

**CHALLENGES FACED BY THE JUDICIARY IN THE
IMPLEMENTATION OF ITS STRATEGIC PLANS IN KENYA**

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DECLARATION

This research project is my original work and has been not submitted for examination in any other university.

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This research project has been submitted for examination with my approval as the university supervisor

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DEDICATION

To Winnie Mwatha, my Dear Wife and Best Friend

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To my Children; Joy Mawia, Kevin Muneeni, Jacob Mutundu and

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ABSTRACT

Strategic Planning is a pro-active result based management strategy adopted by institutions with a view to achieving their desired future (Judiciary Strategic Plan 2005-2008). Strategic Management Process is a new concept in the Public Sector in Kenya not to mention the hitherto conservative Judiciary. The Judiciary does not exist in isolation. It exists in an environment hit by competing and competitive forces where only the one with competitive advantage survives. Effective strategic management creates a productive alliance between the nature and demands of the environment, the organization's culture and values, and the resources that has at its disposal (Musyoka, 2008).

One must prepare for change otherwise change will change one as change is the only variable that is constant. One way of gaining competitive advantage is through strategic planning. A firm needs to formulate a plan on how to succeed in its mission and vision; two mandatory components in any organization worthy its existence. This is reflected in strategic plans. The Judiciary boasts of two such plans to wit Strategic Plans 2005-2008 and 2009-2012.

To have a strategic plan is one thing and to implement it is another. (Recall your end / beginning of year resolutions!). Despite these plans, the Judiciary has not fully realized its vision of "to be the best Judiciary Africa, setting the highest standards in the delivery of quality justice and leading in the development of jurisprudence".

One of the main problems lies in the implementation of the strategic plans. This is the focus of this study. Strategy implementation is very critical to the success of either public or private undertaking and can pose a number of challenges. The challenges arise from sources that are both internal and external to the organization and will depend on the type of strategy, type of organization and prevailing circumstances.

The study targets the challenges the Judiciary faces and how it copes with the same. These are the two objectives of this study.

A Case study was conducted targeting judges, magistrates and other senior officials of the Judiciary. Secondary data was also relied on. The main problems were lack of adequate resource allocation, absence of a well formulated strategy and lack of leadership and direction. Some of the mechanisms adopted to cope with the challenges were allocation of adequate resources, change of top leadership, team work and improved communication channels.

In conclusion, there is need for the Judiciary to address the challenges it faces through the in-put of all the stakeholders. It must be ready to embrace change for it to remain relevant now and in the future.

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CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

Every organization depends on the environment for its existence and survival. There are environmental forces exerted on the organization. For an organization to succeed it must formulate and implement strategies that will give competitive advantage over the other organizations (Yabs,2010 and Porter M.,E,1995).Yabs and Pearce 11 identify three types of forces of the firm, i.e. external remote environment. These are factors that are far from the firm but influence its operations. They include politics, economics, social, technological and ecological factors, commonly referred to as PESTEL (each letter represents each of the above mentioned factors) factors by some scholars. There are, also external industry or immediate or operational environmental forces which are factors slightly closer to the firm like customers, suppliers, and competitors. Lastly, the organization is affected by internal forces like employees, financial capacity, internal structures and other resources from which it draws its strengths or weaknesses.

The Judiciary, like any other organization is subjected the forces in the implementation of its strategic plans year in, year out.

As seen above, strategic issues require the firm's external environment given the fact that all business firms operate in an open environment. They affect and are affected by external conditions that are largely beyond their control.

The current market trends are continuously changing, bringing increased and stiff competition. For any organization to remain competitive and relevant in the market, it must embrace strategic management (Lubet R., 2001 and Baldwin, 2008). Strategic

planning is a new approach which is increasingly being adopted in the public sector to deepen reforms aimed at improving service delivery. This approach employs a proactive management concept designed to identify short and long term priorities and spells out the means to achieve them with the available resources (Massie, 2006).

1.1.1 The Strategic Management Process

Barney (2008) and Watson (2002) describe a firm's strategy as its theory about how to gain competitive advantage. They assert that a firm has competitive advantage when it is able to create more economic value than the rival firms. According to the authors, economic value is simply the difference between the perceived benefits gained by a customer that purchases a firm's products or services and the full economic cost of these products or services. They further describe a good strategy as the one that generates such advantages and as such a firm's ability to survive and prosper depends on choosing and implementing a good strategy.

The concept of strategy is closely related to planning and planning models. Strategy is conceptualized as a term for operating at both the corporate and competitive level. Corporate strategy involves actions and plans which influence the portfolio of different activities in an organization.

Barney (2008) asserts that the strategic management process begins when a firm defines its mission. A firm's mission is its long-term purpose and defines both what the firm aspires to be in the long run and what it wants to avoid in the meantime. Missions are often written down in the form of mission statements. Such statements are supposed to

create value for a firm. Many such statements define the core values that a firm espouses. Armed with a mission, objectives, and completed external and internal analysis, Barney states that a firm is then ready to make its strategic choice – its theory of how to gain competitive advantage.

According to Thompson (1990), the choices fall under one, business level strategies – action a firm takes to gain competitive advantages in a single industry/market. The common strategies being cost, leadership and product differentiation, and two, co-operate level strategies whereby the firm gains competitive advantage by operating in multiple markets/industries simultaneously. In this case the common strategies being integration, diversification, strategic alliances, mergers and acquisitions.

Thompson asserts that based on the strategic management process when making strategic choices, the objective is to use a strategy that:-supports the firm's mission, is consistent with the firm's objectives, exploits opportunities in a firm's environment with gains, strengths and neutralizes threats in a firm's environment while avoiding a firm's weakness.

Assuming this strategy is implemented, the last step of strategic management process – a strategy that meets the four criteria is very likely to be a source of competitive advantage. This explains why strategy implementation is key in the strategy management process – the very cornerstone of strategic management.

1.1.2 Strategy Implementation

What then is important in strategy implementation? A strategic plan must be properly formulated. This is a process that involves searching for available possibilities and getting a fit between the firm's internal weaknesses and the dictates of external environment (Yabs, 2010) .Decisions are made for the future plans of the organization. This is the function of the corporate level strategists. The approach of formulation may differ from organization to organization. While business firms may aim at profit maximization, Government institutions such as the Judiciary may have different objectives to give efficient service at lesser cost in time and resources. These objectives must be reflected in formulating strategy.

To ensure success, the strategy must be translated into carefully implemented action. This means that the strategy must be translated into guidelines for the daily activities of the firm's members. The strategy and the firm must become one. This means the strategy must be reflected in the way the firm organizes its business and in the firm's values, beliefs, and tone. In implementing the strategy, the firm's managers must direct and control actions and outcomes and adjust to change.

Choosing a strategy means nothing if the strategy is not implemented states Thompson (1990). Strategy implementation occurs when a firm adopts organizational policies and practices that are consistent with its strategy. Thomson provides three specific organizational policies and practices that are particularly important in implementing strategy as; a firms formal structure, its formal and informal management control systems

and its employee compensation policies. Managers must translate strategic thought into organizational action. As Pearce notes they move from “planning their work” to “working their plan”. The focus shifts from strategy formulation to strategy implementation. It will involve identifying short-term objectives, initiating specific functional tactics, communicating policies that empower people in the organization and designing effective rewards. Strategy implementation requires the presence of factors that come from both the external and internal environment. External environment factors are necessary in the firm so that they are turned into finished products. Examples are raw materials, manpower and fuels. Internal factors include firm facilities like employees, leadership, finances, etc.

Strategy control and evaluation go hand in hand. Control is seen as checking current performance against pre-determined standards contained in the plans, with a view to ensuring progress and satisfactory performance (Breach, 1985). Evaluation is required to gauge the progress or success of the strategies adopted by the firm or organization.

Strategy implementation poses a number of challenges. The challenges impede on the successful implementation of strategic plans. The challenges arise from both external environment and internal environment. These include the environmental forces discussed earlier in this study. Some of the constraints emanate from the organizational structure, leadership, culture, resources and policies of the organization.

1.1.3 The Judiciary of Kenya

The Judiciary is one of the three arms of Government. The others are the Executive and the Legislature. They operate under the doctrine of separation of powers, offering checks and balances on each other in the execution of their respective mandates. The mandate of the Judiciary is the administration of justice. It does so through the Supreme Court, Court of Appeal, the High Court, the Magistrates' Courts, Kadhis Courts, the Judicial Service Commission and the National Law Reporting (Constitution of Kenya, 2010).

The Judiciary adopted strategic management in 2005 due to the challenges posed by the growing demand for delivery of quality justice. This led to the preparation of the first Judiciary Strategic plan covering the period 2005-2008. This plan was anchored on the then Kenya Development Blue –prints, the Economic Recovery Strategy for Wealth and Empowerment Creation (ERS) 2003-2007 and the Poverty Reduction Strategy Paper, 2001. This plan recognized the Rule of Law and Access to Justice as key to social, economic and political stability of the country. With the release of the Vision 2030 it has become necessary to align the Judiciary strategic thinking and direction towards upholding the Rule of Law as a key component of good governance. (Judiciary Strategic Plan, 2009-2012).

Generally speaking, the Strategic Plans of the Judiciary focus on providing the Judiciary with a road map towards the delivery of justice to all. It has set out its vision or preferred future, mission, key functions, core values, goals and strategic objectives as well as strategies and targets. Every plan has an implementation strategy which identifies the

requisite resources needed to achieve the set objectives and targets. There is also a monitoring and evaluation system to ensure successful implementation of the planned activities (Judiciary Strategic Plan.2009-2012).

The strategic planning articulates the Judiciary's operations and outlines the medium term strategies to achieve the goals and objectives. The proposed measures and activities are expected to augment the Government Development Agenda and facilitate the creation of a democratic system that is issue-based, people-oriented, result-oriented and accountable to the public. The vision of the Judiciary is "to be the best Judiciary in Africa, setting the highest standards in the delivery of quality justice and leading in the development of jurisprudence." The Mission is "to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the Constitution of Kenya." (Judiciary Charter).

The goals of the Judiciary constitute the broad statements of the planned strategy. These are to provide expeditious dispensation of justice, to safeguard the rights and liberties for all, to facilitate probate and administration of estates, to effectively deliver judicial services and to achieve predictable justice. The Core Values of the Judiciary are professionalism, independence, integrity, excellence in service, team spirit, fidelity to the Law and the Constitution and transparency and accountability.

The strategic plans of the Judiciary address the following strategic issues; enhance judicial independence, improve the image of the Judiciary, build capacity in Human

Resource Management and Development, improve access to justice and improve institutional structures (Judiciary Strategic Plan, 2009-2012).

The Judiciary comprises the judges of the Supreme Court (the highest court in Kenya), judges of the Court of Appeal, judges of the High Court (Puisne judges), magistrates and Kadhis. The Chief Justice is the head of the Judiciary. The Judiciary has its headquarters in Nairobi and High Court stations in major towns. It has 105 magistrates' courts spread all over the country. Currently, the Judiciary has 8 Supreme Court Judges, 72 High Court Judges, 10 Court of Appeal Judges, 331 Magistrates and 16 Kadhis. As of 24th August, 2011, the Judiciary had a total of 3,796 employees (as per the oral information provided by the Chief Court Administrator (CCA)) against a population of 40 million Kenyans!

1.2 Research Problem

The Judiciary has had only two Strategic Plans These plans have not succeeded in realizing the vision and mission of the Judiciary. The question is why the failure. From other studies the Judiciary is not the only culprit. The main problem is in the implementation of the strategic plans.

The philosophy behind planning is simply thus "If you fail to plan, you plan to fail". It does not matter what the activity is, business, sports or family but the measure of success will largely depend on how well it was planned in advance. In an organization, the strategic plan provides a road map for the direction to be taken and the means of getting there and the judiciary is no exemption (The JTI Bulletin, January - March 2010).

The challenges posed by the growing demand for delivery of quality justice creates a compelling reason for embracing strategic management in the Judiciary as the future of the justice system cannot be left to chance. The judiciary therefore needs to respond through enhanced use of modern technologies in order to improve service delivery and further to make it possible for judicial officers to assess information and reference materials needed to adjudicate cases effectively. There is also need for the government to allocate sufficient resources to build staff capacity in rendering efficient service (Muneeni, 2008 and Gicheru, 2009).

The Judiciary is chosen as a case study due to the important place it occupies in the administration of justice. This role affects every aspect of our life in Kenya. Strategic planning assesses the changing role of the Courts in the community development aspirations. It leads as earlier observed, to determining the long term direction and performance of the Judiciary by ensuring that the strategies are carefully formulated, effectively implemented and continuously evaluated. Understanding the strategic position of an organization and considering the strategic choices open to it are of little value unless the strategy managers wish to follow can be turned into action (Johnson et al 2007). The managers have a duty to translate strategies and policies into action through development of programs, budgets and procedures. It may involve changes within the overall culture, leadership, structure or management systems of the organization (Pearce et al, 2003).

Due to pressure from both external and the internal environment, the Judiciary has been forced to craft out strategies to meet the evolving challenge through strategic management. At independence, there were only seven judges of the High court and 40 resident magistrates (Judiciary Strategic Plan, 2005 – 2008). Today the numbers have gone up. However, despite the increase in the number of court staff and facilities, the Judiciary continues to experience pressure from the public who depend on it practically for dispute settlement

The concept of strategy is well linked to strategic management. It is a set of decisions and actions that result in formulation and implementation of plans designed to achieve organization's objectives. Every organization including the Judiciary must adopt strategic management for it to remain competitive and relevant in the environment. This is done through formulating action plans in the form of strategic plans. As argued above, such a plan is useless if it is not properly implemented. To ensure proper implementation, a firm must carry out purposeful control and evaluation of the strategies adopted

There has been earlier studies conducted regarding strategy implementation and challenges in various organizations by Aosa (1992); Omollo, (2008); Mwita, (2007); Luvenu, (2009); Mwangi E. (2006) and Dwallow (2007)), but none of these has scrutinized the challenges the Judiciary faces in strategy implementation and the measures the judiciary has put to place to address the challenges.

This research therefore seeks to fill this gap by providing answers to the following key questions: - what challenges is the Judiciary facing in the strategy implementation process? How is the Judiciary coping with those challenges?

1.3. Research Objectives

The Study had two principal objectives:-

- (i) To determine what challenges the Judiciary faces in implementation of its strategic plans.
- (ii) To establish what the Judiciary does to cope with the challenges in strategy implementation.

1.4. Value of the Study

The information will shed light to ways in which the Judiciary may ensure its growth and sustainability and enable it to develop and sustain competitive advantage in a changing environment.

No research has been done on challenges facing the Judiciary in implementation of its strategic plans as discussed above. The Judiciary stands isolated though its decisions extensively affect every respect and aspect of the society. This study, therefore seeks to break new ground by providing information that is going to benefit the entire body of the Judiciary and other scholars who seek to know and learn what takes place in the Judiciary.

Through the information harnessed the study hopes to contribute to the ongoing Constitutional and/or judicial reforms in Kenya. Needless to say, the study is useful to

the policy maker in that it highlights and explores a hitherto neglected area. The policy maker can use the study as a basis for decision making and further strategy planning.

Last but not least the study is, invisibly a pioneer academic contribution that will plunge the dearth for credible literature on the challenges the Judiciary encounters implementing its strategic plans.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

A firm's ability to survive and prosper depends on choosing and implementing a good strategy. The strategic management process involves a sequential set of analyses and choices that can increase the likelihood that a firm will choose a good strategy (Barney, 2008). According to Yabs (2008), throughout history, it has been the pre-occupation of managers for a long time to improve the performance of their organization and formulate ways of improving planning and perfecting implementation methods.

This chapter reviews the various theories and studies that have been documented by different authors and scholars regarding the concept of strategy and the implementation strategy.

2.2 The Strategic Management Process

Strategy has been defined differently by different authors and scholars. Barnes, (2008) defines a firm's strategy as its theory about how to gain competitive advantages. By strategy, Pearce II, et al (2009) argues that managers mean their large scale future oriented plans for interacting with the competitive environment to achieve company objectives. They view a strategy as a company's game plan.

Bennis (1985) defines strategy according to the role it plays. According to him, it provides a frame work for future managerial decisions. It reflects a company's awareness of how, when and where it should compete against whom it should compete and for what purpose it should compete.

Pearce II et al (2009) on the other hand state that there is no single definition of strategic management. They are of the opinion that strategic management is a set of decisions and actions that result in the formulation and implementation of plans. Dr Yabs (2009), on the other hand, teaches that the subject involves these functions; planning, organizing, staffing, leading, communicating, coordinating, motivating, directing and controlling. According to Yabs (2007), the word “strategy was first used in military to describe the mobilization and deployment of men and ammunition to defeat an enemy. Competition in industry was equated to war tactics and most business organizations, borrowed military lexicon such as strategies, logistics, tactics, staff, chain of command, unity of purpose, frontline staff, marketing frontiers, sales force, tactical measures, strategic alliances and others.

The Judiciary of Kenya strategic planning (2005-2008) views strategy as a proactive management approach in which an organization/institution seeks to reposition itself towards a desired future. It is a systematic effort to make decisions and take actions that shape what an organization is, what it ought to do, what it does and why it does it. This identifies long term and short term priorities, vision, mission, objectives, resources requirements and implementation frame work.

Musyoka (2008) conceptualized strategy as a term for operating at the competent and competitive level. She defines corporate strategy as the actions and plans which influence the portfolio of different activities in the firm. Operationally, this can be seen as the level of diversity achieved, the mode used to achieve that level of diversity and the

management of the classified set of assets and businesses. Musyoka further states that by application of strategy a firm will develop a picture of opportunity as strategic “window” through which the new venture must pass. By seeing the window, the company will scan for new opportunities. By locating the window the venture will position itself in the market place relative to the existing players to take best advantage of the opportunity present. By measuring the window the firm will establish the opportunity and recognize the potential it offers to create new value. The window is then opened. The firm gains competitiveness by turning vision into reality that is, actually starting new business. A time comes when and the window must be closed. This is in order to sustain competitiveness.

The strategic window theory was clearly expanded by Wickham, P.A (2006). It provides an easier and practical way of understanding strategy as strategy provides direction, game plan employing multiple in-puts or options and out - puts to achieve a firm’s goals, values and objectives.

2.3 Strategy Implementation

Regardless of how well conceived, if a firm’s competitive strategy lacks proper organization of human resources, it is doomed to either sub-optimize or even fail completely since strategy can only be implemented by and through the people. Hence the manner in which human resources are coordinated through hierarchical and lateral assignments of responsibility and authority becomes a central management challenge (Stoner, 1995).

The process of implementation and control of strategy are critical for successful management. Strategic implementation involves a dynamic, iterative and complex process of a series of decisions and activities by managers and employees to turn strategic plans into reality with a view to achieving strategic objectives. Pearce et al (2009) argue that to ensure success, the strategy must be translated into carefully implemented action. The strategy must be translated into guidelines for the daily activities of the firm's members.

Pearce et al (2009) further assert that the strategy and the firm must become one – that is strategy must be reflected in the way the firm organizes its activities, the key organization leaders and the culture of the organization. They state that the company's managers must put into place “steering” controls that provide strategic control and the ability to adjust to strategies, commitments and objectives in response to the ever changing future conditions. Increasingly, organizations must make serious commitment to be innovative and must consider bringing the entrepreneurship process into this company to survive, grow and prosper in a very competitive and rapidly changing global business arena.

According to Pearce et al (2009) organizational action on strategy implementation is successfully initiated in four inter related steps; creation of clear short term objectives and action plans, development of specified functional tactics to include outsourcing that create competitive advantage, empowerment of operating personnel through policies to

guide decisions and implantation of elective reward systems. Yabs (2008) is of the view that strategy implementation requires the presence of certain requirements. These include factors that emanate from external environment and factors emanating from internal environment. Factors emanating from external environment include all inputs that go into the firm for turning into finished products. These are raw materials, manpower, energy and fuel. The internal ones include facilities machinery, internal structures, qualified employees, management capacity and financial strength, marketing capability and leadership provided by the management.

Wangui (2007) is of the opinion that successful implementation means taking the right action. Effective and successful strategy implementation therefore depends on the achievement of good “fits” between the strategies/ and their means of implementation.

Effective strategy implementation requires the existence of a structure and culture in which constant change is regarded as necessary. For a firm to succeed, the strategic decision/ plans must be implemented (Mullins, 2007). Lussier (2009) assert that firms respond to and manage change through strategy implementation. Further a strategic plan embodies and revolves around the statement of a strategy for an organization. Strategic planning is therefore a process for producing this strategy and upgrading it where necessary.

According to Capen, C (2008), strategic management provides a disciplined way for managers to make sense of the environment in which the organization operates, and then act. In broad terms two phases are involved. These are, one, strategic planning - the

name we customarily give to the scene- making activity. It involves the goal setting and strategy formulation processes and, second, strategy Implementation – name we customarily give to actions based on the kind of planning .It involves communication and strategic control stages.

The three strategic Cs. – Customers, corporation, and competitors are introduced by Ohmae (1983) who suggests that strategy is about trying to influence, where possible, the external environment in which the company operates, differentiating to add unique value to the products and services, and thoroughly understanding the market place, its segmentation and the customers. Corporations or companies seek to beat direct competitors on cost or seek to add more value for the same cost than competitors are able to do. However, the added value has to be perceived as such in the eyes of the paying customer.

An alternative model is provided by Romson (2001) presenting the view of strategy as the interaction of the external environment, the resources and values of the organization. Ideally an organization wants a close match with its environment which is under pinned by its resources and values. From the model, the external environment is where the opportunities and threats arise from and confront the organization. These opportunities arise in the form of new customers and new geographical markets which can be exploited. The model further comprises of resources which the organization have access to which include facilities, staff, know-how and financial resources. These are used to combat threats and build on the opportunities in the external environment. In the model, the values are also highlighted. These are beliefs of the organization that, in turn,

determine the expected behaviours from managers and employees which are often seen by other stakeholders as the image of the organization.

The behaviour of Managers and employees can reflect /influence how well resources are used to achieve the aim of success in the environment. Mintzberg (1988) suggests that strategy like marketing which has its four Ps (Product, price, place, and promotion) should have five Ps, namely Plan, Ploy, pattern, Position and perspective. He sees strategy as each of these items. Stoner (1995) distinguishes three levels of strategy: corporate, business unit, functional unit levels.

2.4: Challenges in Strategy Implementation

Successful implementation of strategy is affected by a number of elements/factors. Just as the strategy of the organization must be matched to the external environment, so it also must fit the multiple factors responsible for its implementation. As earlier submitted, at this stage the firm is implementing a chosen strategy (Pearce 11 et al, 1995). To ensure success, the strategy must be translated into carefully implemented action.

Musyoka (2008) identifies the scientific approach to effective planning and implementation. The process emphasizes nine major steps namely: formulation of goals, analysis of the environment, assigning quantitative values to the gases, the micro process of strategy formulation, the gap analysis, strategic search, selecting the portfolio of strategic alternatives, implementation of the strategic program, measurement feedback and control. She further asserts that the implementation of strategy is affected by the way

it is formulated. If the strategy is poorly formulated then its implementation may be difficult and/or may be bringing the desired results. The implementation of a strategic plan essentially involves translating strategic objectives into action. It focuses on efficiency, leadership skills and coordination. The implementation will involve identifying, creating strategy awareness, change management, promoting team work, knowledge management, staff motivation and funding mechanism.

2.4.1. Organizational Structure

An organization is a pattern of relationships which involve many interwoven, simultaneous relationships through which people, under the direction of managers, pursue their common goals. Organizational structure forms a framework that managers devise for dividing and coordinating the activities of members of an organization. Since strategies and environmental circumstance differ from one organization to the next, there is a variety of possible organization structures (Stoner 1995).

Pearce 11 et al (2009) refer to organizational structure as the formalized arrangement of interaction between and responsibility for the task,. people and resources in an organization. It is most often seen as a chart, often a pyramidal chart, with positions or titles and rules in cascading fashion. Mulins (2007) implores the importance of organizational structure as the division of work among members of the organization and coordination of their activities so that they are directed towards the goals and objectives of the organization. Whereas structure is the pattern of relationships among positions in the organization and among members of the organization. It makes possible the process

of management and creates a framework of order and command through which the activities of the organization can be planned, organized, directed and controlled.

Mullins further states that the structure defines tussles and responsibilities, work roles and relationships and channels of communication. A basic structure distributes responsibilities among the members of the company. Its purpose is to contribute to the successful implementation of strategy by allocating people and resources necessary tasks and designing responsibility and authority for their control and coordination. Hence a correct design of structure is crucial in determining organizational performance.

2.4.2. Leadership

Researchers usually define leadership according to their individual perspective and aspects of the phenomenon of most interest to them. Leadership has been defined in terms of traits, behaviours, influence, interaction patterns, role relationships and occupation of an administrative position (Thomson 2001),

Barns (2004) states that, leadership involves a process whereby internal influence is exerted over other people to guide structure and facilitate activities and relationships in a group or organization. He further states that there should be a proper efficient and clear leadership in strategy implementation for the strategy to succeed. Sometimes there are problems with the leadership when the strategy to be implemented brings change that may affect their comfort zones. The CEO should therefore, lead in managing change.

On the other hand, (Stoner 1995) emphasizes that leadership involves other people – employees or followers. By their willingness to accept directions from the leader, group members help define the leadership status and make the leadership process possible. Without people to lead leadership qualities of a manager would be irrelevant. He further adds that leadership also involves an unequal distribution of power between leaders and group members stating that group members are not powerless, they can add to shaping group activities in implementation of strategy in a number of ways.

Burns (1978) is of the opinion that a leader should be able to use direct forms of power to influence the follower's behaviours in a number of ways. He will influence them to implement the strategy of the company. He further insists that leadership is also about issues. Most leadership concerns issues and requires the followers be given enough knowledge of alternatives to make intelligent choices. According to Burns a leader should possess the right issues, traits, qualities, attitude to lead the way in strategy implementation.

2.4.3. Culture

Stoner (1995) states that during the last fifteen years the concept of organizational culture has been expanded by students of organizations to explain much of what goes on in an organization. It answers the question why do managers of a certain company dress his way or the other way. Why do managers of a certain company behave, in certain manner among others. A number of organizations develop a particular culture. Though some aspects of an organization culture are readily apparent, many others are less visible.

Culture therefore shows an organization has learnt to deal with the environment. It is a complex mixture of assumptions, behaviours, stories, myths, metaphors and other ideas that fit together to define what it means to work in a certain particular organization

He identified two forms of culture, the visible and the non-invisible. The first one is behaviour patterns and styles of the employees. These are easy to change. The second level is the shared assumption issues that are held over a long period of time. These are difficult to change. The result of the Harvard study indicates that culture has a strong and increasing impact on the performance of organizations. No organization can ignore culture in implementing its strategy.

2.4.4. Resources

Resources are necessary to support new strategic initiative and must be invested in the proper organizational units in strategy implementation (Thompson et al, 2007). Resources are the things that a business/firm uses to pursue its end so they are the inputs that the business converts to create outputs it delivers to its customers. This may be financial, human or operating resources (Wicham, 2006).

According to the Judiciary, strategic plan (2005-2008), three kinds of resources must be present in order to implement strategy. There must be funds to go to the specific projects. There will be people probably experts or not to do certain strategy implementation who may require operating resources like machinery, new materials, buildings, vehicles, among others. Resources must therefore be properly allocated according to the

organization units. There should be proper funding subject to need analysis. In the Judiciary, for instance, there should be equal allocation of activities. The activities are sequenced in a logical order allowing those that come first to be implemented earlier to build a foundation for the next activities. Muneeni's (2008) study on Judiciary also indicates the need to allocate more funds to the body to execute its policies. He reasons that a well enabled Judiciary is an Independent Judiciary.

2.4.5. Policies

According to Lubet (2001) policies may differ from company to company. They are there to act as guidelines to strategic decisions. Policies usually emanate from the leadership. Poor policies may not lead to proper planning and implementation. Policies like culture have an influence on organizational behaviour, traits among others. Policies must be properly communicated to counter resistance to change.

Burns describes a policy as a general guideline for decision making which sets up boundaries around decision, telling managers which decision can be made and which cannot. In this way it channels the thinking of the organization members so it is consistent with organization objectives. He adds that some policies have rules built into them. Most policies are accompanied by detailed procedures, exceed standard operating procedures or stand methods which are just detailed. Policies are set of instructions for performing a sequence of situations that occur often or regularly.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

This chapter examines how the research was done. It spells out the research design, the kind of respondents the researcher interviewed, data collection and data analysis. These differ from study to study as it came out in the project.

3.2. Research Design

The study was conducted through a case study method. According to (Kothari 2006) this study is suitable because it involves a careful and complete observation of a social unit; a person, a family, an institution, a culture group or even the entire community comprehensively.

This method ensures the possibility of obtaining defined facts from experienced employees and has been used successfully on the past by researchers such as Karimi (2009), Gakeria (2008) and Musyoka (2008).

3.3. Data Collection

The study constituted both primary and secondary data. Secondary data was collected from existing literature and documentaries while primary data was collected through a guided interview where the researcher interviewed respondents using a semi-structured questionnaire. Ten key informants were selected. These comprised judges, magistrates, Registrars, Court Clerks and other senior judicial personnel.

The interview guide was divided into three parts. Part A had the Background information, part B the Challenges of Implementation and part C the Recommendations.

3.4. Data Analysis

Content analysis was used to analyze the data. The data was edited for completeness and consistency. It was categorized and coded according to the factors that were crucial for implementation of strategic plans as discussed in the literature review. It is assumed that words that are mentioned most often are the ones that reflect public opinion, attitudes, biases or repeating themes.

CHAPTER FOUR: DATA ANALYSIS, RESULTS AND DISCUSSION

4.1 Introduction

The study was guided by two main objectives namely, to determine what challenges the Judiciary faces in implementation of its strategic plans and establishes what the Judiciary does to cope with the challenges in strategy implementation. This chapter is divided into the two key segments according to these objectives. Content and thematic analysis of the qualitative data will be used coupled with the secondary data obtained from documents, documents, journals, strategic plans and other relevant records of the Judiciary.

4.2 Challenges in the Implementation of Strategic Plans

The first objective sought to determine the challenges the Judiciary faces in the implementation of its strategic plans. Since the problems faced by the Judiciary were likely to be the same faced by similar organizations the interviewees were asked to respond and state the extent to which the challenges affected the Judiciary as a whole. Interviews were done with judges, magistrates, deputy registrars and court clerks. The courts covered were Nairobi, Mililani Commercial, Makadara, Mombasa, Kisumu, Machakos and Bungoma.

The core business of the Judiciary (or Courts) is geared towards providing expeditious dispensation of justice, safeguarding the rights and liberties for all, facilitating probate and administration of estates, effectively delivering judicial services and achieving predictable justice. The strategic issues that the Judiciary must address are to enhance judicial independence, improve the image of the image of the Judiciary, build capacity in

human resource and development, improve access to justice and improve institutional structures. The Judiciary had not embraced formal strategic planning before 2005. Both external and internal environmental forces made the Judiciary to adopt emerging strategic management process. At the time of independence the Judiciary served a small number of citizens. The population has steadily increased .The number of judicial officers has also increased tremendously since then. Globally, the situation has since changed due to globalization and economic liberation. This affects all organizations in the world including our justice system.

The world has become a global village with the entry of information technology (IT).The ordinary Kenyan is now more enlightened and legally conscious of his rights. He is more litigious than ever before. The courts are under pressure to satisfy the needs of the 21st Century litigant .Despite the formulation of the strategic plans, the Judiciary is still bedeviled by a myriad of challenges like lack of an appropriate mechanism for implementation of the plans, lack of individual initiative in formulating operational plans, no monitoring and evaluation system, high staff turnover, inadequate staffing levels, inadequate budgetary allocation to the Judiciary and lack of sufficient political goodwill for judicial reforms.

In the wider public sector, relevant reforms undertaken include the introduction of performance contracting, embracing the Results Based Management (RBM), E-Government, E-Commerce and a National Integrated Monitoring and Evaluation System

(NIMES).Further, economic policies of our donors like the World Bank and IMF on the government have had a lot of impact on government business including the Judiciary.

From the interviews it was established that the key challenges facing the Judiciary come from both external and internal environment. From this environment, the Judiciary draws its strengths, weaknesses, opportunities and threats (SWOT). Weaknesses and threats form the core of the challenges facing the Judiciary in the implementation of the strategic plans. From the internal environment the Judiciary enjoys a number of strengths and encounters some weaknesses. From the external environment emanate opportunities and threats to the organization.

From the results of the interview the issue that to a very large extent posed a challenge in the Judiciary strategy implementation process is that the Judiciary is not allocated enough resources. The Judiciary's budgetary allocation is less than that of, for instance, the Defence or even some other institutions although it one of the three arms of Government. One would expect its allocation to be almost the same as that of the other arms. The organization needs the funds for infrastructural and institutional development. It requires the same to build more courts, buy stationery, pay witness allowances, pauper briefs, computerize the place and comfortably run its day to day activities. Most interviewees felt the Judiciary had been neglected for quite some time. With the new Constitution they felt there was a lot of hope that things were bound to change for better.

Most of the respondents were of the view that the absence of a well properly formulated strategy to a large extent posed a challenge in the Judiciary strategy implementation process. Generally, speaking a strategy is as good as its formulation. An organization must properly formulate its mission including broad statements about its purpose, philosophy and goals.

It was also noted that the formulators of the strategic decisions did not play an active role in the actual implementation of the activities of the Judiciary. Formulation was done through wide stakeholder consultation including the offices of the two Principals in the Coalition Government and the Vice-President, judges and others whose role stopped at that point. There was a Judiciary Strategic Plan Committee but it also played no role in the implementation of the plans.

Another major challenge was that the top management of the Judiciary did not provide the necessary leadership and direction required for the successful implementation of the strategic plans. There is also poor leadership in strategy implementation. This can be easily explained given that strategic planning is a new concept in this organization. To be successful, the leader must lead by example. If there are targets to be met he must ensure he plays his role properly. He should inspire and motivate those below him. The boss must take the right action for successful implementation to occur. He must guide the organization to deal with constant change. He is required to provide the management skill to cope with the ramification of constant change.

Respondents were not happy with the way the Judiciary managed its resources. It was felt the organization poorly managed its resources. The resources comprise financial, physical, human and technological resources. The financial resources end up not being expended as targeted. The infrastructure is in shambles. More and better court buildings with well stocked libraries and conducive and customer-friendly court rooms are required. In terms of human resources, the Judiciary does not use its personnel well. Judges and magistrates are not allowed to specialize in the matters they handle. The transfer policy creates more problems than it solves. The policy leads to a backlog of cases as more often than not the officers are not afforded time enough to clear their desks.

The Judiciary has not fully embraced use of IT in its day to day activities. Proceedings continue to be taken in long hand. Even where there are computers most officers lack the skills to use them. For proper implementation, the Judiciary needs adequate and qualified human resources. The people tasked with this task lack elementary training in strategic management as most of them are trained only in Law. There is need to invest in this area for the successful implementation of strategic decisions.

The respondents identified other challenges that to some extent affect the strategy implementation process. These rank below those discussed above. It was noted that failure to understand the structure of the Judiciary negatively affected implementation. The confusion arises as to which decisions are the preserve of the Registrar or the Chief Justice or the Judicial Service Commission. What is the role of Deputy Registrars or the human resource department in strategy implementation? Other issues relate to

organizational culture of the organization. The Judiciary appears conservative and hence prone to do things the old way. It tends to preserve itself and is therefore resistant to change.

Communication is an important tool in transmitting strategic decisions. This lacks in the organization as the employees are not timely informed of the decisions made by the top leadership. Quite a number of respondents did not know the vision and mission of the Judiciary casting doubt on their understanding of the overall goals of the organization. This is more so given that principal tasks and activities were not well coordinated. For instance, from secondary data, one would establish that different judges give different decisions on a similar matter. This is not the way to be “a leader in the development of jurisprudence”.

The first strategic plan failed because among other things strategic decisions took more time than allocated e.g. the employment of more judicial officers and computerization spilled to the next period of planning. There were other challenges that were not expected especially with the promulgation of the new Constitution .There was a lot of pressure on the Judiciary to perform enough to convince doubting Kenyans it stood for positive reforms. The respondents also said there was no proper monitoring and evaluation of strategic plans/ projects. That may be attributed to the fact employees expected to play this role were not trained and given the proper instructions on what to do in the circumstances.

The impact of external environmental factors had a lot of influence in strategy implementation. Some of these factors brought competing activities. For instance after the post election violence the Judiciary found itself at the receiving end. It had to spend funds and time to redeem its image and thus moving out of its main strategic path to address challenges that had not been foreseen. Stakeholders like politicians, civil society and Wanjiku (ordinary citizen) also impacted unfavourably on the implementation especially before and after the birth of the new Constitution by bringing a lot of pressure and criticism to bear on the Judiciary.

The Judiciary suffered confidence crisis when a group of the warring politicians in the 2007/2008 general election swore publicly they had no confidence in the Judiciary and sought a political solution. The rest is history everyone wants to forget but cannot fade away. This left a great dent not only on the strategic plan of, but, the Judiciary itself.

4.3 Measures to cope with the Challenges in Strategy Implementation

This study sought to establish in its second objective how the Judiciary copes with challenges in strategy implementation. Strategy management practices have been in place since 2005 when the Judiciary crafted its first Strategy Plan (2005-2008). This plan was anchored on the national framework on Economic Recovery for Wealth and Employment Creation (ERS) 2003-2007. ERS identified the efficient and accessible administration of justice as critical in providing an enabling environment for investment.

This called for the Judiciary to achieve a predicable and impartial justice system, to speed up determination of cases, to clear backlog and to improve service delivery in civil

litigation. The Plan undertook a situational analysis of the Judiciary and identified challenges that impacted on its ability to attain the stated objectives.

The second Strategic Plan (2009-2012) starts by acknowledging the achievement made, challenges encountered and lessons learnt. These lessons informed the current plan. It proposed measures to overcome challenges that faced implementation of the first strategic plan. The planning system was well adapted to enable effective implementation.

Respondents were asked the extent to which the approaches indicated were practised to cope with the prevailing challenges. It came out that the respondents felt change of the strategic plan was crucial. The Judiciary was praised for changing its strategic direction periodically to align itself with the changing environment and trends in the market. It was also noted that change of top leadership contributed in solving implementation difficulties. By the time of the interview the Judiciary had just had a new chief justice and Supreme Court judges.

Another major step is the allocation of more funds to the Judiciary. After the coming into force of the new Constitution, the Judiciary was granted financial autonomy drawing funds from the Consolidated Fund. This solves one of the major failings of the first strategic plan. There is increased stakeholders' support in implementation. The feeling is that with the new top leadership, the Judiciary is on the way to reform. Stakeholders like international donors, professional bodies and even politicians are now gaining confidence in the Judiciary and willing to invest in the institution for the good of all Kenyans.

Another favoured mechanism is communication. Once strategic decisions are communicated employees act from a point of knowledge in assisting the institution to attain its strategic vision and mission. The leadership recognizes the importance of communication. The Chief Justice quite often moves from registry to registry and from court station to court station to meet members of staff and exchange views in a walk in/open office policy. The leadership has sought to involve the employees in decision making where possible. There are suggestion boxes and the Chief Justice can be reached even through the social networks like face book and twitter!

There are advances in ICT. When I visited Nairobi Law Courts I saw a large screen beaming the cause list (list of cases for the day). There are efforts to spread this to major town courts. All the judges and most senior magistrates were recently supplied with laptops. Thanks to Kenya Law Reform and the Justice Waki –led Judiciary ICT Committee one can access a number of superior courts’ decisions on the internet.

The Judiciary needs to redeem its image as observed in the first strategic plan. The institution is gearing towards vetting of all judges and magistrates who were in office when the new constitution came into force. Indeed there is in place a law to that effect. From interview, most officers do not think this will have any effect at all in coping with the current challenges. The leadership has created offices of the Ombudsman and Chief of Staff whose roles will in effect redeem the face of the Judiciary. They receive

complaints from and against judicial officers. There is also a peer review mechanism where judicial officers police each other.

Another unfavourable tool was the proposal for performance contracting for the top level management. Many feared it would interfere with the independence of the Judiciary; a cardinal principle in any justice system.

To address the problem of lack of sufficient political goodwill, the Chief Justice has opened the Judiciary to all. The new CJ, deputy CJ and other new judges were interviewed in public and appointed with the concurrence of both the top leaders in the Coalition Government. The Judiciary has appreciated and expanded its key stakeholders' base to include: Judiciary staff, Parliament, Ministry of Finance, Ministry of Justice, National Cohesion and Constitutional Affairs, the State Law office, the Police department, the Prisons department, the Probation and After-Care Service Department, the Law Society of Kenya, the Ethics and Anti-Corruption Commission and the litigants. The roles and relationship between the Judiciary and these organizations differ from organization to organization. This shows that the Judiciary understands the political, social, technological and legal environment during the strategic management process. It did both a SWOT and/or PESTEL analysis of its 2005-2008 Strategic Plan acting as a catalyst for change in the strategic focus.

The study findings reported that implementation of measures to ensure and secure effective leadership contributes to effective implementation. Specialized training was availed to senior managers aimed at corporate governance among other targets. The

recent competitive appointment of judges is an attempt to secure right leadership for the body.

A partial restructuring of the Judiciary was recently done .More divisions and stations were opened aimed at improving service delivery and access to justice from all corners of the country. Young judges with new ideas and academic strength were given responsibilities in running the courts.

To curb the high turnover, the Judiciary has improved the terms and conditions of service of its employees. Due to this ,the organization has become an employer of choice. This is evident in the large number of applicants whenever it advertises any post.

Team work was voted highly as a means to cope with the challenges. This makes employees and even stakeholders feel part and parcel of the constant change in the organization. The Judiciary comes together during open days to explain as a group what it does as a branch of government. All employees get time to literally mingle and giggle freely.

The Judiciary is currently changing policies and rules used to suit the current constitutional dispensation. The new Chief Justice is trying to do away with colonial practices and unnecessary emphasis on procedural technicalities to enable easy and cheap access to justice.

Most respondents cited the need to adopt change management strategies. The Judiciary to a large extent was seen to be going towards this direction. This goes hand in hand with efforts to adjust organizational structure to suit strategy. There is need to develop clear

work flow charts so that decision implementation flows seamlessly. Organizational culture is important for enhancing organization performance. It reduces resistance to change as everyone feels as a nerve of the organization.

CHAPTER FIVE:

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary

The first objective of the study was to determine the challenges the Judiciary faces in the implementation of its strategic plans. The results indicate that the greatest challenge came from the fact that the Judiciary is not allocated enough resources, poor management of the resources and lack of adequate and qualified human resources to implement strategic decisions. Others include; absence of a well properly formulated strategy, not understanding the structure of the Judiciary, poor leadership and direction in implementation and failure by formulators of the strategic plan not to play an active role in the actual implementation of the activities of the Judiciary. The least challenges were effect of organizational culture on implementation, competing activities, stakeholder influence and coordination and team work.

From past studies, there is need to invest resources in any organization for successful strategy implementation (Wangui, 2007, Muneeni, 2008) .For an institution like the Judiciary, it is encouraging to learn that it is now leaning towards financial independence. The current leadership enjoys a rare political good will which must be prudently harnessed for the benefit of every Kenyan seeking justice before the court. There is also need to formulate strategic plans in such a matter as to capture the vision, mission and core values of the

organization. Challenges such as communication and formulation of strategy keep on recurring even in other studies and continue to be the same in the Judiciary.

From the study, the conclusion is that emphasis needs to be placed on allocating enough resources to the Judiciary to carry out its mandate. Strategic decisions need to be communicated timely to all the employees. They should also be afforded an opportunity to participate in both strategy formulation and implementation. Team work should be encouraged at all levels.

The second objective was to determine how the Judiciary copes with the challenges in strategy implementation. The results show that various mechanisms were to a very large extent favoured. These included allocation of more resources, change of top leadership, communication, proper training, team work and change in organizational structure.

Previous researches (Wangui, 2007, Musyoka, 2008) done on strategy implementation have cited leadership change as the least used mechanisms to ensure that implementation. This is not so for the Judiciary. Judiciary is a peculiar organization where leadership has a lot of bearing on it as an institution. The leadership does understand the importance of using team work in the implementation of any project and the need to involve stakeholders in the implementation as with other organizations.

5.2 Conclusion

In conclusion, from the foregoing discussions the Judiciary must be ready to show leadership and direction in the implementation of the strategic plans. Enough resources must be availed to the institution to facilitate it to run its affairs smoothly. It must not take the existing political and public good will for granted. Measures to ensure quality monitoring and evaluation of projects call for consideration. Advantage should be taken of the encouraging stakeholder environment. Team work should be carefully nurtured as the Judiciary tackles challenges from both the external and internal environment where the only constant is change.

The study shows that organizational culture does not support strategy. This, however, does appear to affect the growth of the Judiciary unlike other institutions. The main challenge in the Judiciary is allocation of adequate resources. From the study the Judiciary gained financial independence once the new Constitution came into force last year. However, this will depend on how the Constitution is implemented. The study reveals the importance of leadership in the organization. Majority of respondents said change of top leadership was the best thing that happened to the body.

Full consideration of stakeholders must be taken into consideration .This implies that the stakeholders are actively involved in the strategy planning process from the beginning. As the strategy is being drawn a representative from the stake holders must be there. This will allow them to own the process as the actual implementation begins.

Communication channels must be expanded to give a clear picture of what is required of each employee.

5.2.1 Limitations of the Study

As one interprets the findings of the study one must bear in mind that the choice of design was dictated by time and resources available. Some of the targeted respondents did not avail themselves for interview citing pressure of work. Many respondents gave more oral information than was covered in the interview guide. However, this has been substantially covered in the findings.

5.3 Recommendations

From the study, organizational culture had least effect on strategy implementation in the Judiciary. There is need for a further research to unveil the implications of this in the Judiciary as a whole. It would be important to study branches of government (Executive and Legislature) to investigate whether or not this is a common trend and the factors behind the same. A more in-depth study needs to be done to determine why change of top leadership in the Judiciary is so an important element of strategy implementation while traditionally this should not be an issue. Are judges and magistrates thinking like politicians? Why is leadership so crucial in implementation of Judiciary projects?

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APPENDICES

APPENDIX 1: LETTER OF INTRODUCTION

KIMWELE MUNEENI
C/O MBA OFFICE
SCHOOL OF BUSINESS
UNIVERSITY OF NAIROBI,
P.O. BOX 30197
NAIROBI.

20th SEPTEMBER, 2011.

Dear Respondent,

RE: COLLECTION OF RESEARCH DATA:

I am currently pursuing a course of study for a degree of Master of Business Administration, University of Nairobi. As part of the study I am carrying out a research on: “*CHALLENGES FACED BY THE JUDICIARY IN THE IMPLEMENTATION OF ITS STRATEGIC PLANS IN KENYA.*”

Your Law Court has been selected as one of the respondents to participate in the study. This interview guide is intended to obtain opinions, views, feelings or beliefs to enable me come up with recommendations to assist the Judiciary improve on its practices.

I would request you to spare a few minutes of your precious time to fill in the attached interview guide and to provide the required information on the above study to the best of your knowledge.

The information you will provide will be treated with utmost confidence and only for academic purpose mentioned above.

Your assistance in facilitating the same will be highly appreciated.

Yours sincerely,

.....

KIMWELE MUNEEENI
STUDENT, MBA

DR. JOHN YABS
SUPERVISOR, UON

APPENDIX 2: RESEARCH INTERVIEW QUESTIONS

The information you provide in the interview questions will be treated confidentially and will not be used for any purpose other than academic. The questions have been set in relation to the study.

A. Background information

Please tick where applicable; also answer in the space provided.

1. Name of respondent (Optional).....
2. Gender of the respondent
Male { } Female { }
3. Age of the respondent
18 – 24 { }
25 – 30 { }
31 – 35 { }
36- 40 { }
41 - 45 { }
46- 50 { }
51- 55 { }
56- 60 { }
Above 60 { }

4. Highest level of education attained

O' Level { }

A' Level { }

Diploma { }

Bachelor's degree { }

Masters { }

PhD { }

5. How long have you been working for the Judiciary?

Below 5 years { } 25 – 30 years { }

5 – 10 years { } 30 – 35 years { }

15 – 20 years { } 35 – 40 years { }

20 – 25 years { } Above 40 { }

6. Name of the Law Courts.....

7. Responsibility in the Law Courts:

8. Rank in the Judiciary.....

9. Department of the respondent.....

10. Do you understand what a Strategic Plan entails?

Yes { }

No { }

14. Does the Judiciary have any strategic Plan? Yes { } No { }

15. Do you think members of the Judiciary are aware of the strategic Plan currently in force?

Yes { } No { }

16. Explain the Vision. Mission of the Judiciary. What is its relevance?

17. Did you participate in drafting and implementing it? Explain your role and that of your colleagues, if any.

18. What constitutes a good strategic plan for the Judiciary?

19. Any other comment?

B: Challenges in Strategy Implementation.

20. Kindly discuss the main challenges your institution is experiencing in its endeavor to implement its strategic plans.

21. The following are some issues faced by organizations. Please indicate the extent to which they have posed as a challenge in the Judiciary strategy implementation process.

NO.	ISSUE	5 Very large Extent	4 Large Extent	3 To some Extent	2 To a small Extent	1 To no Extent at all
1.	Absence of a well properly formulated Strategy.					
2.	Not understanding the Structure of					

	the Judiciary.					
3.	Leadership and direction provided by top management has posed challenges in the implementation of the strategic plan.					
4.	The formulators of the strategic decision did not play an active role in the actual implementation of the activities of the Judiciary.					
5.	Organizational culture does not support strategy implementation.					
6.	The Judiciary is not allocated enough resources to implement its strategic plan.					
7.	The resources of the Judiciary are poorly managed.					
8.	The Judiciary has no adequate and qualified human resources to implement its strategic decisions.					
9.	Poor leadership in Judiciary strategy implementation.					
10.	Employees are trained and given instructions.					

11.	Co-ordination and team work is effective.					
12.	Competing activities affected implementation.					
13.	Strategic decisions took more time than allocated.					
14.	Employees understand the overall goals of the body.					
15.	Stakeholders have influence on strategy implementation.					
16.	Principal tasks and activities were well obtained.					
17.	Strategic decisions were timely communicated.					
18.	Many challenges arise which had not been anticipated earlier.					
19.	External environmental factors had adverse impact on implementation.					
20.	Implementation was poorly monitored.					
21.	The Judiciary is resistant to change.					

C. Recommendations

22. In your view, what is the Judiciary doing to cope with problems associated with strategy implementation. Are you satisfied with these measures?

23. To what extent are the following approaches practiced to cope with the prevailing challenges?

NO.	ISSUE	5 To a Very Large Large extent	4 To a Large Extent	3 To some extent	2 To a small extent	1 To no extent at all
1.	Change of Strategic Plan					
2.	Vetting of all Judiciary staff					
3.	Performance contracting for all top level management in the Judiciary in performance measurement.					
4.	Change of Judiciary top leadership.					
5.	Change of the top leader.					

6.	Organizational structure needs to be adjusted to suit strategy.					
7.	Proper training and development of strategic objectives.					
8.	Communication will play a key role in strategy implementation.					
9.	Team work					
10.	Stakeholders support implementation.					
11.	Allocate more resources to the Judiciary.					
12.	Change the Judiciary's organizational structure					
13.	Develop clear work flow charts.					
14.	Adopt change management strategies.					
15.	Change policies and rules used in the Judiciary.					
16.	Sack all Judiciary employees and employ a new group to run the Judiciary.					

24. Any other comment ?

Thank you for your Participation.