RELATIONSHIP BETWEEN GOVERNANCE STRUCTURES AND PERFORMANCE OF THE EAST AFRICA LAW SOCIETY, ARUSHA, TANZANIA

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RELATIONSHIP BETWEEN GOVERNANCE STRUCTURES AND PERFORMANCE OF THE EAST AFRICA LAW SOCIETY, ARUSHA, TANZANIA

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ABSTRACT

This study determined the influence of governance structures on the performance of the EALS. Its specific objectives included: to determine the influence of the board structure on the performance of the EALS; to determine the influence of the ownership structure on the performance of the EALS; to determine the influence of executive compensation on the performance of the EALS; and to determine the Influence of control structures on the performance of the EALS. The study was limited to EALS and focused on 157 staff working within the Arusha offices. The study adopted a causal research design since it sought to establish the effect of governance structures on organizational performance. It used census survey so it didn't do any sampling. The study used self-administered questionnaires on 157 respondents from the target population who were given two weeks to complete the questionnaires before collection using a drop and pick arrangement. The collected data was analysed using both descriptive and inferential statistics with the aid of SPSS. The results were then presented using tables and figures. According to the results, board structure and executive compensation do not play a significant role in influencing organisational performance at EALS while ownership structure and control structures are critical towards the attainment of improved organisational performance. Financial performance is the most critical component of organisational performance at EALS. In general EALS experienced improvements in performance as a result of the governance structures in place. The study recommended that EALS should consider incorporating features of board structure within its governance structures by benchmarking with industrial leaders across the globe. It should also review the institutionalization of insider ownership as a component of ownership structure. EALS should also focus on the integration of social controls as components of control structures so as not to be outcompeted by rivals. Finally, although the various indicators of performance have been well addressed, the level of competitiveness in the industry should be the main area of focus given its relatively poor rating amongst the respondents.

Key Words: *Board Structure, Ownership Structure, Executive Compensation, Control Structures*

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INTRODUCTION

The running of institutions the world over is one that continues to be an evolving challenge given the ever changing circumstances under which organisations operate. One of the most critical challenges that has emerged increasingly is that of governance. According to Gravel and Lavoie (2009), governance includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed or perceive to be in their interest. Lange, Driessen, Sauer, Bornemann and Burger (2013) posit that governance is a process of institutionalised interaction between public and/or private entities ultimately aimed at the realization of collective goals. Governance structures are coordinated mechanisms that have been adopted by organisations to regulate their operations so as to improve their performance (Zoogah, 2011).

As part of its 2007-2012 strategic plan, the Law Society of Kenya (LSK) sought to improve its internal governance practices through a number of initiatives. Firstly, it expedited and involved staff in decision making. Secondly, it distinguished between the role of the Council and the Secretariat. Thirdly, it increased the quality of service delivery. Fourthly, it has been conducting ongoing review of the LSK Act to include better governance structures and electoral processes. Fifthly, it increased the participation of various committees and heightened the level of participation of the branches in the operations of the society (LSK, 2012). LSK is governed by four principle organs: the general meeting which is the supreme authority of the Society; the Council which is the governing body of the society; the secretariat which is headed by a Chief Executive Officer who serves as secretary to the secretariat is responsible for the day to day management of the Society; and the branches which are eight in number and include Coast, Rift Valley, North Rift, West Kenya, South West Kenya, Mount Kenya, South Eastern, and Nairobi. These bodies work in tandem to ensure compliance with appropriate corporate governance practices throughout the country (The Republic of Kenya, 2014).

On 22nd February 2014, the Tanganyika Law Society (TLS) held its annual general meeting and made a number of resolutions relating to its governance structures, namely: the powers of the constituent assembly will be exercise in accordance with the framework of the draft constitution; the public must be engaged in civic education on the constitutional making process ahead of the proposed constitutional referendum; the Tanganyika Law Society Act was amended in January 2020 that tackled a number of issues including, refining the governing council and committees, full recognition of the CEO and secretariat, reviewing membership categories, and decentralizing the society so as to improve its service delivery (TLS, 2015).

The East Africa Law Society (EALS) is the premier regional Bar Association in East Africa and the pre-eminent civil society organization with a permanent and programmatic focus on the East African Community. It is a dual membership organization, bringing together over 12,000 individual lawyers from Burundi, Kenya, Rwanda, Uganda, Tanzania Mainland, South Sudan and Zanzibar and also seven national Bar associations in the region: the Burundi Bar Association, Burundi Bar Association, Law Society of Kenya, Tanganyika Law Society, South Sudan Bar Association (SSBA), Uganda Law Society and Zanzibar Law Society.

As such, it is the largest organized professional/civil society membership organization in the region with a strong mandate and interest in the teaching, practice and professional development of law as well as people-centred regional integration, constitutionalism, democracy and good governance, the just rule of law and the advancement, promotion and protection of all human rights of all people in East Africa and beyond. EALS was formed by a visionary group of lawyers, as well as the leadership of the national Bar Associations, in 1995; it was incorporated at the Companies Registry in

Dar-es salaam, Tanzania, on 26th October, 1995, as a Company Limited by Guarantee. It is also registered as a foreign Company in Kenya and Uganda.

The EALS is governed by its diverse and active regional membership through general meetings, policy and administrative supervision is undertaken by the elected governing Council, consisting of twenty-two eminent lawyers. Some programmatic as well as membership activities are also carried out through committees appointed by the Council. Implementation and co-ordination is carried out by the Secretariat, headed by the Chief Executive Officer, based in Arusha – Tanzania. The EALS intends to build the organization by developing programs and activities that promote cohesion among EALS members and East African Lawyers so as to address better legal service delivery. These range from production and circulation of a newsletter, publishing of Case Law Digests, Litigation Manuals and aids for litigation to retaining a human rights focus within the organization as well as in the practical work of member advocates.

The EALS recognizes that it is uniquely positioned to promote cross border integration for the people of East Africa. As such, it will work to harmonize processes, leading to the goal of East African regional integration. EALS has physical and ideological proximity as well as a rich history of close and cordial working relations with the East African Community (EAC.) It is one of the few organizations that have formal Observer Status with the EAC. EALS has also worked with and supported African continental integration, especially through the New Partnership for Africa's Development (NEPAD), the African Commission for Human and Peoples' Rights and the nascent African Court of Human and Peoples' Rights.

Statement of the Problem

Governance is an issue that has been gaining a lot of traction all over the world owing to increasing public awareness and demands for transparency and accountability. According to a study carried out by Ferracone and Trentacoste (2017), 94% of countries around the world require disclosures on executive compensation. However, the quality and content of the disclosures vary greatly. The same study found that board independence and structure was assuming increasing significance with 60% of the countries exhibiting high corporate governance featuring just under 50% of independent directors while the medium performance had just under 33%. Governance in Africa is further constrained by the influence of Anglo-Saxon regulatory initiatives and policy formulations that invariably tend to be ill-fitting given the unique socio-economic and political circumstances in these countries (Adegbite, Amaeshi & Nakajima, 2013). It is, therefore, imperative for these countries to come up with amendments to the legal frameworks guiding corporate governance so as to develop governance structures that are better suited to their local circumstances.

Agyemang, Aboagye and Ahali (2013) opine that organisations need to perform a delicate balancing act in devising appropriate ownership structures and ownership control since controlling shareholders exert undue control over management decisions at the detriment of other shareholders. Additionally, the degree to which the board gets involved in the operational decisions of an organisation is dependent on the board composition which should be critically evaluated to ensure that the performance of oversight is amplified without breaching the confines of this role unduly so as not to interfere with managerial authority (Judge and Talaulicar, 2017). Thus, many organisations in developing countries experience difficulties in establishing sufficient control over both their boards and major shareholders which, in turn, hampers their governance mechanisms and limits the impact of governance on performance.

Change (2012) posits that, with the exception of a few countries, there is an acute shortage of trained experts, lawyers and accountants in emerging markets to meet the domestic needs of organisations as exemplified by the fact that in 2006 only 2.8% of the total corporate experts in South Africa were black. Ibuakah (2012) adds that regulators in developing countries such as Nigeria struggle with the scope of regulation, capacity and ability to effectively monitor levels of compliance and enforcement mechanisms pertaining to corporate governance. This indicates that these countries are poorly placed to establish much needed legal frameworks for corporate governance. The legal societies in these countries are at the centre of this problem since they are the ones which are supposed to guide the governments.

The study sought to determine the influence of governance structures on the performance of organisations by focussing on the EALS. Concerted efforts were expended both in the distinction with existing works and in adding to the same so as to fill apparent gaps in the research.

Objectives of the Study

The general objective of the study was to determine the relationship between governance structures and the performance of the East Africa Law Society, Arusha, Tanzania. The study was guided by the following specific objectives;

- To determine the relationship between the board structure and the performance of the East Africa Law Society, Arusha, Tanzania.
- To establish the relationship between the ownership structure and the performance of the East Africa Law Society, Arusha, Tanzania.
- To determine the relationship between the executive compensation structure and the performance of the East Africa Law Society, Arusha, Tanzania.
- To ascertain the relationship between control structures and the performance of the East Africa Law Society, Arusha, Tanzania.

LITERATURE REVIEW

Theoretical Review

Agency Theory

This theory focuses on the problems that arise in organisations due to the separation of owners (principals) and managers (agents) and establishes means through which these problems can be resolved (Panda and Leepsa, 2017). Indeed, Eisenhardt (1989) argues that the agency theory tries to resolve two problems; firstly, the problem that arises whenever there is a disconnect between the desires or goals of the principals and the agents or, the principal experiences difficulties in effectively monitoring the activities of the agent; and secondly, the risk sharing problem occasioned by differing attitudes on the parts of the principal and agent towards risk. Thus, the theory supposes that when the interests of the principal differ from those of the agent, the latter will act in a manner that will disenfranchise the welfare of the former. Jensen and Meckling (1976) first proposed a moral hazard explanation for these agency conflicts such that the agent may decide how much risk to take while the principal may bear the negative consequences of the risky choices.

Stewardship Theory

This theory contends that directors act as stewards of an organisation and will not be concerned with furthering their own economic interests, but will be more inclined to act in the best interest of their organisation (Keay, 2017). Thus, this theory argues that individuals in organisations can be motivated by more altruistic intentions such as fairness, justice, equity and concern for the interests of others (De Falco and Renzi, 2007), and directors can be entrusted to perform professionally since they view themselves as stewards of the organisation's affairs, and their close connection to the aims of the organisation overrides any self-interest (Hernandez, 2012; Schillemans and Basuioc, 2015). In fact, as a result of this positive impression of managers' intentions, De Falco and Renzi (2007) maintain that the use of governance mechanisms such as strong non-executive board of directors tends to act as a disincentive for the managers by demotivating them and compromising their productivity.

Stakeholder Theory

According to Harrison *et al*. (2015), the stakeholder theory advocates for a practical, efficient, and ethical means through which organisations can be managed in a highly complex and turbulent environment by emphasizing the importance of stakeholders. The organisation should view itself as a grouping of stakeholders and its purpose should be to manage their interests, needs and perspectives (Fontaine *et al*., 2006). More specifically, managers are expected to manage the organisation for the benefit of its stakeholders by ensuring that their rights are respected and they are involved in the decision making; while the top management must always endeavour to act as the stakeholders' agent by ensuring the survival of the organisation to safeguard the long-term stakes of all the concerned groups.

Resource Dependence Theory

This theory supposes that the organisation is an open system, dependent on contingencies in the external environment and, as such its behaviour is derived from these external factors (Hillman *et al*., 2009). The Resource Dependence Theory (RDT) focuses on the role that directors play in ensuring access to essential resources to an organisation by leveraging their linkages to the external environment (Hillman *et al*., 2000). The theory affirms that the environment is the central source of uncertainty which stems from the distribution of critical resources in the environment; and ultimately, the organisations that are able to retain considerable levels of resources, assume great power and reduce their dependence on the external environment (Nienhüser, 2008).

Theory of Corporate Governance and Performance

According to Sonmez and Yildirim (2015) the theory of corporate governance revolves around the management of the business environment in the financial markets. Given the sheer regional diversity of corporates it is impossible to have a "one-size-fits-all" model, thus, there are three different models of corporate governance: the Anglo-American model – this model which is practiced in the US, UK, South Korea and China separates ownership and control and its primary objective is to increase shareholder interests; the German model – also known as the Continental Europe approach, it focuses on a two-tier board structure, the upper board or supervisory board and the executive board or management board. In this model, half of the shareholders who are the owners of the organisation can elect the supervisory board while the other half can be selected by the other stakeholders. Lastly, the Japanese model focuses on the long-term interest on the organisation and feature board members who are chosen from majority of the shareholders. Love (2010) added that owing to the establishment of corporate governance, organisations are able to benefit in three different aspects of performance, namely: operating performance which is typically measured as return on assets (ROA) or return on equity (ROE); market value which is the market capitalization when measured against the book value; and the stock returns which is the assessment of the relative change in the stock price during the course of time, is measured in terms of return on investment (ROI).

Empirical Review

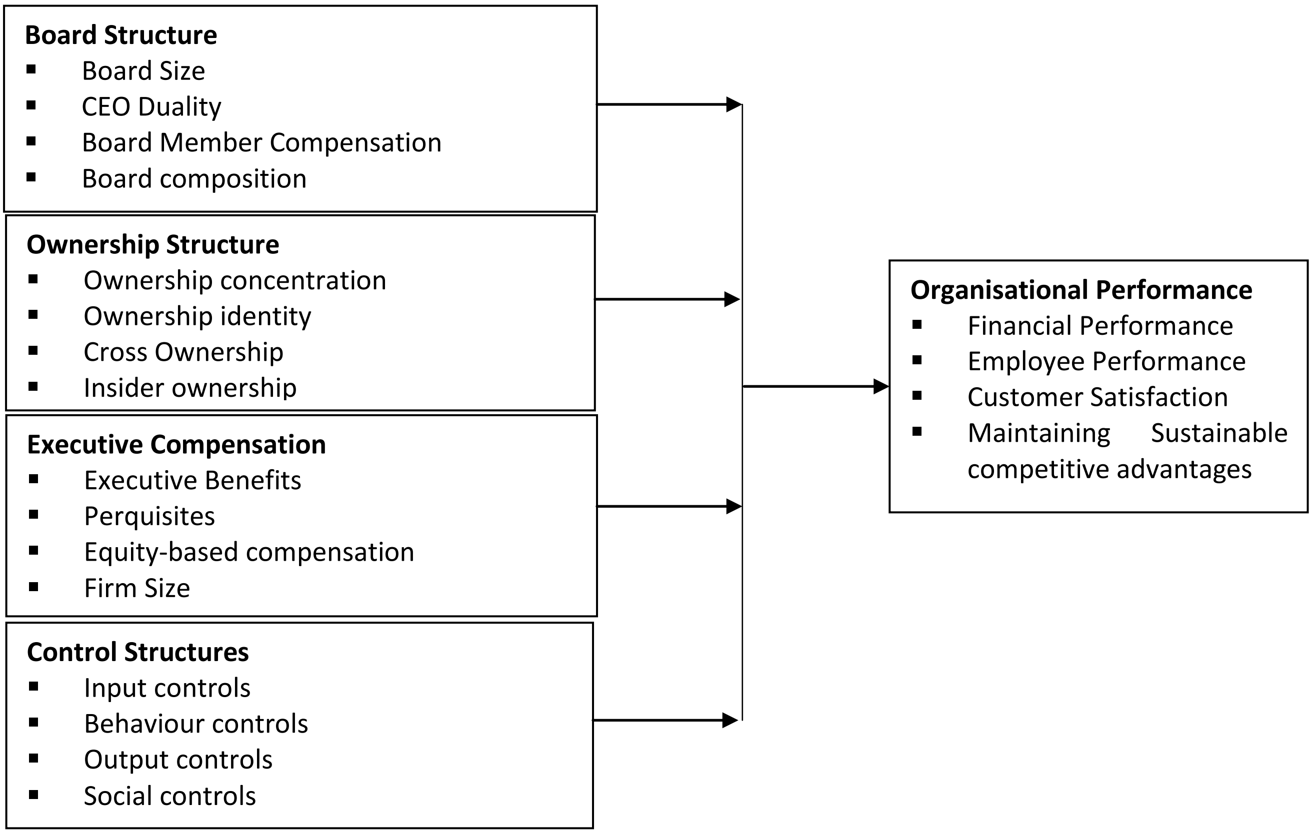
In a study conducted on the corporate governance frameworks in Ghana and Nigeria, Badu and Appiah (2017) found that optimal board size tends to improve the monitoring function of the board since it ensures proper coordination and communication as well as successful agency conflict resolution, thereby improving the performance of the organisation. Nonetheless, while recommending a board size of between 8-16 members, the study found that there was no one-size-fits all across industries and countries owing to unique governance situations. Oludele, Oloko and Olweny (2016) posit that board size has a strong and significant relationship with certain measures of financial performance such as return on equity (ROE); and, as such, it is a good predictor of the financial performance of an organisation. These findings were also supported by Kasyoki (2016) who explained that optimal board size has a positive impact on the financial performance of an organisation since it ensures safeguarding of actual corporate authority.

Another corporate governance mechanism that is employed by organisations is the ownership structure. The addition of more majority shareholders which raises the ownership concentration in an organisation increases the number of conflicts of interest within the leadership owing to the diverging self-interests of each individual (Sant'Ana *et al*., 2016). However, according to Pathirawasam and Wickremasinghe (2012), whilst the ownership concentration has a direct bearing on the ROA, it is not a significantly important factor in determining the performance of organisations and, as such, when determining how much to stake in an organisation, investors should focus more on the monitoring measures employed to govern the activities of managers so as to ensure that scarce resources are better utilized to generate value for shareholders; and they should also consider the size of the organisation in terms of the asset base when making investment decisions. A different study by Guerrero-Villegasa, Giráldez-Puig, Sánchez and Hurtado-González (2018) established that there is an inverse relationship between the level of ownership concentration and the freedom of managers, such that, in situations where the ownership is less concentrated, managers are more motivated to engage in tangible, ow-risk investments.

Executive compensation is one of the most visible corporate governance mechanisms that organisations employ to boost performance. The decision to pay executives benefits is normally a complex and lengthy process that may involve deliberations by the remuneration committee and a determination on the basis of the market going rates, a process which is usually subjective since it is the prerogative of individual committee members to choose which executives in the market to use a reference point; this may constrain the compensation performance measurement (Ochieng', 2012). Some fringe benefits such as retirement benefits have a positive impact on the performance of organisations while others such as training and stock options have a negative correlation with organisational performance (Kwak and Lee, 2009). The payment of fixed remuneration does not act as enough of an inducement for managers to look out for their shareholders so variable remuneration in the form of premiums or fringe benefits such as credit cards, travels, meals, retirement supplements, health insurance, etc. are capable of motivating executives to improve their performance (Antunes, Mucharreira, Quirós and Justino, 2016).

Control structures represent another crucial form of corporate governance mechanism used by organisations all over the world. The first type of control structure is input controls. According to Su *et al*. (2015), input controls in the form of appropriate selection and recruitment procedures facilitate the hiring of employees (during the birth stage of organisations when learning and opportunity seeking prevail) who are more amenable to training and career development, and ultimately demonstrate commitment and willingness to work harder. During growth and revival stages, input controls in the form of well-established staffing procedures can ensure that employees' roles are clarified; and further training and continuous on-job skill development ensure that employees exhibit a higher level of performance. Nassazi (2013) posits that training and development of employees is one of the most effective input controls that organisations can employ provided an accurate needs assessment has been conducted, appropriate training aids and programme selected, and training conducted in appropriate frequency. Sihag and Rijsdijk (2019) affirmed that input control mechanisms include selection, training and development procedures that ensure that beliefs, values and norms are transmitted by management to the subordinates of the organisation.

Organisational performance is the focus of all stakeholders in any business entity. One of the key components of organisational performance is financial performance. According to Al Shahrani and Zhengge (2016), financial performance is determined by both financial and non-financial factors including the following: liquidity – is a measure of the ability of the organisation to convert its assets into cash that can be utilized as working capital; leverage – is a measure of how much of an organisation's activities are financed by long-term debt; asset utilization – assesses the effective usage of assets by comparing what the expected productive capacity is against the actual productive capacity; and market share position – a measure of the relative position of the organisation in the industry. Njiru (2014) found that the number of non-executive directors in organisational structure has a significant bearing on the financial performance of an organisation because the nature of number of directors involved in decision making influences the performance; additionally, reducing ownership concentration lessened conflicts of interest and made the board more focused on driving the financial performance agenda.



Independent Variables **Dependent Variable**

Figure 1: Conceptual Framework

Board structure (structure of the board of directors) refers to an internal governance mechanism geared towards monitoring and controlling management behaviour on behalf of the organisation's stakeholders (Thrikawala, Locke & Reddy, 2016). According to Tauringana and Mangena (2014), effective board structures are influenced by the size of the board where larger boards tend to have a greater range of expertise; the proportion of non-executive directors; and the nature of the relevant board committees, particularly the audit committee.

According to Madiwe (2014), the ownership structure is a governance mechanism that explains who owns an organisation, and it normally can either be diffused (where the majority of the company shares are owned by multiple and small shareholders) or concentrated (the majority of the company shares are owned by one or a few shareholders). Apart from the ownership concentration the ownership structure may also relate to the ownership mix – the types of owners that the company has which includes government, family, foreign or institutional shareholders (Zouri & Taktak, 2014).

Executive compensation refers to formal incentives paid out to members of the management of organisations and include basic pay which is agreed contractually, bonuses which are often measured by financial accounting, and stock options whose value fluctuates with the market valuation of the company (Wang, Lin & Chao, 2013). Executive compensation is determined by the principal-agent concerns that exist (otherwise known as the moral hazard problem) owing to the board of directors' need for ensuring that the CEO and management team look out for the interests of the shareholders rather than their own self-interest (Sheikh, Shah & Akbar, 2018).

Costa, Duarte and Palermo (2014) define control structures as corporate mechanisms that have been established by individuals or groups of individuals within an organisation to determine the behaviour of another individual or groups of individuals in the organisation. Su *et al.* (2015) refer to it as management control structures and find that it pertains to controls exerted by management over their subordinates and can broken-down into input controls; behaviour controls; and output controls.

Performance is a much debated and research topic and, as such, has elicited a lot of controversy regarding its definition which has led to a lack of consensus amongst scholars on the same. Jetanabadi (2015), defines organisational performance as the capability and ability of an organisation to attain the desired operational levels on the basis of efficiency, effectiveness, or other relevant social criteria. In the views of Gavrea, Ilieş and Stegerean (2011), organisational performance is a broad concept that is determined by structural issues pertaining to size, age and purpose; the operational environment which includes the internal and external environments; and ultimately, the performance is quantified on the basis of observed results.

METHODOLOGY

The study adopted a causal research design since it sought to establish the effect of governance structures on organizational performance. The study focused on a target population of 157 staff working within the Arusha offices of EALS. These were the staff who have had direct or indirect interaction with the implementation of governance. The study was a census survey. The study used structured questionnaires so as to offer more control to the researcher and enable the collection of data over large numbers of people. The study used self-administered questionnaires on 157 respondents from the target population who were given two weeks to complete the questionnaires before collection using a drop and pick arrangement. The analysis used a multiple regression model to capture the variables of the study as follows:

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \varepsilon$$

Where;

Y = the dependent variable (Organisational Performance)

X_1 = the first independent variable (Board Structure)

X_2 = the second independent variable (Ownership Structure)

X_3 = the third independent variable (Executive Compensation)

X_4= the fourth independent variable (Control Structures)

E = the error term

β_0 = the constant term

According to the formula, Y is determined by changes in X_1, X_2, X_3 and X_4. Beta coefficient is the extent to which a unit change in any of the Xs influences Y. The constant refers to the value of Y when X is zero.

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FINDINGS

Board Structure and Organisational Performance

The descriptive statistics pertaining to the responses from participants to questions on the influence of board structure on organisational performance are illustrated in Table 1. According to the results, the size of the board has influenced the performance of EALS with the highest mean of 3.2636 indicating that most of the respondents were in agreement. This is consistent with Badu and Appiah (2017) who found that optimal board size tends to improve the monitoring function of the board since it ensures proper coordination and communication as well as successful agency conflict resolution, thereby improving the performance of the organisation. The respondents also agreed that EALS has implemented board member compensation as a critical governance mechanism owing to the relatively high mean score of 3.0364. This is in line with Müller (2014) who determined that the level of non-executive directors' basic fee, the fees paid out in form of shares and extra remuneration for board members has a positive impact on both the current and future financial performance of the organisation; however, the compensation paid out to the chair and senior non-executive members has no significant bearing on the performance of the organisation.

The composition of the board is appropriate for ensuring the best possible performance of the organisation was the next factor in terms of popularity with a mean of 2.9000 also indicating a moderate level of agreement amongst the respondents. This is affirmed by Ingari (2017) who discovered that the experience and qualifications of board members has a significant positive relationship with organisation performance since individuals with more experience have a broader understanding of the industry. Finally, the performance of the organisation has been impacted by the fact that the CEO is also the chairman of the board with a mean score of 2.8091 reflecting a very moderate level of agreement amongst the respondents and indicating the lack of significance of this factor. This is consistent with Amba (2013) who found that Board structures that are characterised by CEO Duality have a negative bearing on the performance of an organisation especially when measures such as ROE, return on asset (ROA), and asset turnover ratio are considered; this indicates that the optimal board structure in terms of corporate governance mechanism is one which separates the chairman and CEO roles from a single individual.

Table 1: Descriptive Statistics of Board Structure

Influence of Board Structure on Organisational Performance	Mean	Std. Dev.
The size of the board has influenced the performance of EALS	3.2636	.88491
The performance of the organisation has been impacted by the fact that the CEO is also the chairman of the board	2.8091	1.16914
EALS implemented board member compensation as a critical governance mechanism	3.0364	.91799
The composition of the board is appropriate for ensuring the best possible performance of the organisation	2.9000	1.14098
Valid N (listwise)		

Ownership Structure and Organisational Performance

The distribution of responses to questions on ownership structure are illustrated in Table 2. The results showed that 73.6% of the respondents either agreed (23.6%) or strongly agreed (50.0%) that the ownership concentration at EALS has played a crucial role in its performance. This was inconsistent with Sant'Ana *et al.* (2016) who found that the addition of more majority shareholders which raises the ownership concentration in an organisation increases the number of conflicts of interest within the leadership owing to the diverging self-interests of each individual. The results also indicated that 80.9% of the respondents either agreed (38.2%) or strongly agreed (42.7%) that the identity of the owners of the organisation has influenced the performance. This was echoed by Suman, Basit and Hamza (2016) who posited that when the ownership of a company is in the hands of managers they will be encouraged to take strategic decision that will be beneficial for the well-being of the other shareholders of the organisation as well since their welfare is also tied in with theirs; additionally, where there are more institutional shareholders, the focus on corporate governance and performance is amplified since they will be interested in the metrics such as ROA.

The findings also show that 32.7% of the respondents agreed while 40.0% strongly agreed that the organisation has implemented cross ownership as a critical governance mechanism. This is line with He and Hwang (2017) who affirmed that cross ownership is beneficial to both the cross-holding institution and the cross-held firms since the former has access to the management of all the firms it block-holds which ensures that it gets more accurate information about the industry and its portfolio companies. Additionally, 62.7% of the respondents either agreed (34.5%) or strongly agreed (28.2%) that EALS has instituted insider ownership as a governance mechanism. This contrasts with Ahmed and Hadi (2017) who found out that there is a significant negative correlation between insider ownership and an organisation's ROE owing to the fact that insider ownership has the tendency of encouraging more risk taking which can harm an organisation's profitability instead of benefiting it.

Table 2: Descriptive Statistics of Ownership Structure

Influence of Ownership Structure on Organisational Performance	**Strongly Disagree**	**Somehow Agree**	**Agree**	**Strongly Agree**
The ownership concentration at EALS has played a crucial role in its performance	12.7%	13.6%	23.6%	50.0%
Identity of the owners of organisation influenced performance	5.5%	13.6%	38.2%	42.7%
The organisation has implemented cross ownership as a critical governance mechanism	16.4%	10.9%	32.7%	40.0%
EALS has instituted insider ownership as a governance mechanism	14.5%	22.7%	34.5%	28.2%

Executive Compensation and Organisational Performance

According to the results in Table 3, the size of the organisation has influenced the manner in which it handles its executives had the highest mean score of 3.2545 reflecting a high relative agreement amongst the respondents. This is consistent with Aduda (2011) who determined that size is a critical determinant of executive compensation but it is significantly negatively correlated with compensation suggesting that as the firm grows in size the influence of the key owners in the management continues to diminish and, as such, executive compensation will be capped in order to ensure maximisation of returns to shareholders. Further, the organisation has established an appropriate level of executive benefits for its management had a mean of 3.0727 also indicating a moderately positive agreement amongst the respondents and agreeing with Antunes *et al*. (2016) who found that the payment of fixed remuneration does not act as enough of an inducement for managers to look out for their shareholders so variable remuneration in the form of premiums or fringe benefits such as credit cards, travels, meals, retirement supplements, health insurance, etc. are capable of motivating executives to improve their performance.

The results illustrated that equity based compensation plays a significant role in the performance of the organisation only got a mean score of 2.6636 reflecting a very moderate agreement amongst the respondents. This is consistent with Mehdi and Imen (2014) who discovered that larger firms require more talented managers who are difficult to control and as such require the use of equity based compensation as an effective means of dealing with the agency problems so as to boost the performance of executives, however, highly leveraged firms with a high risk of bankruptcy are unlikely to distribute equity based compensations to their executives. Additionally, the organisation has implemented an effective policy on perquisites for its management team only had a mean score of 2.5455 indicating that only about half the respondents agreed with this. This agrees with Shah-Hosseini (2013) who revealed that perks such as company cars and flexible working arrangements should be seen to be scarce in order for them to act as adequate inducements for better performance.

Table 3: Descriptive Statistics of Executive Compensation

Influence of Executive Compensation on Organisational Performance	Mean	Std. Dev.
The organisation has established an appropriate level of executive benefits for its management	3.0727	.92577
The organisation has implemented an effective policy on perquisites for its management team	2.5455	.92505
Equity based compensation plays a significant role in the performance of the organisation	2.6636	1.10277
The size of the organisation has influenced the manner in which it handles its executives	3.2545	.81765
Valid N (listwise)		

Control Structures and Organisational Performance

The results in Table 4 indicated that 30% of the respondents agreed while 50.9% of the respondents strongly agreed that EALS has implemented input controls as a means of improving its performance. This is consistent with Su *et al*. (2015) who determined that input controls in the form of appropriate selection and recruitment procedures facilitate the hiring of employees (during the birth stage of organisations when learning and opportunity seeking prevail) who are more amenable to training and career development, and ultimately demonstrate commitment and willingness to work harder. Further, 28.2% of the respondents agreed while 58.2% strongly agreed that behavioural controls have been established by the organisation as a means of improving its performance. This was echoed by Nurwati (2013) who found that behaviour controls when integrated appropriately by management such as where more remote monitoring and evaluation is undertaken and built into the culture of the organisation will make employees feel more empowered to work and get better performance out of them.

The results also indicate that 80.9% of the respondents either agreed (37.3%) or strongly agreed (43.6%) that EALS has implemented effective output controls in the organisation. This finding is in line with Verburg *et al.* (2018) who argue that output controls such as budgets, functional requirements, contractual requirements, and final products have a positive effect on organisational performance. Lastly, the results show that 59.1% of the respondents either agreed (32.7%) or strongly agreed (26.4) that the organisation has implemented social structures as a means of improving performance. This is consistent with Hung *et al.* (2012) who found that organisations can introduce clan control as a type of social control where individuals are selected and socialized into a social unit which is characterised by shared norms and values which compel individuals to commit to a consensus forming process that may contribute to better performance.

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Table 4: Descriptive Statistics of Control Structures

Influence of Control Structures on Organisational Performance	Strongly Disagree	Somehow Agree	Agree	Strongly Agree
EALS has implemented input controls as a means of improving its performance	1.8%	17.3%	30.0%	50.9%
Behavioural controls have been established by the organisation as a means of improving its performance	7.3%	6.4%	28.2%	58.2%
EALS has implemented effective output controls	1.8%	17.3%	37.3%	43.6%
The organisation has implemented social structures as a means of improving performance	7.3%	33.6%	32.7%	26.4%

Organisational Performance

According to the results in Table 5, the organisation has put in place measures that have ensured better utilisation of the resources to maximize the wealth of the shareholders and profitability had the highest mean of 3.3818 reflecting a high level of agreement amongst the respondents. This echoes the findings of Njiru (2014) that the number of non-executive directors in organisational structure has a significant bearing on the financial performance of an organisation because the nature of number of directors involved in decision making influences the performance; additionally, reducing ownership concentration lessened conflicts of interest and made the board more focused on driving the financial performance agenda. The results also indicate that the respondents agreed that the organisation has implemented measures that focus on the satisfaction of its customers given its relatively high mean score of 3.3091. This finding is in line with Afsheen (2012) who found that organisations need to be cognizant of the fact that different categories of customers demand different strategies in order to satisfy their needs depending on their age, gender, profession, status, etc. such as customised product designs and pricing strategies.

Additionally, EALS has established appropriate measures of improving the performance of the employees had a mean of 3.2909 reflecting a moderately positive endorsement from the respondents. This agreed with Nmai and Delle (2014) who established that organisations which focus their governance structures such as their internal controls and corporate codes of conduct to cater to the welfare of their employees invariably make them more satisfied and, in turn, more committed to the organisation through their efforts. Lastly, the respondents also agreed that the organisation has implemented policies that have emphasized its competitiveness in the industry as evidenced by the moderately high positive mean score of 3.0364. This is consistent with Hakkak and Ghodsi (2015) who prescribe the use of balanced scorecard, a comprehensive approach to performance evaluation that focuses on both financial and non-financial measures, at all levels of the organisation where key operational elements are identified, goals are set for those elements and ways determined for reaching these goals, so as to establish sustainable competitive advantages.

Table 5: Descriptive Statistics for Organisational Performance

Organisational Performance	Mean	Std. Dev.
The organisation has put in place measures that have ensured better utilisation of the resources to maximize the wealth of the shareholders and profitability	3.3818	.88806
EALS has established measures of improving the performance of the employees	3.2909	.87099
The organisation implemented measures that focus on the satisfaction of its customers	3.3091	.86465
The organisation has implemented policies that have emphasized its competitiveness in the industry	3.0364	.86658
Valid N (listwise)		

Inferential Statistical Analysis

Correlation Analysis

According to Hauke and Kossowski (2011), Pearson Correlation Coefficient refers to a measure of the strength of the linear relationship between two variables. The Pearson Correlation coefficients for the variables of the study were presented in Table 6. The results showed that all the independent variables, Board Structures, Ownership Structures, Executive Compensation and Control Structures, had positive correlations of r = 0.598, r = 0.667, r = 0.537, and r = 0.730, respectively, with the dependent variable, Organisational Performance. Accordingly, a change of Board Structures by a value of 1 leads to a corresponding 0.598 change in Organisational Performance. Further, a change of Ownership Structures by a value of 1 leads to a corresponding 0.667 change in Organisational Performance. A change in Executive Compensation by a value of 1 leads to a corresponding 0.537 change in Organisational Performance. Lastly, a change in Control Structures by a value of 1 leads to a corresponding 0.730 change in Organisational Performance.

Further, the p-values for all the independent variables at 0.000 were all below 0.05 indicating a statistically significant relationship between each independent variable and the dependent variable. This is in keeping with Dahiru (2008) who found that given intervals of 95%, p-values of less than 0.05 indicate that observed differences between groups are unlikely to be due to chance and, as such, are statistically significant. This reflects the relevance of the p-value as an acceptable test of statistical significance.

Table 6: Pearson Correlation Coefficients

		Board Structures	Ownership Structure	Exec. Comp.	Control Structures	Org. Perf.
Board Structures	Pearson Correlation	1				
	Sig. (2-tailed)					
Ownership Structure	Pearson Correlation	.557**	1			
	Sig. (2-tailed)	.000				
Exec. Comp.	Pearson Correlation	.488**	.674**	1		
	Sig. (2-tailed)	.000	.000			
Control Structures	Pearson Correlation	.593**	.496**	.578**	1	
	Sig. (2-tailed)	.000	.000	.000		
Org. Perf.	Pearson Correlation	.598**	.667**	.537**	.730**	1
	Sig. (2-tailed)	.000	.000	.000	.000	

**. Correlation is significant at the 0.01 level (2-tailed).

Key: Exec. Comp. – Executive Compensation; Org. Perf. – Organisational Performance

Table 7: Multiple Regression Model

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.846[a]	.716	.653	.45137

a. Predictors: (Constant), Control Structures, Ownership Structure, Board Structures, Executive Compensation

Table 8: ANOVA Statistics

ANOVA[a]

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	5.571	4	1.393	4.134	.000[b]
	Residual	35.392	105	.337		
	Total	40.964	109			

a. Dependent Variable: Organisational Performance

b. Predictors: (Constant), Control Structures, Ownership Structure, Board Structures, Executive Compensation

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Table 9: Beta Coefficients

Model		Unstandardized Coefficients B	Unstandardized Coefficients Std. Error	Standardized Coefficients Beta	t	Sig.
1	(Constant)	.759	.220		3.441	.001
	Board Structures	-.003	.073	-.003	.044	.004
	Ownership Structure	.398	.067	.481	5.891	.000
	Executive Compensation	-.392	.080	-.406	-4.917	.000
	Control Structures	.779	.082	.728	9.467	.000

Coefficients[a]

a. Dependent Variable: Organisational Performance

CONCLUSIONS AND RECOMMENDATIONS

Descriptive statistics indicated that board structure and executive compensation do not play a significant role in influencing organisational performance at EALS while ownership structure and control structures are critical towards the attainment of improved organisational performance. Financial performance is the most critical component of organisational performance at EALS. An assessment of the correlation coefficients revealed that control structures and ownership structures are the most crucial determinants of organisational performance. The multiple regression model had a strong relationship with the response variable which is Organisational Performance and can, thus, be used to confidently predict the behavior of the response variable. The ANOVA statistics confirmed the presence of a significant relationship between the independent variables and the dependent variable and indicated that there would be a consistent pattern in a future analysis of the data that would not be down to chance. The Beta Coefficient analysis indicated that two of the independent variables – ownership structure and control structures, contributed positively towards the predictive ability of the model since they had positive correlations with organisational performance, while the other two variables – board structures and executive compensation impact negatively the predictive ability of the model.

According to the results of the study, the size of the board had played the most significant role in influencing the board structure at EALS with a mean of 3.2636, followed by the board member compensation (mean of 3.0364), then the composition of the board (mean of 2.9), and CEO duality (mean of 2.8091), respectively. This indicates that all these factors have a positive influence on Organisational Performance. Further, it was evident that the organisation has focused on having a large board rather than on other aspects of board structure such as board member compensation, composition of the board, and CEO duality. Nonetheless, the relatively low mean scores for all the indicators reflected a high level of uncertainty or disagreement amongst the respondents regarding the relevance of board structure as a component of governance in influencing organisational performance at EALS. Further, the results of the Pearson Correlation analysis indicate that a change of Board Structures by a value of 1 leads to a corresponding 0.598 change in Organisational Performance.

The results also showed that the identity of the owners (80.9% level of agreement) was the most significant factor in the ownership structure at EALS, followed by the ownership concentration (73.6% agreement), cross ownership (72.7% agreement) and insider ownership (62.7% agreement), respectively. This implied that the management of EALS has prioritized the identity of owners as a component of ownership structure,

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followed by ownership concentration, cross ownership and insider ownership, respectively. Additionally, the high endorsement across all the factors by the respondents is a strong indicator of the importance of ownership structure to organisational performance at EALS. The results of the Pearson Correlation analysis further indicate that a change of Ownership Structures by a value of 1 leads to a corresponding 0.667 change in Organisational Performance.

According to the findings, the size of the organisation had the most significant bearing on the executive compensation with a mean of 3.2545, followed by the level of executive benefits with a mean of 3.0727, equity based compensation with a mean of 2.6636, and policy on perquisites with a mean of 2.5455, respectively. This suggests that as far as the organisation is concerned, the size of the organisation has the most significant bearing on the level of executive compensation followed by the level of executive benefits, equity based compensation, and policy of perquisites. Nonetheless, the relatively low mean scores reflected a general level of uncertainty or disagreement amongst the respondents regarding the importance of executive compensation as a governance mechanism in influencing organisational performance. The Pearson Correlation analysis showed that a change in Executive Compensation by a value of 1 leads to a corresponding 0.537 change in Organisational Performance.

The findings indicated that behavioural controls (86.4% endorsement) were the strongest components of control structures at EALS, followed by input controls (80.9% endorsement), output controls (80.9% endorsement), and social controls (59.1% endorsement), respectively. Whilst behavioural controls, input controls, and output controls appear to be well established at EALS, social controls are still relatively low in terms of priority items within the control structures at EALS. This notwithstanding, it is clear that control structures are a very critical indicator of governance structures at EALS in terms of their influence on organisational performance. According to the results of the Pearson Correlation analysis, a change in Control Structures by a value of 1 leads to a corresponding 0.730 change in Organisational Performance.

According to the results, financial performance with a mean of 3.3818 is the most important determinant of organisational performance at EALS followed by customer satisfaction with a mean of 3.3091, employee performance with a mean of 3.2909 and the level of competitiveness with a mean of 3.0364, respectively. The evidence suggests that EALS has prioritized the enhancement of all the aforementioned indicators of organisational performance, particularly financial performance and customer satisfaction. Nonetheless, it is also evident that the respondents also only gave a moderately positive affirmation of all the factors indicating that there is still work to be done by the management in ensuring financial performance, customer satisfaction, employee performance, and the level of competitiveness.

EALS appears to have neglected board structure as a governance mechanism in improving organisational performance. In fact, only the size of the board and board member compensation have been given some attention by the organisation while the composition of the board and CEO duality did not rate highly with respondents also showing that the organisation had not included either of them as part of the institutionalised governance mechanisms. It can be surmised that the size of the board of EALS and the nature of the board member of compensation are ideal as far as meeting the expected board structure metrics. However, the organisation has not incorporated the composition of the board as a governance mechanism and, as such, failed to realise any associated performance benefits.

Ownership identity, ownership concentration and cross ownership have been prioritized by EALS as components of ownership structure. However, the application of insider ownership is still lagging behind indicating that it is not favoured by the organisation. Ultimately, the fact that three out of the four indicators of ownership structure have been institutionalised by the organisation reflect the important role played by ownership structure as a governance mechanism in influencing the organisational performance of EALS.

The size of the organisation is the most critical determinant of executive compensation at EALS. The next factor in order of importance is the level of executive benefits. The high level of affirmation for these two factors reflects the importance attached by the organisation on them and indicates that they play a significant role in influencing performance. However, the relatively moderate affirmation by the respondents for equity based compensation and policy on perquisites indicate that these two factors have not been well institutionalised by EALS as components of executive compensation and, thus, do not influence its performance.

Behavioural controls are the most significant components of the control structures that have been incorporated by EALS. The next factor in order of importance is input controls closely followed by output controls. However, the moderate endorsement by the respondents for social controls shows that the organisation has not given this factor the same level of commitment as it has with the other three. Nonetheless, it is clear that control structures are a significant part of the governance mechanisms at EALS and, therefore, affect the performance of the organisation.

As far as organisational performance is concerned, EALS has focused most of its attention on financial performance and customer satisfaction as attributes of organisational performance although employee performance and the level of competitiveness in the industry are not too far behind. In general EALS experienced improvements in performance as a result of the governance structures in place.

EALS should consider incorporating features of board structure within its governance structures by benchmarking with industrial leaders across the globe so as not to miss out on potential performance enhancements. Given the nature of the legal industry, the organisation should ensure the inclusion of individuals who have a wealth of experience in the practice of law as well as those who are well versed in finance and accounting as members of the board. This will provide a sound platform for the facilitating the oversight role played by the board and lead to the enhancement of performance.

The organisation should also review the institutionalization of insider ownership as a component of ownership structure in order to determine ways in which it can be boosted to contribute more towards the organisational performance. It can do this by providing a means through which managers can acquire shares so as to incentivise them to act in the interests of all stakeholders of the organisation.

The owners of EALS should examine executive compensation policies to determine ways in which they can improve because this can be a cause of high executive turnover. They should hire a human resource consultant to design executive compensation policies that are best suited for EALS and help midwife the change management process during the initial phases of implementation of the policies. This will result in greater performance by the executives owing to increased motivation.

EALS should focus on the integration of social controls as components of control structures so as not to be outcompeted by rivals who has successful incorporated social controls. Employees should be encouraged to form informal social groups that will provide a platform for airing issues of concern and establish a feedback mechanism for getting these issues to the attention of the management through representatives of these groups. This will engender enhanced feelings of affiliation by the employees to the organisation and push them to improve their performance.

Finally, although the various indicators of performance have been well addressed, the level of competitiveness in the industry should be the main area of focus given its relatively poor rating amongst the respondents. This can be done through benchmarking with other law societies in other regions of the continent and the world so as to establish the markers for performance and conduct a comparative assessment so as to address any deficiencies in performance.

Suggested Areas of Further Research

There had been little or no research done on the influence of governance structures on the performance of law societies in Africa and, as such, more attention should be focused in this direction. The research material that was sourced directly from law societies was only from five papers which were symptomatic of the scarcity of research in the sector. The work done on corporate governance in Kenya features research on the general application without specifying the influence on organisational performance such as Kuria (2015); and ethical issues pertaining to corporate governance (Githui, 2013). The few works that focused on the influence of corporate governance on performance have been contextualised on organisations other than Law Societies such as commercial state corporations.

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