



# Traditional Injunctions and Commercial Real Estate Development in Abak, Akwa Ibom State. Nigeria

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**Abstract:** The study aimed at examining the effect of traditional injunction on commercial real estate development in Abak local government area of Akwa Ibom State. In order to achieve the stated aim, the following objectives were set; *to identify the reasons for the placement of traditional injunctions on developments in the study area and to ascertain the effect of traditional injunction on commercial real estate development in the study area.* The study adopted the survey design method. The research population comprised village heads and property developers in the study area. The study employed simple random sampling technique to obtain a sample size of 175. Descriptive statistics was used in the analysis of the data obtained. The study found that the major reason of placement of traditional injunction on proposed developments in the study area was to arrange for and promote co-existence between strangers and indigenes of the community with the highest mean value of 4.33. it was also found out that respondents with mean values of 4.19 each, attested to the fact that the reason was to generate revenue and to use the generated revenue for infrastructural development in the community. The study also revealed that placement of traditional injunction on proposed development delays the development period as well as increases the cost of development in the study area. This study was necessary because of the dynamic nature of emerging property markets of developing nations such as Nigeria. Investors may wish to evaluate the impact of traditional injunction on property developments. This study is unique as it gathered historical data which the results could serve as a guide to property investors in making investment decisions.

**Keywords:** Traditional institutional arrangement, commercial, real estate, development, Abak.

## 1.0 Introduction

Commercial real estate investment is seen to offer steady growth in value worldwide and real estate development plays a vital role in the economic development of towns and cities across the globe. However, as noted by several authors, there are several cultural practices that hinder the smooth take-off of such commercial real estate projects. One of such practices include the placement of traditional injunction on proposed project which subsequently delays the development of such proposed project thereby resulting in cost of development of the project. According to Ekpo and Isok (2021), there are social mores that are embedded so deeply in the cultural heritage of several communities in Annang land, where Abak Local Government Area forms one of the strongholds of annang heritage. According to Ekpo (2016) Udondata



(2014), there are institutional arrangements in Annang land that governs the choices that a group makes which can either enhance or impede transaction especially those transaction done on land. The institutional arrangement provides a structure which regulates how prospective investors in the land should adhere to, in relation to its resources.

In Abak Local Government Area, commercial real estate developers consider other factors such as high demand for lettable space, population, crime rate, just to mention but a few before deciding to carry out commercial real estate development in the area. As a result, real estate developers who intend to carry out commercial real estate development in Abak pay little or no consideration to the effect of traditional injunction on proposed real estate developments. This tends to delay developments as well as the costs of development. Several scholars have laid much emphasis on the need to carry out a thorough evaluation on the demands of traditional institutions governing the proposed site of development (Kalu, 2001, Ogunba and Ajayi, 2012). Possible relationship between traditional injunction and commercial real estate development, therefore elicited the interests of the researchers towards this direction. Therefore, the aim of this research work is to examine the impact of traditional injunction action on commercial real estate development in Abak Local Government Area of Akwa Ibom State, Nigeria. In order to achieve the state aim, the following objectives were stated:

- (i) *To identify the reasons for the placement of traditional injunctions on developments in the study area.*
- (ii) *To ascertain the effect of traditional injunction on commercial real estate development in the study area.*

## 2.0 Literature Review

### Conceptual/Theoretical Review

Edwards and Ellison (2004) posited that institutional arrangements define choice sets within which individuals and groups function. In other words, they can help establish not only opportunities, but also constraints for prospective property developers and managers. The authors also asserted that the institutional arrangements provide a structure that governs how individuals will behave with respect to each other and with respect to the limited resources involved. In real meaning, they provide the regulations of the institutions (Colson, 1971, Lean and Goodall, 1966). Within a given institutional arrangements such as the one found in Annang traditional institutions in which Abak forms a major part, the individuals involved or the players can take up different individual laws and strategies, as well as their traditions of doing things. As rules of the games, institutional arrangements are a crucial part of our understanding of property and property markets.

Edwards and Ellison (2004) asserted that there has been long tradition of environmental spirituality within Western culture, which has always remained safely marginalized from the mainstream. In the United States, the 19th century transcendentalist writers, notably Henry David Thoreau and Ralph Waldo Emerson, according to Umeh (1993) expressed a spiritual interpretation of the natural world. For indigenous societies, the natural, spiritual relations linking humans and land prevent the choice of placing human desires for an unreduced quota of land ahead of nature's needs (Parrinder, 1976). However, in Abak – a local government



under the Annang jurisdiction, the indigenous spiritual perspective of land is clearly articulated and directly experienced (Udondata, 2013). It also provides a more dominant “voice” within the society, than is the case in the Western societies. If indigenous people consider land as such an important spiritual aspect of life, then there is a possibility of its reflection in the actual decisions made about land development. For instance, for a particular development to be executed in any land within Abak, the proposed developer must ‘appease the gods of the land’ by paying a sum of money usually known as “marching ground”, among other traditional items to the indigenes before carrying out any form of development on the land. Community and family lands in Abak, have been, from time immemorial, held inalienable from a desire to preserve it for the requirement of the owning group- present and future. This long-held belief has made the present-day developers to run into risk of loss of part or whole for developer’s profit during development as a result of the traditional institutional arrangements operating in the areas of proposed developments. In Annang land generally, of which Abak is one of the units, the highest political unit is the village (Udondata and Ineme, 2014). Each village is made up of lineages comprising groups of related families. The village council remains the highest legislative body for that village and it has the power of decision over all the members of the village, and any visitor (stranger) to the land. Preceding the meeting of the village is meeting of the Lineage Assembly known as “Mbono Ekpuk”, which usually meets in the compound of the Lineage Head (Obong Ekpuk). The Lineage Assembly usually meets to seek opinion of its members on matters that affect them. Later sitting in the village council headed by the village head, they make laws covering all aspects of life of the people including laws meant for protection of lives and landed properties.

### **Reasons for Traditional Injunctions in Abak Local Government Area**

According to Ogbuefi (2004) traditional institutions are the administrative organizations in Nigeria. These establishments were entrenched in the history, cultures, and the traditions of several ethnic groups and cultural background. The author further explained that traditional institutions played an important role in the managerial process before, during, and after colonial rules. This implies that traditional institutions have contributed to the history of the nation. The role of traditional organizations cannot be overemphasized and is highly respected in Abak as well as the whole of Annang land. In order to be able to carry out these responsibilities, money is needed. On this note, according to the Itai Afe Annang IV, Okuku Pius Effiong Eside, in an interview in 2020, a source of revenue had to be created in order to have little income into the traditional treasury to help run the affairs of the traditional institutions. One of the sources of income was to impose levies on proposed developments (especially the ones executed by non-indigenes) and the proceeds used to run the affairs of the traditional institutions in Annang land. The traditional chief also admitted that the reason for the placement of traditional injunction on proposed developments is to generate revenue for infrastructural development in the village. For instance, the proceeds are normally used to replace electric wires and poles that have depreciated. Traditional injunction serves to promote co-existence of indigenes and strangers in the community and to preserve land for future generation (Ekpo, 2016). In order words, according to interviews held with some traditional rulers in Annang land, the practice of



traditional injunction is a form of creating awareness to the indigenes that a stranger is about to join them in the village and on the other hand, telling the stranger that he/she is welcome. This is normally done in a playful manner, although the practice is usually accompanied with list of traditional items as well as development levy, which some authors describe it to be exorbitant in nature. However, this practice is also said to be carried out to appease the gods of the lands (Ineme and Udondata, 2014).

Abak people had established a system of governance and administration long before the British colonial masters touched down on Annang territory in the 18th century. The entire Annang society was a cohesive entity under the chieftaincy government. This was a highly organized structure arrangement in a hierarchy from the linear family to the mega structure of the local Government. On the placement of traditional injunction on proposed developments, the people in the study area use a number of devices to communicate the laws of the society to her citizens. According to Ineme and Udondata (2014), the use of fresh shoots of palm frond is very popular. Various plants such as the plantain tree and other materials like the red clothes are symbolically used for conveying mostly “don’t” (taboos) of the society. The practice is generally known as “usin ajei” and connotes some spiritual characteristics as well as requires proper rituals by the custodian traditional priest assigned for the placement of the injunction. In some cases, it is believed that it may kill the prospective developer, if appropriate steps are not taken to settle the problem in question.

### **Effect of Traditional Injunction on Real Estate Development**

As noted by Ekpo and Isok (2021), traditional injunction on developments simply delays the development period and the costs involved in solving the problem in question, increases the cost of development in the long run. As noted by Newbery (2013), moderate levels of tax are beneficial to property development but high amount of taxes have adverse effects on development. As asserted by Onyike (2012), some of the effects of imposition of traditional levies as a result of traditional injunction include possible delays and elongation of development periods especially in developments where the tax money constitutes a significant proportion of the available development fund, increase in the cost of development as a result of the levy, increase in unemployment in the building industry as certain projects may be delayed or terminated because of the huge burden as well as the reduction in the affordability of good housing, rented or owner occupied as a result of the increased cost of housing development. It may also lead to increase in poor quality construction and poor quality structures in the attempt to balance up the high tax and inflation may set in.

### **Empirical Review**

Ekpo and Isok (2021) investigated the effect of cultural practices on property development in Annang land. The investigation was done to suggest ways in which investors can best employ the implications of traditional practices into account when executing property development appraisals in any part of Annang land. It explored the implications of the placement of injunction on the developments, where the developer fails to pay such levy. The researcher used questionnaire to obtain information from 91 traditional rulers and Valuers -



who appraised and managed properties in the study area, selected using the Stratified sampling method. Interviews were held with the traditional rulers in most villages. Findings were analyzed using simple frequency tables and percentages. Pearson Product Moment Correlation Analysis was used to test the relationship. The study found out that costs involved had effect on the construction costs. Results also showed that developers face a lot of challenges during development in traditional societies, when they fail to pay such levies and accompanying exorbitant demands of traditional items as a result of traditional injunction being placed on proposed development, which subsequently affects the development. It was concluded that the cultural practice in Annang land affects real estate development. It was recommended that stakeholders in the development sector should implement this so as not to interfere with developments in the study area. However, the authors carried out the research on 2-bedroom and 3-bedroom bungalows, while this present research probes the effect on commercial real estate development.

Ekpo (2016) asserted that in planning the development, management and subsequent use of a real estate, "little analysis is applied to the institutional arrangements". This is true because some developers fail to include in their feasibility studies, the analysis of the traditional institutional arrangements that place traditional injunctions on proposed developments and their attendant demands which may sometimes gulp much of the developers' profit by increasing the cost of construction.

### **3.0 Study Area**

Abak Local Government lies between latitude  $5^{\circ}0'36''\text{N}$  and longitude  $7^{\circ}46'30''\text{E}$ . Abak is located on the south-west of Akwa Ibom State and it is bounded in the north by Ikono, northwest by Essien Udim, West by Etim Ekpo and Ukanafun Local Government Areas. It is also bounded in the south by Oruk Anam and in the East by Uyo. It has a landmass of 304 square kilometers. Abak is divided into Afaha Obong District comprising 25 villages, Abak Urban comprising 24 villages, Ediene District comprising 6 villages, Midim District comprising 17 villages and Otoro District comprising 18 villages

Higher Educational Institutions found in Abak town includes University of Uyo Annex Campus, Akwa Ibom State University, Obio-Akpa, etc. The Health Institutions include: Mercy Hospital, Abak, General Hospital, Ukpom-Abak. The city can be accessed from the state capital - Uyo by road via the Uyo-Abak highway. Nearby airport is Akwa Ibom International Airport. Abak has intensive network of dual carriageways such as Abak-Ikot Ekpene Highway, Abak-Uyo Highway; Flyovers are also constructed to ease traffic. Abak is known for its importance in agricultural development. It has so many agro-based and agro-allied industries located within it. Abak was the economic hub of the former southeastern Nigeria before the civil war. The features aforementioned have attracted investors into the area but some traditional institutional arrangements tend to discourage some proposed investments because of its rich cultural legacy as shown in Ekpe, Ekpo as well as the placement of traditional injunctions on proposed developments.





#### 4.0 Research Methods

Primary data required for this study was obtained through survey design method. This research identified two study groups for investigation. These are the traditional chiefs (mainly village heads) of Abak and investors who have participated in private property developments in Abak. The commercial properties under study comprised shops in the study area. The researchers used simple random sampling technique to obtain information from 43 respondents who were mainly village heads and 132 property developers selected using random sampling technique. Since the population was not too large, a hundred percent of the traditional rulers, as well as all the property developers in the study area, were used. Thus, the sample size for this study was 175. A combination of self-administered questionnaires and in-depth personal interviews were considered most appropriate as a data collection instruments for this study due to the advantages derivable from both approaches. Two statistical approaches were employed in this research: descriptive statistics and inferential statistics. Data was analysed with the use of SPSS.

#### 5.0 Data Analysis and Presentation

The respondents' profile (comprising the investors and the village heads) was presented in Table 1 to validate the reliability of the data obtained for the study.

**Table 1: Profile of Respondents**

Profile	Item	Frequency	Percentage
Age	19 – 29 years	4	2.29
	30 – 39 years	78	44.57
	40 years and above	93	53.14
	<b>Total</b>	<b>175</b>	<b>100</b>
Academic Qualification	Doctor of Philosophy (PhD)	0	0.00
	Masters of Science (MSc)	6	3.43
	Bachelor of Science (BSc.)	83	47.43
	Higher National Diploma (HND)	86	49.14
	<b>Total</b>	<b>175</b>	<b>100</b>
Professional Cadre	Fellow of Professional Institution	5	2.86
	Associate of Professional Institution	102	58.29
	Probationer	68	38.85
	<b>Total</b>	<b>175</b>	<b>100</b>
Occupation	Self-employed	5	2.86
	Retail Businesses	9	5.14
	Banking	34	19.43
	Others (contractors, builders, property developers)	127	72.57
	<b>Total</b>	<b>175</b>	<b>100</b>

Source: Field Survey, 2023



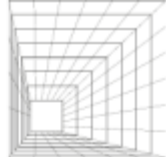
Table 1 presented the profile of the respondents comprising both village heads and property developers in the study area who responded by supplying the data. This was carried out to examine the reliability and validity of the data gathered for this study. It was found out that 53.14% of the respondents were about 40 years and above, 44.57% of the respondents were 30 to 39 years, while about 2.29% were about 19 to 29 years of age. Table 1 also showed that 49.14% of the respondents holds Higher National Diploma Certificates, 47.43% of the respondents hold Bachelor of Science degrees while 3.43% of the respondents hold Master of Science Certificates. With respect to the occupation of the respondents, the self-employed respondents constituted 2.86%, respondents into retail businesses formed 5.14%, those in the banking sector formed 19.43%, while the others comprising contractors, builders as well as property developers constituted 72.57% of the respondents. With respect to the professional cadre of respondents, associates of professional organizations formed about 58.29% of the population, probationers constituted 38.85% of the respondents while the fellows of professional organizations constituted about 2.86% of the respondents. It was observed that all the respondents, apart from maturity, are graduates who have held high positions in their organizations, which provide more credibility to the validity and reliability of the data obtained. This implies that all the respondents are academically and professionally qualified to respond adequately to the questionnaire as well as fit to supply valid, credible and reliable data for this study.

#### **Analysis of the reasons for traditional injunctions on proposed developments**

In this section, an attempt was made to analyse the reasons for the imposition of traditional injunctions on real estate developments in the study area. Copies of questionnaire were distributed to the village heads and the results presented on Table 2.

**Table 2: Reasons for traditional injunction on real estate development in Abak.**

S/N		Relative Importance Index					Mean
		Strongly Agree (5)	Agree (4)	Undecided (3)	Disagree (2)	Strongly Disagree (1)	
1	To appease the gods of the land	16	20	5	1	1	4.14
2	To use the proceeds therefrom for development of infrastructure in the village	17	18	/	1	0	4.19
3	To arrange for and promote co-existence between strangers and	19	19	5	0	0	4.33



	indigenes of the community.						
4	For generation of revenue for the village	13	25	5	0	0	4.19
5	For preservation of land for the future generation	12	21	10	0	0	4.05

**Source:** Researchers' analysis, 2023.

Table 2 showed reasons for the placement of traditional injunction. The respondents with the highest mean score of 4.33 attested to the fact that the main reason for traditional injunction on proposed developments is to promote the mutual and peaceful co-existence between the visiting developer and the indigenes of the community. Respondents with a mean score of 4.19 both attested to the fact that the reason for the imposition of levy on developments was for the generation of revenues for the community and the subsequent use thereof for development of infrastructure in the village. However, the respondents that attributed the reasons to be for the appeasement of the gods and preservation of the land for future generation constituted the mean values of 4.14 and 4.05 respectively.

#### **Analysis of the Effect of Traditional Injunction on Property Development in Abak**

In order to ascertain the effect of traditional injunction on property development in the study area, the developers were interrogated using a five-point likert scale and the results presented in Table 3.

**Table 3: Effect of traditional injunction on real estate development in Abak.**

S/N	Postulations	Relative Importance Index					Mean
		Strongly Agree (5)	Agree (4)	Undecided (3)	Disagree (2)	Strongly Disagree (1)	
1	The practice of traditional injunction leads to increase in the cost of construction and consequently affect developer's profit.	83	64	26	1	1	4.30
2	Traditional injunction delays development period and affects borrowed fund's interest rate.	73	65	30	5	2	4.15
3	Traditional Injunction	80	63	32	0	0	4.27





	discourages prospective developers from executing any type of development in the affected areas.						
4	Traditional injunction leads to poor quality construction and poor quality structures in the attempt to balance up the high levy and inflation that may set in.	66	80	27	2	0	4.20
5	The practice of traditional injunction leads to reduction in affordability of good housing, unemployment in the housing industry and increase in poor quality structure.	65	79	28	2	1	4.17
6	The practice of placement of traditional injunction leads to a wrong decision-making by the developer.	66	63	33	10	3	4.02

**Source:** Researchers' analysis, 2023.

Table 3 showed the effect of traditional injunction on property development in Abak. The respondents that attested to the fact that the practice of traditional injunction leads to the increase in the cost of construction and affects developer's profit had the highest mean value of 4.30. the respondents with a mean value of 4.27 attributed the practice of traditional injunction to discourage prospective developers from executing any development in the affected area. Respondents with a mean value of 4.20 attributed the practice to bring about poor



quality construction and poor quality structures in the attempt to balance up the high levy and inflation that may set in. In the same vein, respondents with mean value of 4.17 said the practice of traditional injunction leads to reduction in affordability of good housing, unemployment in the housing industry and increase in poor quality structure. Also, respondents with mean value of 4.15 attested that such practice delays development period and affects borrowed fund's interest rate, while the ones with the least mean value (4.02) attributed the practice of placement of traditional injunction to lead to a wrong decision-making by the developer.

## **6.0 Discussion of Findings**

The study revealed that the reason for the placement of traditional injunction on proposed development in the study area is to appease the gods of the land. It was also found out that the proceeds from the practice can be used for infrastructural development in the study area and to promote mutual coexistence between the developers and the indigenes of the study area. The study also found out that the practice of the imposition of traditional injunction primarily delays the period of investment. It was also found out that traditional injunction discourages prospective developers from executing any type of development in the affected areas. It was also found out that the practice of placement of traditional injunction leads to a wrong decision-making by the developer. The study also revealed that traditional injunction leads to poor quality construction and poor quality structures in the attempt to balance up the high levy and inflation that may set in. The practice of traditional injunction was found to lead to increase in the cost of construction and consequently affect developer's profit. The result of this research is in congruent with the works of Ekpo and Isok (2021) who concluded that cultural practices affect property developments.

## **6.0 Conclusion**

The study examined the traditional injunction and commercial real estate development in Abak local government area of Akwa Ibom State, Nigeria. It employed the Survey method to collect data for analysis. The study has created awareness of the existence of the practice of traditional injunction on proposed developments in the study area. Although most developers may view it as extortion, the study generally found out that the primary reason for such practice is to arrange for and promote social coexistence between the developers and the indigenes of the community. It was also found out that the practice involves extra costs, which consequently affects the total cost of development. The information provided in this study can provide a basis for investors to make informed decision with respect to making provision for contingencies before embarking on any proposed development.

## **7.0 Recommendation**

The study, however, recommends that more awareness should be created on the issue of traditional injunction practice in the study area and Akwa Ibom State as a whole. It is also recommended that Estate Surveyors and Valuers should incorporate the levies and cost of traditional items charged in the feasibility and viability report. Intending investors should also not wait for the injunction to be placed on the development, thereby stalling the development



process, but should enquire, know the cost of the traditional levy and items and present it to the traditional institutions involved, so as to have a smooth development process.

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