background and Key Concepts of Piaget's Theory." *Very well mind*, 2018. Retrieved from: <https://www.verywellmind.com/piagets-stages-of-cognitive-development-2795457>
- Migai Akech, 'Public Law Values and the Politics of Criminal Injustices: Creating a Democratic Kenya.' In *International Review of Education* (2005) 51: 499-516.
- Kozulin, Alex, Boris Gindis, Vladimir S. Ageyev, and Suzanne M. Miller, eds. *Vygotsky's Educational Theory in Cultural Context*. Cambridge University Press, 2003.
- Krätli, S. (2001). 'Education Provision to Nomadic Pastoralists a Literature Review.' IDS Working Paper 126
- Lantolf, James P., ed. *Sociocultural Theory and Second Language Learning*. Vol. 78, no. 4. Oxford University Press, 2000.
- Learning Theories. Cognitive Development Theory-Learning Theories. Retrieved from:

<<https://www.learning-theories.com/piagets-stage-theory-of-cognitive-development.html>>

Lucyline Nkatha Murungi, 'The Right to Education under the Constitution of Kenya: Scope and Prospects for Enforcement' in Japhet Biegon and Geoffrey Musila (eds), *Judicial Enforcement of Socio-Economic Rights under the New Constitution: Challenges and Opportunities for Kenya* (Kenya Section of the International Commission of Jurists 2011). 217-244.

Lumen, 'Cognitive Development: The Theory of Jean Piaget. Educational Psychology. Student Development.' Module 3. Retrieved from:

<<https://courses.lumenlearning.com/educationalpsychology/chapter/cognitive-development-the-theory-of-jean-piaget/>>

Lupton, Deborah, ed. *Risk and Sociocultural Theory: New Directions and Perspectives*. Cambridge University Press, 1999.

M Roa, 2014, 'Considering Strategic Litigation as an Advocacy tool.' Can be accessed at < www.tandfonline.com > doi > pdf>

Macharia, M. (2011), 'Reflections on Kenya's National and Security Interests', *Journal of Language, Technology and Entrepreneurship in Africa*, 3(1).

Mary Nyeri Kinyanjui, 'African Markets and the Utu-ubuntu Business Model: A Perspective on Economic Informality in Nairobi,' Cape Town: African Minds (Pb R250 – 978 1 928331 78 0). 2019, 200 pp. Cambridge University Press: 15 January 2021.

McLeod Saul, 'Jean Piaget's Theory of Cognitive Development' (2018) Retrieved from:

< <https://www.simplypsychology.org/piaget.html> on August 28 >

McLeod, Saul A. "Bandura-social learning theory," (2011).

Ministry of Education (2008), 'Report on the Policy Framework for Nomadic Education in Kenya', July 2008.

Ministry of Education (2009), 'Various Reports on Monitoring of Mobile Schools in Fafi, Lagdera, Wajir West, Wajir East, Ijara, Tana River, Tana Delta, Turkana North and Samburu East Districts.'

MOEST (2005), 'Kenya Education Sector Support Programme 2005-2010: Delivering Quality Education and Training to all Kenyans.'

Mongare A.B, 'The Right to Education for Children in Conflict Situations in Kenya: How Responsive is Kenya?' (2014). Available at <http://erepository.uonbi.ac.ke/bitstream/handle/11295/94616/Mong%60are_The%20to%20education%20for%20children%20in%20conflict%20situation:%20how%20is%20Kenya.pdf?sequence=1>

Moon, Jennifer A. *Reflection in learning and professional development: Theory and practice*. Routledge, 2013.

New King James Bible: 2Corinthians 12:8-9, Hebrews 4:16, Romans <https://www.biblestudytools.com/topical-verses/grace-bible-verses/> accessed on 24th April 24, 2019.

Ngome, C.K (2005), 'Mobile School Programme for Nomadic Pastoralists in Kenya: Pilot project in Wajir, Ijara and Turkana Districts,' Prepared for ALRMP.

Nzesei, Mutua Meshack. "Education Marginalization in the Kenyan Conflict-Affected Areas: Human Capital Theory and

Rights-based Perspectives." *International Journal of Innovative Research and Development* 6, no. 6 (2017). Can be accessed at;< ONE14 (2): e0212633.doi: 101371/journal.pone.0212633>

Papalia, Diane E., Sally Wendkos Olds, and Ruth Duskin Feldman. *Human development*. McGraw-Hill, 2007.

Piaget, 'Stages of Development.' Retrieved from:
<<https://www.webmd.com/children/piaget-stages-of-development#1>>

Psychologist World, 'Attachment Theory and [Developmental Psychology](#).' Retrieved from: <
<https://www.psychologistworld.com/developmental/attachment-theory>>

Republic of Kenya. (1974), 'Development Plan 1974-1978,' Government Printers. Nairobi. (1964). Education Commission Report of 1964. Government Printers. Nairobi.

RG HOLCOMBE (2014), 'The Economic Theory of Rights / Journal of Institutional Economics' Cambridge Core

RG Holicomb, 'Economic Theory of Rights.'

Riley, Patrick. "Will and political legitimacy: A Critical Exposition of Social Contract Theory in Hobbes, Locke, Rousseau, Kant, and Hegel." (1982).

Ruto Sarah J, Ongwenyi Zipporah N, Mugo John K, (2009), 'Educational Marginalization in Northern Kenya,' *United Nations Educational, Scientific and Cultural Organization*, UNESCO.

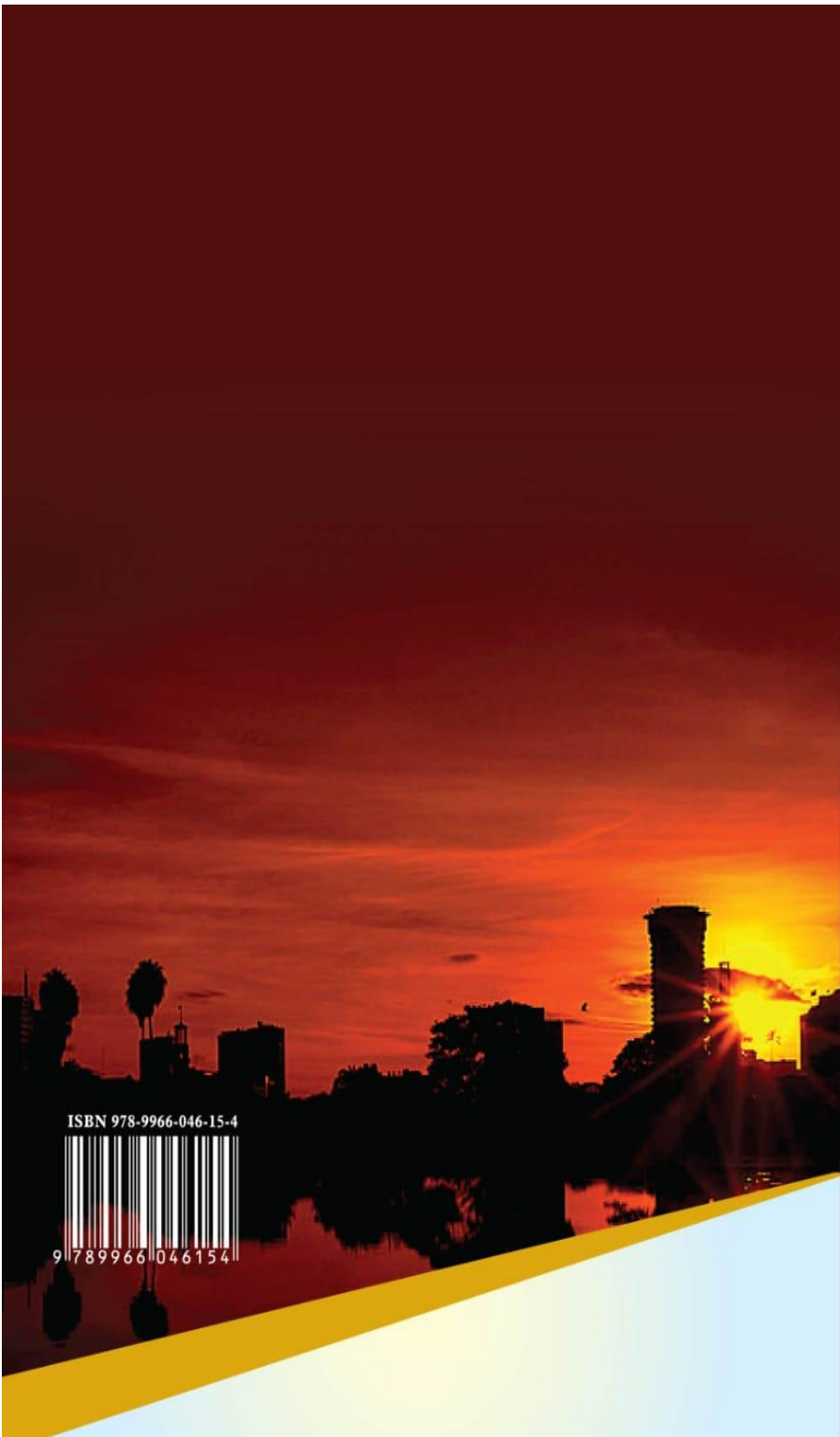
Scholastica Awino Omondi, 'An Evaluation of Child Sexual Abuse Trial Procedure in Kenya' www.questjournals.org, vol 2 issue 4(2014) pp:11-63

Schore, Judith R., and Allan N. Schore. "Modern Attachment Theory: The Central Role of Affect Regulation in Development and Treatment." *Clinical Social Work Journal* 36, no. 1 (2008): 9-20.

Sifuna, D.N (2007), 'The Challenge of Increasing Access and Improving Quality: An Analysis of Universal Primary Education Interventions in Kenya and Tanzania since 1970s,' In *International Review of Education* (2007) 53: 687-699.

Sifuna, D.N. (2005), 'Increasing Access and Participation of Pastoralist Communities in Primary Education.'

Stephen Aleksovi, Oliver Bakreski, and Biljana Avaramovska (2014), 'Collective Security— the Role of International Organizations: Implications in International Security Order,' *Mediterranean Journal of Social Sciences*, 5(27).



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