

**STRATEGIC RESPONSES BY KENYA NATIONAL COMMISSION  
ON HUMAN RIGHTS (KNCHR) TO CHANGES IN THE EXTERNAL  
ENVIRONMENT**

**BY**

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## **DECLARATION**

### **STUDENT'S DECLARATION**

I declare that this research project is my original work and has not been presented to any other university for the award of a degree.

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### **SUPERVISOR'S DECLARATION**

This research project has been submitted for examination with my approval as the University Supervisor.

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## **DEDICATION**

This research is dedicated to my parents for offering their good counsel which has made me who I am in this life and to my loving husband for believing in me and giving support during the entire study period.

## **ACKNOWLEDGEMENT**

I want to acknowledge God for he has brought me this far. I thank my parents for the words of encouragement during the entire learning period. I give special thanks to my husband Sam for extending a helping hand in order to make this entire period a success. Noting that, despite the additional bundle of joy in our family, he encouraged me to resume classes. I cannot forget to mention my house manager for stepping and babysitting my daughter in my absence.

My siblings for understanding the time constraints and for their moral support extended to me during the entire learning process. I wish to thank my colleagues at work for the support, understanding and cooperation during the data collection process. To every other person who went out of their way to make this study a success such as my professional friends and classmates be blessed.

Finally to my Supervisor Prof. Aosa I say a big thank you, for your reliable guidance and encouragement the entire process, may the almighty God bless your good work.

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## **ABBREVIATIONS AND ACRONYMS**

CAJ	Commission on Administrative Justice
DPM	Directorate of performance Management
ECOSOC	Economic Social Cultural rights
ICT	Information and Communication Technology
IPCRM	Integrated Processing of Complaints and Referral mechanism
KNCHR	Kenya National Commission on Human Rights
KNHREC	Kenya National Human Rights and Equality Commission
M&E	Monitoring and Evaluation
MTP 2	Medium term plan II
NGEC	National Gender and Equality Commission
PESTEL	Political, Economic, Social, Technological, Environmental, Legal factors of macro environment.
SCHR	Standing committee on human rights
SMT	Senior management team
SRC	Ssalaries and remunerations commission
SWOT	Strength, weakness, Opportunity and Threat

## ABSTRACT

Organizations' are open systems due to their dependency nature to their environment. Organizations should constantly scan their environment for any changes and respond accordingly or risk their existence. Strategic responses should create a fit between an organization and its environment, for survival and attainment of sustainable competitive advantage in a complex environment. KNCHR like any other organization in the public sector in Kenya has faced its fair share of challenges due to changing environment. This study addresses two main objectives that is, to identify changes in KNCHR's external environment and secondly, establish the various strategic responses adopted by KNCHR. A case study approach was used, where face to face interviews were undertaken with eight respondents using an interview guide. The study found that KNCHR had experienced key changes in its macro environment touching on political, economic, socio-cultural, environmental and legal factors. This led to internal changes which largely impacted on KNCHR's structure, systems and processes. One of the key external changes is the new legislative frameworks such as the Constitution (2010) that led to creation of Article 59 Commissions. This resulted to increased competition, increased rivalry among the three commissions, funding constraints, high staff turnover among others. Further, the study found that in response to these changes, KNCHR had to adopt key strategic responses such as competitive, restructuring, organizational leadership, culture change and information technologies to survive. In conclusion the study established that an organization whether in public or private sector must constantly adjust to its environment so as to create a strategic fit for survival. Further, that the changes in the environment automatically affects the organizational structure, leadership, decision making processes, culture as well as operations hence the need for formulation of adequate strategic responses. The study recommends the need for KNCHR to focus more on capitalising on the opportunities brought about by the new legislative framework such as its constitutional guaranteed independence, devolution, increased democratic space, and a comprehensive Bill of rights to increase its vibrancy instead of getting distracted by boardroom wars with the other Commissions. This study's limitations are that one, the study adopted a case study approach hence generalization of this findings to all other government institutions is limited. Further, the study drew its respondents from the top management level only that is not to mean the rest of the staff do not influence KNCHR's strategic direction. The study recommends for a similar study targeting the other two Article 59 Commissions to enable comparison of findings in addition to the need for a comprehensive research on the issue of high staff turnover at KNCHR.

# **CHAPTER ONE**

## **INTRODUCTION**

### **1.1 Background of the study**

Organizations' are open systems because they constantly interact with the environment for both inputs and outputs. According to Aosa (1998) in this changing environment organizations have to constantly adapt their activities and internal configurations to reflect the new external realities. Failure to do this may put the future success of the organization in jeopardy. Often Organizations respond to changes in the external environment by adjusting their strategies in order to gain competitive advantage and survive in the market place.

According to Kotler (2000) days when firms could simply wait for clients to beat a path to their doors are long gone. Organizations must realize that their services and products regardless of how good they are simply do not sell themselves. Due to the nature of dependency to their environment, organizations must continually employ adequate strategies in response to the changing environment. Edward (1967) observes that at times the environment of public sector becomes turbulent and confusing even to the manager because of their very large socio-political contents. Aldrich (1999) postulates the organizational learning theory which enables organizations to adjust defensively to changing environment by using the knowledge acquired offensively to improve the fit between itself and the environment. Senge (1990) concurs that the basic rationale for

learning organization is that in situations of rapid change only those that are flexible, adaptive and productive will excel.

In today's business arena, organizations in public and private sector continue to grapple with challenges caused by the volatile business environment due to constant changes in the macro environment factors. KNCHR is one of those organizations facing such changes in its macro environment. The competitive forces facing KNCHR includes, threats of new entrants (new commissions with overlapping mandates), threat of substitutes, bargaining power of suppliers and customers in addition to rivalry from its competitors. Accordingly, organizations response to the competitive environment should be informed by a critical analysis of the competitive forces as well as appreciation of strength, weaknesses, opportunities and threats in the environment. In response to these changes, KNCHR has been compelled to adapt strategic responses some planned for while others unplanned for in order to create a fit between itself and the environment for success and survival.

### **1.1.1 Strategic Responses to Changes in the Environment**

Strategic responses refer to organization's actions that are geared towards adapting to the changing environment for organization's success and survival in the market place. According to Aosa (1992) a mismatch between the environment and the organization brought about by failure to respond to changes in the environment creates a strategic problem, which according to Ansoff (1990) requires a strategic response. Strategic responses enable an organization to remain competitive despite a volatile environment. Further, Bartol (1998) observes that firms often respond to such environmental changes

through strategic responses. According to Ansoff (1998) strategic responses require organizations to change their strategy to match the environment and also to transform or re-design their internal capabilities to match their strategy.

Strategy is a key component of organizational response to changing environment therefore; there is need to understand the definition of strategy by different scholars in the field of strategic management. Strategy refers to organization's game plan, ideas and approaches that determine how different an organization can stand out among competitors and gain sustainable competitive advantage. Strategy allows an organization to decide its future by determining the right path to take today. According to Thompson and Stickland (1996) strategy is about combining activities into a reinforcing system that creates the requisite fit between what the firm needs and what its activities are.

There are few organizations that have survived without strategy but, many organizations have failed for lack of strategy. According to Kepner (2001) an organization without a strategy may survive, but they will never thrive. In addition, other scholars have argued that having a strategy in place alone does not automatically lead to a successful organization in the market place. Gaining sustainable competitive advantage and survival of an organization requires more than just a strategy; instead it requires a full appreciation of the strategic management principles. Aosa (1992) observes that, successful implementation of strategies remains a major challenge for the success of an organization. Alomba (2010) reiterates that no organization can survive without strategic

management and further that having good strategies does not translate to better implementation.

According to Quinn (1980) a well formulated strategy enables an organization to marshal and allocate resources in a unique way on a basis of its relative internal competencies and limitations, expected changes in the environment and contingent actions by competitors. The unstable and unpredictable conditions in which organizations operate today, means that the ability to think strategically and manage strategic change successfully is key to competitive strength for sustainable competitive advantage (Burnes, 1996). Organization's stability in a complex, volatile and competitive environment remains a major challenge to organizations hence the need for strategic responses that guarantee organization's survival and sustainable competitive advantage.

### **1.1.2 Kenyan Public Sector**

According to Edwards (1967) a public sector is also referred to as a state sector since it is part of the state that deals with the production, delivery or allocation of goods and services by and for the government or its citizens. KNCHR is a state institution that is established under Article 59 of the Constitution of Kenya (2010), to ensure the promotion and protection of human rights in Kenya. KNCHR draws its funds from the treasury in order to exercise its mandate and provide services to Kenyans and as such, it falls squarely in the public sector as a nonprofit organization. The public sector in Kenya has been facing volatile business environment due to rapid changes in the macro environment.

Drucker (1989) observes that, twenty years ago, management was a dirty word for those involved in nonprofit organizations. It meant business and nonprofits prided themselves on being free of the taint of commercialism and above such sordid considerations as the bottom line. Now, most of them have learned that nonprofits need management even more than business does, precisely because they lack the discipline of the bottom line. Daellenbach (1994) identifies several factors that contribute to today's complex environment including rapid technological advances, information explosion, and the widening gap between the developed and underdeveloped countries of the world.

KNCHR like any other organization in the public sector has for a long time faced the wrath of the changing business environment due to complacency on the part of the management as most of them prefer traditional management approach that give emphasis to short term goals and operational efficiency, contrary to strategic management approach that focus on long term goals, effectiveness and the future of the organization. Ragan (2004) reiterates that many nonprofits do not have a strategy at all; instead they rally under a particular cause such as "fighting homelessness" or "save the children." They rush to support any programs as long as money is available since the cause is so worthwhile without a clear long term strategy. The results are an overstretched organization with its core capabilities focused on unintended directions and a budget that has more expenditure compared to the available resources.

Strategic management allows an organization to act today in a manner that is compliant to the organization's dream future by adopting strategies that are well articulated after a

critical analysis of the environment that look into the future. Many public organizations continue to operate ignorant of the changing environment until something goes wrong. For example the Nyayo bus service, Pyrethrum board of Kenya and Kenya Creameries Company are some of the organizations in the public sector that failed to survive the turbulence in their environment. This situation is known as strategic drift. Strategic drift may result from inertia on the part of the organization, or it may reflect management belief that the current strategy is still appropriate and needs only some fine tuning (Wheelen, 2008).

Every so often strategic drift force an organization to get into a strategic inflection point, where the management is forced to ask questions and seek alternative strategies in order to address the sudden change that pauses potential threat to the organization's survival. Organizations can no longer continue to thrive in a volatile competitive environment by riding on its good name and good will alone, but they must embrace different strategic responses for survival. In addition, Shay and Rothaermel (2002) hypothesize that the utility of Porter's model is that it provides the analytical framework for determining how to gain competitive advantage by strategically positioning a firm within an attractive environment, and then leveraging these advantages over rival competitors.

### **1.1.3 Kenya National Commission on Human Rights (KNCHR)**

The origin of KNCHR can be traced to Kenya human rights struggle in 1995, international and national pressure saw the then Government establish the standing committee on human rights (SCHR). In 2002 parliament passed the KNCHR Act No 9 of 2002 that established



the Kenya National Commission on Human Rights as an autonomous National Human Rights Commission in line with the Paris principles which became operational on 29<sup>th</sup> July 2003.

The Constitution of Kenya (2010), in Article 59 established the Kenya National Human Rights and Equality Commission (KNHREC); but with a provision that gave parliament the discretion to decide whether to form one stop shop commission for human rights work or subdivide into three different commissions with specific mandates. Subsequently in 2011, Parliament restructured the article 59 Commissions' and formed three successor commissions to include KNCHR, National Gender and Equality Commission (NGEC) and Commission on Administrative Justice (CAJ).

KNCHR work is guided by the framework laid down by the Paris Principles and KNCHR Act No. 14 of 2011. KNCHR has two key broad mandates; first, to act as a watch-dog over the Government in the area of human rights (protection) and secondly to provide key leadership in moving the country towards a human rights state (promotion).Section (8) of the KNCHR Act, 2011 stipulates KNCHR's functions which include; investigating human rights violations and take steps to secure appropriate redress where human rights have been violated, undertake research and monitor the compliance of human rights norms and standards in public and private institutions, undertake human rights education and training, advocacy work while collaborating with other stakeholders.

KNCHR work is guided by its strategic plan that elucidates the KNCHR vision as “a society that upholds human rights for all.” While its mission statement is, “to protect, promote and monitor the respect for human rights in Kenya through law, policy and practice.” The main goal is, “Increased enjoyment of fundamental rights and freedoms by all in Kenya.” In fulfilling the above mandate KNCHR is guided by these values; integrity, accessibility, impartiality, independence and inclusiveness.

KNCHR Secretariat structure was reviewed in 2011 but due to funding constraints the restructuring has not been fully operationalized leading to a strategic gap that has remained KNCHR’s strategic challenge in responding to the competitive volatile environment. The tables below clearly shows the intended new grading as per the restructuring process of the KNCHR’s Secretariat in addition to the current position held by the Commission’s staff.

*Table 1.1.4: KNCHR’s grading structure*

<b>Grade</b>	<b>Grading level</b>	<b>Current positions failing in grade</b>
<b>1</b>	<b>Commission Secretary</b>	<b>Commission Secretary</b>
<b>2</b>	<b>Deputy Commission Secretary/Director</b>	<b>Deputy Commission Secretary</b>
<b>3</b>	<b>Deputy Director/PHRO</b>	<b>Principal Human Rights Officers, Human Resource and Administration Manager Finance Manager</b>
<b>4</b>	<b>Assistant Director/SHRO</b>	<b>Senior Human Rights Officers Senior Human Resource Officer</b>

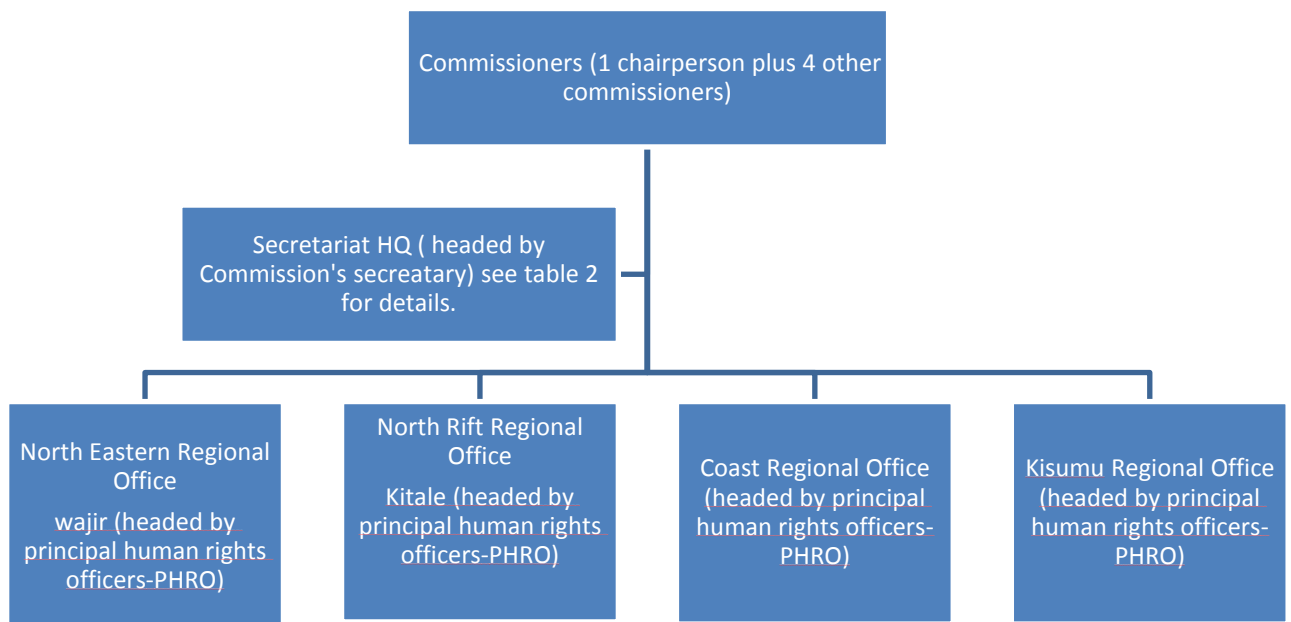
		<b>Senior Accountant</b> <b>Senior Procurement Officer</b> <b>Senior Public Affairs &amp; Communications officer</b> <b>Senior Monitoring &amp; Evaluation officer</b> <b>Internal Auditor</b> <b>Senior ICT Officer</b>
<b>5</b>	<b>Senior Officer/Officer I</b>	<b>Human Rights Officer 1</b> <b>Executive Secretary, Human Resource Officer 1,</b> <b>Administration Officer 1, Accountant 1, Finance</b> <b>Officer, Public Affairs and Communications</b> <b>Officer I</b>
<b>6</b>	<b>Officer 1/Officer II</b>	<b>Human Rights Officer II, Human Resource</b> <b>Officer II, Auditor II</b> <b>Monitoring and Evaluation Officer II,</b> <b>ICT officer I</b>
<b>7</b>	<b>Assistant Officer</b>	<b>Finance Assistant, Procurement Assistant,</b> <b>Receptionist</b>
<b>8</b>	<b>Clerical/Senior Driver</b>	<b>Senior Driver, Registry Clerk, Administration</b> <b>Clerk</b>

(Source: KNCHR Human Resources Policy reviewed version 2013).

The secretariat is responsible for implementing all policies made by the Commissioners in exercise of KNCHR's mandate as outlined in the KNCHR's Act (2011). The Commission's

Secretary acts as the Chief executive officer for all staff in headquarters (Nairobi) office as well the other 4 regional offices, as illustrated in Figure below.

*Figure 1.1.5: KNCHR’s summarized Organizational structure.* It shows Commissioners at the top level, followed by the Secretariat and the regional offices.



(Source: KNCHR’s Human Resources policy reviewed 2013).

In the year 2008 KNCHR formulated its second strategic plan covering the period between 2009 to 2013 and has to date brought in consultants to review the achievement made during the implementation process for that strategic period, this is in line with the spirit of making KNCHR a learning organizations. Currently KNCHR is implementing its third strategic plan for the year 2014 to year 2019.

During the formulation of this strategic plan the KNCHR identified four Strategic themes after undertaking important analysis of its internal, external and international environment in a human rights context. They include; institutional reforms, access to justice, economic-social rights and organizational efficiency and effectiveness. These strategic themes are implemented by KNCHR's nine departments which include; Complaints and Investigations, Redress, Reforms and Accountability, Public education and training, Economic, social and cultural rights, Research and compliance, Public Affairs and Communication, Finance, Administration and Human Resource. It is notable that all Regional Offices have program activities that address region specific issues that are aligned with the Strategic plan. Monitoring and Evaluation unit ensures quality.

## **1.2 Research Problem**

According to Meyer and Rowan (1977) organizations must be responsive to external demands and expectations in order to survive. Further, that the unstable and unpredictable conditions in which organizations operate today means; that the ability to think strategically and manage strategic change successfully is crucial for sustainable competitive advantage (Burnes, 1996). In support of this view, Aldrich (1999) in his institutional theory argues that organizations can adapt to changing conditions by imitating other successful organizations. However, this theory does not apply to organizations that are perceived to be leaders in an industry. Nevertheless, the strategic choice perspective theory proposes that not only do organizations adapt to changing environment, they also have the opportunity and power to reshape their environment. Senge (1990) reiterates strategic choice perspective by proposing organizational learning

theory which enables organizations to adjust defensively to a changing environment and use the knowledge acquired offensively to improve the fit between itself and the environment.

The public sector in Kenya continues to face a volatile environment due to changes in the macro environmental factors such as political, legal, technological, economic, socio-cultural and environmental factors. KNCHR like any other organization in the public sector must adapt adequate strategies in order to survive the rapid changes in its macro environmental factors. Ansoff (1990) observed that responsiveness of a firm's organizational capability must be matched to the environmental turbulence. Consequently, Kingori (2008) recaps that competition is a business reality no company can escape; even the typical monopoly ultimately meets its match where, for instance, its business stagnates as a result of its own complacency. Given the dynamic environment, the key survival lies in how best an organization is able to clearly anticipate the patterns of change in the environment and align its strategies to respond to these environmental changes in timely manner. According to Ansoff (1998) the change in competition will require strategies which will in turn call for reformed organizational capabilities.

Various studies have been advanced in the past focusing on strategic responses to changes in the environment. Njau's (2000) study focused on strategic response by firms facing competitive conditions a case study of East Africa Breweries Limited (EABL). Munyoki's (2007) study focused on Safaricom's Strategic responses to competitive environment. Alomba (2010) focused her study on strategy implementation and its

challenges at KNCHR. Njeru's (2010) study focused on strategic responses adopted by Access Kenya, while Kinyua's (2007) focused his study on strategic response by cements manufacturing companies in Kenya. Orawo (2010) focused his study on strategic responses by Kenya Airways to changing competitive environment in its international expansion.

Collectively, these studies have found that different organizations respond differently to the changing environment. Accordingly Capon (2008) reiterates that each organization has a unique external environment which subsequently has unique impacts on the organization. This is validated by the fact that organizations are located in different locations, involved in different business activities, offering different products and services to different customers. There is no one formula applicable to all organizations that can guide organizations' responses to changing environment. This is because individual organizations have their own distinctive view of the world surrounding them and this influences their interpretation of their environment and their subsequent strategic responses. Since KNCHR has been operating in a volatile environment, it will be expected to respond to these changes. What are the KNCHR's strategic responses to the changing environment?

### **1.3 Research Objectives**

This study had two objectives. These were:

1. To identify changes in KNCHR's environment

2.To establish strategic responses adopted by KNCHR in response to environmental changes.

#### **1.4 Value of the Study**

The findings of this study will be important to management of KNCHR and other similar institutions with respect to informing changes in the policies. Subsequently, these findings will assist them appreciate the changes occurring in their environment and how they influence organization's strategies. The study will be a point of reference for KNCHR family since it will inform the ongoing end of strategic plan evaluation process of the previous strategic work plan (2009-2013). The evaluation is aimed at identifying results achieved compared to those planned for as well as the various strategic controls actions undertaken leading to diversion from the main strategic plan and promote organizational learning as well practice.

Researchers too will find this study a good reference for their future study on strategic responses by public organizations to changing environment. Consultants in the field of Strategic management will benefit immensely from the findings of this study too. The findings will further unearth and suggest potential areas requiring further researcher in relation to KNCHR and other similar organizations.



## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter covers literature on various theoretical foundations that inform the strategic responses by organizations in dynamic environment. Subsequently, relevant literature related to the concept of strategic management, strategic responses by organizations in changing environment is reviewed. These include; research papers, book published by different researchers, KNCHR official documents and report together with other works relevant to the subject of study.

#### **2.2 Theoretical Foundation of the Study**

The greatest concern for managers today is how their organization can achieve sustainable competitive advantage and survive the turbulence in their business environment. Thompson (1967) in his contingency theory argues that organizations are open systems and that even though they are created to pursue some desired outcomes, they continue to face varying levels of uncertainty in their environment which limits their ability to plan and execute strategies resulting to undesired outcomes.

The scholars of strategic choice perspective theory such as Meyer and Rowan (1977) argue that organizations must be responsive to external demands and expectations in order to survive. Further, that the unstable and unpredictable conditions in which organizations operate today means; that the ability to think strategically and manage

strategic change successfully is key to competitive strength for sustainable competitive advantage (Burnes, 1996). Wheelen (2008) attempts to respond to ecological theory which states that an organization once successfully established in a particular environmental niche, is unable to adapt to changing conditions. His findings compliments the strategic choice perspective (theory) by adding that organization can and do adapt to changing environment conditions by imitating other successful organizations' strategies. However, the theory fails to explain how or by whom successful new strategies are developed in the first place.

To remedy the above failure, studies by Adrich (1999) addresses the organizational learning theory that implore organizations to adjust defensively to a changing environment and use the knowledge attained in an offensive way in order to improve the fit between itself and the environment for survival. This perspective expands the strategic choice perspective to include people at all levels becoming involved in providing input into strategic decisions. Organizational learning is a critical component of competitiveness in a dynamic environment. Learning organization enables all staff in all levels to acknowledge and accept that mistakes and errors of judgment are as much sources of learning as successes and achievement (Senge, 1990).

The resource based scholars such as Pfeffer and Salancik (1978) argue that organizations are affected by their external resources because they tend to respond more to demands of the environment that controls critical resources. Managers are torn in between as they attempt to manage the external dependencies in order to survive and attain more

autonomy. According to Heffron (1989), nonprofit organizations are created in response to demands from groups, or individuals from the general environment. In addition they depend on the environment for the financial and human resources necessary to carry out their activities. Consequently, Cole (2004) postulates the stakeholder theory, which suggests that the beneficiaries of the organization are not only the shareholders, but also the customers, suppliers, employees and the public at large since they influence the strategic decisions of a firm.

### **2.3 Concept of Strategy**

Strategy has been defined to mean different things by different researchers, but the similarity in all the definitions is the fact that; strategy is concerned with the organization's competitiveness and survival in volatile business environment. For instance, Porter (1980) postulates that strategy defines the business of an organization. Pearce and Robinson (2002) define strategy as a company's awareness of how to compete against whom, where and for what.

Strategy is about the route that an organization intends to take in order to actualize their vision. Chandler (1962) defines strategy as the determination of the basic long term goals and objectives of an enterprise and the adoption of the courses of action and allocation of resources necessary for carrying out these goals. Accordingly, Johnson, Scholes and Whittington (2009), define strategy as the direction and scope of an organization over the long term, which activities can be advantageous for the organization through its

configuration of resources within the changing environment and fulfill stakeholder expectation. Strategy enables organizations to set their space and pace in the market place. Aosa (1992) re-emphasizes that strategy is of value to managers when dealing with problems that are potential to their companies. Strategies should be flexible in order to allow room for modification and ensure a fit between the strategic choice and environment. McDonnell (1990) reiterates that, when firms are faced with unfamiliar changes they should revise their strategies to match the turbulence. In agreement, Grundy (1995) observes that responsiveness and flexibility are increasingly important factors that determine the success of an organization.

Johnson and Scholes (2005) argue that it would be very strange and arguably dysfunctional for an organization to change its strategy fundamentally very often. It is noteworthy that even though strategy requires consistency of behavior over time, nevertheless complacency on the part of an organization can lead to strategic gap that risk organization's survival. In contrast to the views of the above scholars, Lenz and Engledow (1986) argue that environmental uncertainty, turbulence and understanding are not the primary driving forces of strategy development. They are simply the part of the cognitive structures of the organization's executives that becomes the context for making strategic decision.

Lastly, strategy is a core component of strategic management. Studies by Ansoff and McDonnell (1990) define strategic management as a process through which a firm manages its relationship with the environment in which it operates. Further, that strategic

management is a continuous activity that enables an organization plan for the exploitation of opportunities using its internal strengths while minimizing the impact of threats in environment in the light of organization's weaknesses. Accordingly, Porter (1980) states that strategic management provides a central purpose and direction, enables management to adapt to changing environment, credits competitive advantage and allows allocation of resources to key success factors. Strategic management lays emphases on doing business unusual as evident in its four elements which include; strategy formulation, strategy implementation, strategy evaluation and control.

#### **2.4 Environment and Organizations**

Environment is complex and ever changing and it will continue to change rapidly, radically and unpredictably (Burnes 1996). According to Miller (1998) organizations exist in a complex, commercial, economic, political, technological, cultural and social environment. These environmental changes are more complex to some organization than others. To survive an organization must maintain a strategic fit with the environment by adapting adequate strategies that respond to environment's dynamism, heterogeneity, instability and uncertainty.

Organizations therefore result to strategic responses in order to respond to changes in the business environment that threaten their existence. Porter (1979) argues that it is prudent for any firm to understand the underlying sources of competitive pressure in the industry in order to formulate appropriate strategies and respond accordingly. According to Pearce

(2010), a host of external factors influence a firm's choice of direction and actions and ultimately, its organizational structure and internal processes.

The external environment can be divided into three groups which include; remote, industry and operating environment. Firstly, the remote environment comprises of factors beyond organization control such as economic, social, political-legal, technological and ecological factors. Ansoff (1990) observes that within a firm transition to a new technology is difficult not only financially, but also culturally and politically since new technology challenges the historical success models held by both technologists and influential managers, and also threatens their position of power and influence in the firm. Today, any historically stable industry can be changed overnight into a turbulent one by intrusion of an alien technology. The challenge of the management is to remain realistic in their assessment of the changes in the remote environment.

Secondly, industry environment refers to general conditions for competition that influences an organization such as; Porter's (1980) five forces discussed in chapter one of this study. Thirdly, Operating environment (task environment) refers to factors in the immediate competitive situation that affects firms' operations. They include; firms' competitive position, reputation among suppliers, customer composition and capability to attract capable employees.

A major determinant of an organization's success is the extent to which its strategies can fit to the changing environment. This requires realistic evaluation and analysis of an

organization's competencies against the threats and opportunities triggered by the changes in the macro environment, using strategic analysis tools such as SWOT and PESTEL. Strategic management enables a learning organization to constantly scan its environment, suggest changes to strategic and programs in order to capitalize on the environment for sustainable competitive advantage, by involving everyone in the organization.

### **2.5 Strategic responses by organizations**

Pearce and Robinson (1999) define strategic responses, as the set of decisions and actions that result into formulation and implementation of plans designed to achieve a firm's objectives. According to Porter (1991) an organization needs to know the underlying sources of competitive pressure to develop an actionable strategic agenda in dynamic environment. Ansoff and McDonnell (1959) observe that the role of general management in strategic responses is about setting the right climate (the will to respond), competence (the ability to respond) and capacity (the volume to respond).

According to Ansoff and McDonnell (1990) strategic responses involve changes to the organizational strategic behavior. Such responses may take forms depending on the organizations capability and the environment in which it operates. Well developed and targeted strategic responses are formidable weapons for a firm in acquiring and sustaining competitive edge. Bateman and Snell (2004) observe that, in response to uncertainty caused by change in the environment organizations tend to establish most flexible structures. Strategic responses are mainly concerned with survival of an organization in the face of turbulent business environment.

The following are examples of strategic responses that can be adopted by an organization in response to changing environment. The strategic responses should be informed by the changing environment and the specific area that requires the intervention. Some of the key changes requiring intervention could be with respect to increased competition, leadership challenges, product differentiation, organizational culture and structure challenges, emergence of new information technology in the market among others.

For instance, Competitive strategies are about real time responses for minimizing the sum total losses and restore profitability in order to ensure organization's success in a turbulent and surprising environment. Real time strategic issue responses are necessary to facilitate the firm's preparedness in handling the impending issue, which may have profound impact on the firm. Capon (2008) reiterates that competitive strategies are those which are both well planned and adaptable. However, a constant and flexible strategy should not always be adjusted the moment difficulties and significant environmental change arise. Companies should seek to achieve a balance between continuity of a current strategy and responsiveness to difficulties and change in the external environment. Strategic responses must put the organization at vantage point to its competitors.

Restructuring strategies form part of other strategic responses by a firm. According to Ansoff (1987) restructuring strategies are intended to create value to the external customers and therefore improve service delivery. They reduce fragmentation by crossing



traditional department lines and reducing overheads to compress formerly separate steps and tasks that are strategically intertwined in the process of meeting customer needs.

Organizational leadership strategies address the need for top managers to be keen on changes in the environment. This is important since it guides them on how to offer strategic leadership and management for organization's survival. Marketing strategies enables an organization to concentrate its limited resources on the greatest opportunity to increase sales and achieve a sustainable competitive advantage.

Information technology (IT) strategies allow an organization to align its business processes by capitalizing on the new technology so as to gain sustainable competitive advantage. Luftman (1996) observed that the way a firm views its business, customers and competition is critical to successful aligning its business and IT strategy. Product differentiation strategy is based on achieving industry wide recognition of different and superior products and services compared to those of other suppliers (Porter, 1985).

Organizational culture change strategies enable an organization to create the rights atmosphere for successful strategic responses. Pearce and Robinson (2005) managing the strategy culture relationship requires sensitivity to the interaction between changes necessary to implement 'the new strategy and compatibility' or 'fit' between these changes and the firm's culture. Miriti (2008) observes that the culture of an organization would need to be changed when it does not fit well with the requirements of the environment or the organization's resources, the company is not performing well and

needs major strategic changes, or the company is growing rapidly in a changing environment and needs to adapt. According to Aosa (1992) it is important that the culture of an organization be compatible with the strategy being implemented. Individual behavior and attitudes can be an impediment to strategy implementation. Therefore effective action must be taken to address and consider behavior, attitudes and values of the people in the organization.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter outlines the overall methodology that was used in the study. It covers research design, data collection, data analysis and presentation. Further, it addressed the data collection tool designed the researcher during the data collection process. It also spoke to the data analysis method used to guide a researcher in formulating the next two chapter of this study.

#### **3.2 Research Design**

The study adopted a case study approach to allow an in depth investigation of changes in the KNCHR's environment and identify the various strategic responses adopted in response to the changing environment. There were other research designs that could be used but a case study was agreed upon as the most appropriate for this study. According to Young (1960) a case study is a powerful form of qualitative analysis that involves a careful and a complete observation of a social unit, irrespective of what type of unit is under study.

Kothari (1990) suggests that, a case study is a form of qualitative analysis where the study is done in an institution or situation. Subsequently, data from the study was generated and inferences made to give the conclusion discussed in the next chapter. A case study requires

several sources of information to be used for verification and comprehensiveness this is according to Cooper and Schindler (2003).

### **3.3 Data Collection**

Data relevant to the study was collected through the use of primary and secondary collection methods. The study emphasized on obtaining primary data which was collected during the face to face interviews using an interview guide developed and enclosed as Appendix one. The study drew its secondary data from KNCHR's annual reports, strategic plans and other publications and external sources such as media reports, government policies, directives and stakeholder's reports. External data was used to refer to data that was created, recorded or generated by an entity other than the organization that was subject of this study. The respondents of the study were drawn from KNCHR management team with at least four years' working experience reason being they are the decision makers. They included; a Commissioner, finance manager, human resources manager and five heads of department drawn from the head office and regional office respectively for a balanced perspective.

The researcher was guided largely by the interview guide during the face to face interviews. In addition, probing questions were used where need arose so as to allow in-depth responses by the interviewees. The interview guide was developed after consultation and discussion with the supervisor to ensure that it remained as comprehensive as possible to enable the researcher collect adequate data for this study. The interview guide was

emailed to respondents in advance prior to the scheduled face to face interviews for easy preparation.

### **3.4 Data Analysis**

The data collected was analyzed through content analysis. According to Nachmias and Nachmias (1996), content analysis is a technique for making inferences by systematically and objectively identifying specified characteristics of messages using the same approach to relate trends. This is important in order to ensure objectivity and most importantly the content of data obtained.

The choice of using content analysis was based on the following facts. One, that the content analysis is appropriate when studying existing information that is not structured. Two, that it makes it possible for a researcher to standardize the data collected into a well structured format and subsequently, makes it easy for a researcher to draw inferences of different phenomenon of the study.

## **CHAPTER FOUR**

### **DATA ANALYSIS, RESULTS AND DISCUSSION**

#### **4.1 Introduction**

This chapter presents the analysis of data collected by the researcher including the discussion of the results of the study. The findings are presented in a manner that will respond to the study's research problem which aimed at establishing various strategic responses adopted by KNCHR in response to the changing environment. The interview guide was the main data collection tool used to guide the researcher during the face to face interviews with all the eight respondents.

#### **4.2 General information about respondents**

The respondents of this study were drawn for the senior management level at the KNCHR due to their direct and indirect influence to decision making in the organization. It is notable that strategic management tends to focus of decision making function in any organization. The rationale being that this is where decisions on various strategies, vision, mission, goals, objectives and values of an organization are born.

All the targeted eight respondents were interviewed and gave their responses to all the questions outlined in the interview guide. All respondents interviewed had served the commission for at least four years thus conversant and capable of contributing adequately to the topic of this study. They included; the human resources manager, financial manager, a commissioner and five heads of different departments drawn from both the

KNCHR's Nairobi office and from two regional offices. Gender equality was addressed as three female and five male respondents were interviewed. It is important to note that the interview guide was emailed to the respondents in advance in order to enable them prepare for the scheduled interviews which at times were postponed from time to time due to busy schedules of the respondents. Notwithstanding the disrupted appointments, all interviews were held successful.

#### **4.3 Changes in KNCHR's External Environment**

The study sought to identify the various changes in KNCHR's environment and KNCHR's subsequent strategic responses to changing environment. The respondents were unanimous in their responses by stating that indeed there have been various changes in KNCHR's external environment. They observed that the said changes varied from the political environment, legislative framework, increased competition for funds, increased competition by the new commissions created under Article 59 of the Constitution, economic crisis in the west as well as changes in cultural values and governance as a result of globalization. In a nutshell, it was clear that the respondents were using different terms to analyse the changes that have occurred in the macro environment factors. These factors include; political, economic, socio-cultural, technological, environmental and legal factors. The results of the study are discussed below.

All respondents stated that one of the major changes experienced by KNCHR was changes happening in the political environment. They stated that change in political regime after the successful presidential election in March, 2013 which brought about the

exit of the National coalition Government and the entrance of the Jubilee Government as a key factor that caused a shift in Kenya's Politics.. This is not a unique case though since every time there is a change of leadership due to presidential elections the politics of the day change and so is the direction of politics in a country.

Some respondents stated that the political changes have further brought in both positive and negative dimensions with respect to the work of KNCHR. For instance, there are those who felt that the changes in political leadership provided an opportunity for realization of human rights specifically the economic social cultural rights as outlined in the Vision 2030 and the Medium term plan II (MTP II) as well as in the Jubilee's Government Manifesto. Consequently, some respondents also stated that the Devolved system of governance which was implemented by the coming in office of the new political regime presents an opportunity for the KNCHR to partner with the various County Governments in order to ensure the promotion and protection of human rights in Kenya in addition to establishing regional offices in the counties and increase physical accessibility to all Kenyans.

Further, with respect to the negative dimension caused by the changes in political leadership. Most of the respondents stated that the new political leadership presented uncertainty of political goodwill to support KNCHR's work due to perceived threat on the part of KNCHR's family for their involvement in documenting human rights violations that occurred in post election violence in 2007-2008 after the disputed presidential elections. KNCHR's investigations culminated to publishing of a book, "On



the Brink of the Precipice: A Human Rights account of Kenya's post 2007 Elections Violence" and the ongoing cases for crimes against humanity in Netherlands based International criminal court (ICC). Respondents observed that the perceived fear was indirectly affecting KNCHR's strategies as they have had to result to quiet diplomacy for fear of being seen as targeting the political leaders..

Changes touching on economic factors were also identified by all respondents as having caused the most changes to KNCHR's operations. The respondents stated that the increase in inflation rates, high cost of living brought about by an unsteady economy partly because of Kenya's post election violence in 2007-2008 among other factors had largely affected Kenya's revenue collection. This was stated as having translated to limited resources allocated to KNCHR due to low income revenue collection by Government. The effect is therefore felt during the budgetary allocations to various government institutions since KNCHR like other public institutions are faced allocated less funds which do not commensurate their planned budgets and mandates. Subsequently, some respondents stated that KNCHR's limited resources had been further worsened by the economic crisis in European countries due to poor performance of their financial markets. This has negatively affected the amount of funds contributed by the some of the development partners as majority of them are based in these developed countries affected by the financial markets crisis.

Some respondents stated that changes in the socio-cultural factors as part of the changes in KNCHR's external environment. They argued that the changes in emerging human

rights trends create a challenge to KNCHR's work. For instance, the approach adopted by KNCHR in addressing emerging human rights trends such as the rights of the various minorities groups such as the indigenous groups, the sexual minorities could largely affect the way the organization is viewed by the public hence increase or further reduce the public image and support.. The changes in the social cultural factors were as a result of Kenyans borrowing new lifestyles from the western countries due to globalization and technological advancement that socialize our young people through television commercials. For example, KNCHR's involvement in promotion and protection of the rights of the lesbians, gays, bisexual, transgender and the intersex persons (LGBTI) would result to a public outcry that can negatively affect its operations due to African culture, religious beliefs and the morality debate that emerges in this subject.

Technological factor was also highlighted by the respondents as a key change in KNCHR's environment. It is notable that the respondents stated that technological changes were intertwined with other factors such as globalization, change in political leadership as well as the competitive environment forces operating in the market place. The respondents were in agreement that the move from analogue to digital systems of management for both information and service delivery in public sector has played major role in causing a major shift in Kenya's business environment and subsequently KNCHR's external environment. Technology has been brought about by the various factors including globalization and the need for organizations to achieve sustainable competitive advantage by ensuring efficiency and effectiveness in their operations irrespective of whether in public or private sector.

None of the respondents stated environmental factors as a stand-alone change in KNCHR's external environment. The respondents argued that the environmental factors were associated with globalization and advances in information technology. For instance, they stated that globalization and advanced IT had contributed largely to emerging human rights work for instance the business and human rights area. While, advanced technology has brought about the need for controlling wastage of printing papers and resources by encouraging use of emails, website, telephone in information sharing and transfer resulting to a green economy.

The respondents stated that changes in the legal environment as a major change in KNCHR's external environment. The respondents stated that the promulgation of the constitution in August, 2010 brought about the immense changes in the legislative framework that has positively and also negatively affected KNCHR's work. All the respondents were keen to point out that the provisions of Article 59 of the Constitution which confers KNCHR constitutional commission status was indeed a positive change and a departure from the previous legal regime where KNCHR was just a statutory body. According to them the new constitutional status guarantees KNCHR's independence and autonomy in matters of human rights in Kenya.

They further stated that the new Constitution also provides a wide net for KNCHR to exercise its mandate due to the open democratic space created by the detailed provisions of the civil and political rights. In addition to the devolved system of governance which

has increased opportunities for partnerships with the County Governments in the area of promoting human rights without forgetting the comprehensive chapter on Bill of rights provided for in the same Constitution. They felt that the inclusion of the Economic and social cultural (ECOSOC) rights was a great achievement towards realising vision 2030. However, NOT without KNCHR's contribution in particular the area of business and human rights in the wake of discovery of natural resources, influx of investors and anxious communities living in such areas since there are no laws governing some of these sectors hence a breeding zone for potential human rights violations in the near future.

Moreover, the respondents stated that the new legislative framework had also originated changes in government policies. The said policies are focussed on addressing the efficiency and effectiveness in service delivery by the Government institutions. Additionally, they also aim at promoting adherence by public officers to transparency and accountability values. These Government policies have largely contributed to the automation of public sector operations and processes for sustainable competitive advantage in the wake of privatisation of most public institutions that fail to deliver efficient and effective services to Kenyans.

On the other hand the respondents unanimously stated that the creation of article 59 Commission which had envisaged one big commission known as 'Kenya National Human Rights and Equality Commission' (KNHREC) for the promotion of human rights, gender, equality and administration of justice was a good move which could have saved taxpayers money and increases focus on all human rights issues as one big commission.

Nevertheless, the respondents noted that the move by the parliamentarians to split the said commission into three separate Commissions that is; the Kenya National Commission on Human Rights (KNCHR), National Gender and Equality Commission (NGEC) and the Commission on Administrative Justice (CAJ) has brought in negative changes to the KNCHR's environment.

The respondents stated that the issue of overlapping mandate was a main concern caused by the attempt to separate human rights issues with no regard to the human rights principles which state that human rights are interdependent, related and indivisible. They stated that the creation of three Commissions has largely impacted on KNCHR's environment due to increased competition for both human and material resources in addition to lost opportunities for partnerships as each one hopes to protect their turf.

#### **4.4 Changes in KNCHR's Internal Environment**

The study cannot be complete without appreciating whether or not the external changes discussed in the previous pages had a direct or indirect impact to KNCHR's structure, systems and operations to warrant any strategic decision which ultimately leads to a defined strategic response. The respondents noted that the changes in the macro environment factors have largely affected KNCHR structure, processes and operations. Some of the KNCHR's internal changes attributed to the changes in the external environment are discussed below as observed by the respondents.

In relation to Political factors the respondents noted that the KNCHR had experienced a leadership gap due to delay in appointment of the commissioners who are policy makers and key drivers of the organization. The KNCHR's commissioners are appointees of the Government thus in their absence the commission is not fully constituted legally to exercise its mandate. The delay was partly caused by the a case that had been filed in the high court in addition to the change of political leadership that resulted to transition and focus on many other priority areas. Nevertheless, the leadership gap slowed down KNCHR's operations and particularly the media strategy which has to date contributed to decreased public confidence towards KNCHR work. However, the situation has since changed after appointment of four new commissioners in April, 2014.

Respondents stated that technological factors of the external environment have contributed to increased appreciation of the IT at KNCHR. This is clearly manifest in the move to create an ICT unit that has brought changes in the organizational structure and further hiring officers to spearhead the automation of its services in line with the market need for efficiency and effectiveness and government policies. Respondents gave examples of ICT initiatives such as the automation of information sharing with the public through creation of a well updated website, development of databases for various projects, complaints management database system, adoption of the human resources management information system ( HRMIS), Internal financial management information systems (Ifmis) for efficiency and effectiveness. Further, ICT has been adopted to bring in product differentiation by availing Kenyans opportunity to report any human rights

violations through the website, emails and telephones at the comfort of their homes. IT has also liberated internal reporting processes.

Respondents stated that the creation of new offices was also an internal change attributed to changes in the macro factors particularly the legal and environmental factors. For instance, the new units created such as the monitoring and Evaluation (M&E) unit, deputy secretary's office to coordinate programmes, the finance manager offices and subsequent hiring of staff in those positions was aimed at increasing KNCHR's competitiveness. In particular, to respond to the need for adequate change management in programming, reporting and diligent use of public resources. The respondents alluded to the fact that these internal changes affecting management structures are due to the fact that; firms have moved from just strategic planning to strategic management where focus is on what results and how results have been achieved.

There was a consensus among the respondents who stated that these key internal changes such as the high staff turnover, the limited resources, dissatisfied staff were caused by the new legislative framework that created the sister commissions. This resulted to increased competition for resources both human and capital. Further, the recognition by the staff that other commissions offered competitive salaries compared to KNCHR led to an exodus. The situation is stated to have worsened following a Government's directive for austerity measures that placed a freeze order on hiring new staff and promotions, this largely resulted to inadequate staffing in different departments hence over stretched staff leading to disgruntled staff. A key internal change that the

respondents highlighted as a bad precedent was the move to review human resources policy to restrict study leave entitlements to staff with scholarship offer which is said to have further increased the rate of resignations by staff who opted to pursue their studies instead of working.

Other internal changes that the respondents noted as positive changes caused by the changing external environment were as follows. The first one is the adoption of participatory monitoring and evaluation practise which has seen the involvement of the staff in development of the current strategic plan (2013-2018) as well as quarterly review meetings with the staff to monitor programmes performance. Secondly the increase in staffing levels from previous thirty nine to current figure of ninety staff in addition to the opening of two new regional offices in Mombasa and Kisumu respectively. Presently KNCHR has one headquarter office in Nairobi and 4 regional offices.

Thirdly, the increase in number of policies enacted to address staff matters such as the review of human resources manual, the sexual harassment policy, HIV/AIDs policy, Pensions benefits among others. Fourth relates to the fact that KNCHR has over the years increased capacity building opportunities to the staff and commissioners for both local and international trainings. Fifth, over the years KNCHR has been receiving funds from the Government with slight increments save for this year where the budget increment was approximately 100 million in comparison to last year's (2013) budget allocation, this indeed has enabled KNCHR to provide for funds to facilitate programme work even in the face of donor funds constraint.



Respondents also stated that a key internal change witnessed has been the KNCHR's restructuring that has been two faces. First to address the structural reorganization, a team of three consultants from the Directorate of personnel (DPM) in the Ministry of office of the public service were brought on board to undertake a needs assessment and subsequently make recommendations to address KNCHR challenges including high staff turnover and efficiency in service delivery. The team made recommendations on the need for the existing departments to be graduated to directorates for efficiency and effectiveness in addition to addressing the concern of staff morale and the high turnover.

The second phase concerned the internal staff rationalization where staff from different departments were transferred and placed in other departments to complement staffing gaps and enhance efficiency. This was however met with resistance from the staff who felt that their jobs were in line. The DPM's recommendation was in recognition that some of the staff's placement constituted a mismatch of their qualifications, experience as well as the responsibilities of the offices held.

#### **4.5 Strategic Responses adopted by KNCHR in response to the changes in the External Environment**

Given that this study focussed on establishing the various strategic responses implemented by KNCHR in response to the changes in its external environment, below is a discussion of the findings with respect to the specific strategic responses adopted by KNCHR. The findings will presented in such a way as earlier discussed in chapter two

where various scholars argue that strategic responses can aim at achieving different objectives for different organizations. For instance, there are various types of strategic responses adopted by organization with the main aim of addressing different objectives such as competition, organizational structure, leadership, culture, information technology and product differentiation.

The study established that some of the strategic responses adopted by KNCHR were aimed at addressing the competition. For instance, the analysis of both primary and secondary data collected by the researcher established that indeed KNCHR was keen about the changes in its environment. For instance, during the development of the current strategic plan for year 2013 to 2018 the following factors were taken into account. Firstly, there was need for the organization to take cognizance of the changing operational environment due to changes in key human rights legislative framework resulting to creation of article 59 Commissions and for avoidance of duplication of efforts during priorities setting.

Secondly, there was need to consider the realignment of priorities of KNCHR in line with the new found Constitutional status and mandate with the aim of identifying a niche area of intervention which was agreed upon as ECOSOC rights thus requiring more attention for the next five years based on the changing environment. Consequently the move for KNCHR to ride on ECOSOC rights was a strategic response to the changing environment brought about by the discovery of natural resources as well as inclusion of ECOSOC rights guarantees in the Constitution. Thirdly, the strategic plan was informed

after a critical analysis of the KNCHR's environment through the SWOT and PESTEL strategic tools in order to ensure formulation of adequate strategies.

On one hand the respondents stated that indeed the Commission had implemented strategies with the aim of surviving the competition brought about by the new entrants being the sister Commissions. Some of the strategic responses included the commencement of the organizational restructuring in order to curb high staff turnover. Subsequently the increased fundraising momentum where KNCHR focused on approaching non-traditional donors for funding since the competition had also affected already limited funding opportunities as donors had multiple organizations approaching them for funding. Further, the creation of a grant fundraiser office was also a strategic attempt to ensure harmonized fund raising efforts in absence of the commissioners.

Other strategic responses aimed at addressing competition included, revision of staff salaries and allowances which involved negotiations with the salaries and remunerations commission (SRC), creation of new and also strengthening existing partnerships through coordinated efforts which allowed working together in networks such as the KNCHR-Universal periodic reporting (UPR) network with Civil societies to help in state reporting on issues of human rights. Another example is the strengthening of the referral partners meetings on quarterly basis in addition to holding human rights public forums in marginalized and far off towns/villages.

Creation of new partnership with civil society and government institutions and one of the Article 59 Commission a forum known as Integrated Processing of Complaints and Referral mechanism (IPCRM) which aids complaints processing. This mechanism uses information technology and an e-system operating across networks of the six member partners. It allows Kenyans to lodge their complaints in any of the partners' offices across the nation and the same is channeled to the relevant organization mandated to act and feedback given promptly to the complainant hence increasing KNCHR's physical accessibility to Kenyans across the nation.

The study found that restructuring strategies were also part of the strategic responses adopted by KNCHR. For instance, the move to reorganize the organizational structure was observed as a key strategic response towards ensuring staff satisfaction. The new organizational structure brought about creation of directorates a departure from the departments. Further it provided an opportunity to create new senior job grades for proper leadership in directorates and motivate mid level managers to work hard since opportunities for career progression were created. Further, the restructuring process brought about the negotiations about staff high turnover and the disquiet about poor staff salaries compared to the new commissions. The negotiations resulted to review of salaries and allowances aimed at motivating employees to enhance efficiency in service delivery to Kenyans. However, the restructuring strategy has not fully realized its intended outcome because the directorates have not become operationalized due to funding constraints.

The study also found that the internal staff rationalization involving transfer of staff across departments to supplement staffing gaps was another strategic response. Despite the fact that some respondents were not happy with the manner in which the process was carried out, nevertheless, it remains a strategic response implemented by KNCHR. This strategic response aimed at ensuring proper staffing in all departments for efficient service delivery as a counter measure to Government's directive of austerity measures that put a freeze in hiring of new staff as well as promotions in Government institutions due to budgetary constraints at the national levels.

The study found that some of the strategic responses were aimed at addressing both the organizational structure in addition to leadership needs. For instance, the creation of directorates which will be headed by the directors a departure from the departments which were previously led by heads of department was meant to address leadership gap at the mid management level. Respondents noted that previously the organization had failed to maximize potential opportunities provided external environment since the few leaders were either busy focusing on more routine issues without getting time to think out of the box.

This led to the need to have directors on board in order to enable them play crucial roles of decision making with respect to programme work and ensure innovative ways to do business without detracting the commissioners and secretaries from their specific roles outlined in the KNCHR Act (2011). Further creation of different offices over the years was also highlighted some respondents as a strategic response to changing environment.

For instance creation of the M&E unit, regional outreach unit, ICT unit, Finance manager office, grants mobilization office, internal auditor office, regional office coordinator have been some of the key structure changes that led to enhances leadership in the KNCHR.

Another strategic response addressing organizational leadership is the move by KNCHR to provide capacity building trainings to its staff locally and internationally whenever an opportunity arises. These trainings are diverse they range from management to programme implementation skills to the staff who are also given an opportunity to learn from others in such forums. Further, KNCHR through the secretary's office has commenced support to the heads of department to attend leadership and management studies at the Kenya School of Government (KSG) in order to build their leadership and management capabilities. Other mid management staff have been allowed study leave to go and advance their education as one way of motivating them in addition to tapping into the new knowledge acquired by the said beneficiary.

As discussed earlier, KNCHR did go through a strenuous experience during the leadership transition that almost crippled the organization due to absence of a full operational commission. The absence of all other commissioners except one meant that KNCHR could not make any policy decision in line with the law. This posed a great challenge to KNCHR's leadership that required a quicker thinking in order to respond to this sudden change that threatened commissions existence. A strategic response was agreed upon which led to formation of a temporary senior management team (SMT) which comprised of the one commissioner, a senior representative from the public service commission, the

secretary to the commission and her deputy, the finance manager, the human resources manager and two heads of the department to supplement policy decision making until such a time when the commissioners assume office.

This was a very crucial strategic response that brought direction to KNCHR in the wake of competition from the new commission. The SMT also led the staff in developing a new strategic plan to guide KNCHR's operations after the expiry of the former strategic plan (2009-2013) in 2013 during the transition process. The current strategic plan (2013-2018) was developed with the leadership of the SMT thus salvaging the organization from extinction by the forces in the external environment.

The findings show that KNCHR had also implemented Information technology (IT) strategies and product differentiation strategies in some of the key services. For example, the automation of complaints handling which encourages Kenyans to lodge their complaints through the website, telephone or social media. In addition, KNCHR has installed a database that assists in efficient management of complaints received on human rights violations as a key strategic response in order to stay ahead of the competition by offering different services. The database enables KNCHR to report on specific number of reported violations, action taken, trends analysis, feedback turnaround times as well as other statistical benefits.

IT strategies adopted by KNCHR have further improved organizational management and specifically the internal systems such as human resources management by installation of

the internal human resources information system (IHRIS). Further, the installation of the internal financial management information system (IFMIS) in response to government's directive on prudent financial management, transparency and accountability in government institutions to curb wastage of public resources was identified as a strategic response.

Other IT strategies adopted by KNCHR in order to capitalizing on the new technology and gain sustainable competitive advantage are as follows. Automation of regional operations through use of internet and telephone has further assisted the regional offices to keep track of new developments in policy and practice. Different databases have been developed to assist in documentation and reporting in various projects undertaken by KNCHR such as the post election violence and the internally displaced persons' project.

The study established that some of the planned strategic responses documented in the Strategic plan 2013-2018 sought to address organizational culture towards enhancing competitiveness and vibrancy of KNCHR. These are known as organizational culture change strategies. A case in point is the appreciation that KNCHR needs to devise a way to ensure periodic feedback to the public using diverse mechanisms such as semi- annual public accountability statements and community forums. This is a new strategic response aimed at changing KNCHR's culture so as to mitigate the decreasing vibrancy of KNCHR in the public eyes, which has largely been attributed to the changing environment as well as the leadership transition. Further, this strategy will enable KNCHR to keep the public abreast of its working.



The respondents noted that the evaluation of the strategic plan for the 2009-2013 that is currently underway is another key strategic response aimed at enhancing the culture of organizational learning. This is because the ongoing evaluation process is being undertaken by external consultants with a view to evaluating the successes, challenges and lessons learnt during the implementation of the previous strategic plan and learn from the findings. Respondents stated that the introduction of the participatory monitoring and evaluation process was another successful strategy that contributed to changes in organizational culture. This approach has brought in organizational learning among the staff by encouraging quarterly review meetings hence promoting changes in programming and reporting in line with guidelines by the donors and government directives.

Respondents emphasized that KNCHR had adopted a strategic response about years ago which involved expert led M&E approach to institutional change management. This strategic response failed and hence KNCHR had to go back to the drawing board and this led to the decision of adopting a participatory M&E approach hence the creation of the M&E unit.

Other strategic responses highlighted by the respondents as having caused changes in KNCHR's culture were; the Monday mornings heads of departments meetings which were held for a while after which they were graduated to Monday mornings staff stand up meeting. The objective of these meetings was to allow each department to update others on the planned activities for the week so as to encourage synergies among KNCHR staff irrespective of their departments. This strategy was aimed at addressing a key challenge

highlighted in KNCHR's internal report which showed lack of synergies among the departments and how the same was affecting KNCHR's efficiency along with prudent utilization of resources.

#### **4.6 Discussion of the Results**

According to the respondents, KNCHR move to repulse competition was crucial for the organization's survival. The reason being that for the longest time KNCHR had operated as a government monopoly in matters of human rights. The previous competition of the civil society organizations was never a big threat in contrast to the new competition brought about by these two Commissions of the same Constitutional status, powers and overlapping mandate.

The findings discussed above are compatible with the study's main objectives of identifying changes in KNCHR's external environment and establish if any strategic responses have been implemented in response to those changes. It is notable that the findings of this study further propels the work of other scholars in the field of strategic management such as Burnes (1996), Miller (1998) who argue that organizations are open systems and when operating in a complex environment they are destined to feel the effects of the changes in their environment. Moreover, Porter (1979), Ansoff and McDonnell (1990), Grundy (1995) and Mintzberg (1999) postulate that organizations must understand the changes in their environment in order to formulate and implement strategic responses that will enable organizations to create a fit between the organization and the environment when operating in a complex environment. Strategic responses should be informed by the

organizations capability and the environment in which it operates. This is the only sure way of ensuring the organization's survival and sustainable competitive advantage.

The findings of the study are also in agreement with other studies undertaken previously focusing on strategic responses by different organizations in Kenya. For instance, Aosa (1992), Njau's (2000), Munyoki's (2007), Kinyua (2007), Miriti (2008), Njeru's (2010) and Orawo (2010) studies made conclusion that different organizations respond differently to the changing environment. It is notable, that different organizations respond differently to their changing environments due to the uniqueness of each organizations and how each of them perceive their environment.

The following are other key findings that cut across the above referenced studies. One, that the responsiveness of an organization to its changing environment is informed by the need to achieve sustainable competitive advantage and organization's survival in the market place. Secondly, that the strategic responses of an organization are informed by a critical analysis of the changes in the external environment. Thirdly, that any organization should appreciate its internal capacity and competency when formulating strategies to avoid failure of strategies at the implementation.

## **CHAPTER FIVE**

### **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Introduction**

This chapter has a summary of the study's findings, conclusions, recommendations on policy, and practises in addition to suggested areas of further research and limitation of the study.

#### **5.2 Summary of Findings**

The study had two main objectives which the researcher sought to answer by undertaking face to face interviews with the targeted respondents while using an interview guide as a data collection tool. The findings of the study can be summarised as follows. First, that KNCHR like any other organization in the public sector KNCHR has experienced many changes in its external environment, specifically the political, legal, economic, technological and socio-economic factors.

Some of the key changes were the introduction of the new legislative framework governing human rights work in line with the Provision of the Constitution of Kenya. This led to creation of three Sister Commissions to address issues of human rights but with specific mandates which have led to overlapping mandates due to the nature of human rights. This has therefore changed the playing field for KNCHR due to the new entrants' hence increasing competition for resources among these commissions.

Further the multiple commissions have also added on the burden to taxpayers since each of them has separate office spaces, staff, commissioner and budgets to operate and exercise their mandates. The appointment of five commissioners in each of these commissions is an added cost to taxpayers in Kenya. Nevertheless, there are positive opportunities created by the new framework such as guaranteed independence to these commissions including KNCHR, increased democratic space and a comprehensive bill of rights. All these opportunities if maximized will enable the three commissions to advance the protection of human rights in Kenya as specific mandate is given in order to give more focus to those areas and achieve more. Another key change experienced by KNCHR is the change of political regime and leadership and the subsequent uncertainty of political support to human rights work.

Additionally, changes in policies such as government's directive on prudent management of resources resulting to adoption of IT in KNCHR's internal processes and also in response to technological advancement in Kenya and the world since Kenya is a global market too. Changes in societal values and culture have also impacted KNCHR since it has largely contributed to strategies adopted in relation on how to address the new emerging areas of human rights such as business and human rights as well as the LGBTI rights. Funding constraints due to economic factors such as increased inflation rate, economic crisis in the Europe have also been some of the changes in KNCHR environment. The funding constraints have largely constrained Government and donors' ability to adequately fund KNCHR's programme work.

It is notable that for KNCHR to survive, it had to formulate and implement various strategies that have also led to change in KNCHR's strategic behaviour. The findings established that strategic responses adopted by KNCHR focussed on the competitive environment, organizational structural needs, organizational leadership, organizational culture change as well as the IT related strategies. Thirdly, that all the strategic responses implemented had one main objective; that of creating a fit between the environment and the organization for survival and achievement of sustainable competitive advantage in the changing environment.

### **5.3 Conclusions**

The implication of these findings leads to the following conclusions. First, that an organization whether in public and private sector must constantly adjust to its environment so as to create a strategic fit for survival.

Further, that the changing environment has a larger effect on organizational structure, leadership, decision making processes, culture as well as operations and hence the need for regular scanning and timely response to any changes detected. Secondly, that some of the strategic responses adopted are successful while other will end up failing. However, this should not deter management; instead they should appreciate that the failure of a strategy can be attributed to either poor formulation or execution of a strategy or dynamism of the environment. Thirdly, that for a successful strategic response there is need for the management to ensure adequate consultation with the stakeholders since this

could also hinder the successful implementation of such strategic responses and ultimately negate the intended outcome.

#### **5.4 Recommendations for Policy, Practice and Research**

In view of the above findings it is important for the organization to take note of the recommendations discussed below. First, KNCHR should focus more on capitalising on the opportunities brought about by the new legislative framework such as its constitutional guaranteed independence to exercise its mandate without getting distracted by boardroom wars on the overlapping mandate among the Article 59 Commissions. Secondly, the organization should capitalise on the existing opportunities such as devolution, increased democratic space, new discoveries of natural resources as well as the comprehensive bill of rights in such a way that will increase its vibrancy in the public sphere.

Thirdly, the organization should continue to strengthen its partnerships with both the traditional and the new stakeholders in order to command a following that will increase their resources and enhance service delivery to Kenyans. Fourthly, the new Commissioners did a recommendable job of lobbying the relevant parliamentary committee as a result of which KNCHR recorded an increase of approximate 100 million shillings government budgetary allocation for financial year 2014/2015. However, this aggressiveness needs to be replicated in programme work, stakeholders and partner's management, giving feedback to Kenyans so as to enhance efficiency and effectiveness of the organization. Finally, KNCHR needs to take keen interest on the need for

consultation with the stakeholders on some of the decisions and policy changes; that amount to strategic responses due to their organizational change effect in order to minimize resistance as this can work against the said organization if not well managed.

The study recommends the need for the organization to undertake a research on the issue of high staff turnover since this was found to have negative challenge to staff retention. High staff turnover is an issue that is intertwined and hence if not properly handled it culminates to unconstructive internal politics, dissatisfied workforce, low productivity, negative organizational culture which poses a potential threat to the management and the existence of an organization.

### **5.5 Limitations of the study**

The study adopted a case study approach hence generalization of this findings to all other government institutions is limited. However, in making reference to the finding of this study, a researcher should have the following understanding. First, that each organization is unique and this largely affects their strategic responses to the changing environment at any given time. Secondly, that each organization perceives its environment differently due to their different vision, mission, values, goals, objectives and their core business.

Further, the study drew its respondents from the top management level at KNCHR. This is due to their influence in decision making processes of the organization. However, this should not be deduced to mean that all other staff lacks input in the KNCHR's strategy formulation and implementation since they play a vital role of implementers.



## **5.6 Suggestion for Further Research**

It is evident from this study that the management of any organization must be aware of the changing environment in order to formulate adequate strategic responses. This study recommends a similar study targeting the two sister Commissions as constituted by Article 59 of the Constitution. Their findings will enable comparison in similarities of various changes in their environment and the subsequent strategic responses adopted.

The findings of this study can be used for comparison purpose with any research carried in the sister commission. This can assist to shed more light to the policy and practise challenges facing these institutions. Further, it could be a basis for policy changes intervention by the legislature for Effectful exercise of human rights mandate for the sole benefit of all Kenyans.

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**APPENDIX ONE**  
**INTERVIEW GUIDE**

1. What is your current position in KNCHR?
2. What is your gender?
3. What is the name of your department?
4. How long have you worked for KNCHR?
5. What changes have you observed in KNCHR's external environment?
6. What changes have you observed in KNCHR's internal environment?
7. What impacts have these changes had on KNCHR?
8. What are the strategic responses that KNCHR has employed in response to the changing environment?
9. What challenges has KNCHR faced while responding to the changing environment?
10. In your opinion do you think the strategic response have been valuable to KNCHR?

Explain