

FISCAL DECENTRALISATION AND CHALLENGES OF PROPERTY TAX MOBILIZATION: A CASE STUDY OF BOLGATANGA MUNICIPALITY

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ABSTRACT: *Decentralised municipal and district assemblies of Ghana have over the years usually not been able to wield the necessary financial muscle to provide essential goods and services for their constituents. Fiscal decentralization gives authority to the assemblies to impose taxes and levies in order to strengthen their financial base and to discharge their responsibilities efficiently and effectively. Yet, decentralized local governments have not been able to realize their tax targets through property tax. This paper seeks to investigate the key issues and challenges that confront the Bolgatanga Municipality Assembly in meeting its property tax revenue collection targets to finance social services such as roads, sanitation, health and electricity. The purposive sampling method was used to select staff from the Bolgatanga Municipal Assembly, Lands Commission, revenue collectors and property owners. The results revealed a number of factors underpinning the Assembly's ability to raise property tax revenue notable among which are failure to update valuation rolls, inadequate databases and logistics, fraudulent practices of revenue collectors, limited capacity, inadequate valuation practices poorly motivated staff, political interference, inadequate and inaccurate public address system and house numbers and the Assembly's inability to prepare and maintain complete records on property rate. To the management of the Bolgatanga Municipal Assembly, the study recommends mass public education on property revenue taxation, improve upon the preparation and maintenance of complete records, Prevent or minimize the incidence of revenue leakages, motivate employee to enable them carry out their duties diligently and honestly without thinking of ways to steal the organization, enhancing the capacity staff in rating valuation, protection of property taxation from political interference, enforcement of law against non-compliance, enforcement of legal action against defaulters, adjusting property taxes according to "ability to pay" as well as some exemption to the extremely poor rural dwellers*

KEYWORDS: fiscal decentralisation, challenges, property tax mobilization, Bolgatanga municipality

INTRODUCTION

Fiscal Decentralization in Africa

Fiscal decentralization means giving discretionary tax and expenditure powers to elected subnational governments and holding local officials accountable for the public service outcomes (Bahl 2008; Bahl and Bird forthcoming). Comparative analysis has shown that higher-income and more populous countries have decentralized more rapidly than poorer countries (Bahl and Wallace 2005), so it is not surprising that the budget structure of many African countries has remained highly centralized (Dickovick and Riedl 2010). Still, there has been some progress in strengthening subnational-government finances in Africa (Smoke 2003).⁶ Most African countries hold subnational elections (Burkina Faso, Kenya, Mali, Morocco, Mozambique, Namibia, South Africa, Tanzania, and Uganda). Important expenditure responsibilities have been devolved, and local governments have been given access to various revenue resources, including the property tax (Kenya, Madagascar, Nigeria, South Africa, and Uganda), needed to meet these responsibilities.

However, local-government revenue mobilization remains a weakness in most countries. Continued and significant reliance on intergovernmental transfers generally increases central-government control over how the revenue is spent (Botswana and Uganda). Monrovia (Liberia) and Kampala (Uganda) are striking examples. Both these cities are burdened with unfunded mandates and have little control over the manner in which they can use their own sources of revenue, including the property tax. Although central governments transfer resources through an intergovernmental fiscal transfer system, these transfers are often unpredictable and inadequate to fund local services. It is essential for local councils to enhance their own-source revenues in order to ensure local autonomy, promote accountability, enhance economic governance and local ownership, and realize the efficiency gains of decentralization by linking their revenue and expenditure decisions to support local economic and social development in their jurisdictions.

Fiscal decentralization could provide an incentive for increased revenue mobilization from property taxation. History and practice have shown that central governments have been willing to devolve the property tax. Bahl and Martinez-Vazquez (2008) provide empirical evidence that is consistent with the argument that the demand for property taxation is driven by the level of decentralization. This supports the notion that increased reliance on property taxation should ideally be part of a properly formulated strategy for strengthened decentralization (Norregaard 2013). In fact, property tax reforms over the last 20 to 30 years have generally been part of a broader decentralization agenda in Kenya, Rwanda, Sierra Leone, and Sudan and are part of the ongoing reform agendas in Ethiopia, Somalia, and South Sudan.

Issues in most African countries are the legal underpinnings and the technical capacity to implement a property tax (Dickovick and Riedl 2010). For example, Sierra Leone introduced the Local Government Act of 2004 without a decentralization policy. A formal decentralization policy could have helped inform the intent of the new law and might have helped minimize some of the overwhelming administrative challenges experienced in its implementation. This untenable situation was rectified only after the event when the Decentralization Policy was adopted in 2010 (Tommy, Franzsen, and Jibao 2015). A similar problem has arisen in Kenya, where the 2010

constitution clearly states that county governments may impose the recurrent property tax, but does not provide clarity about what the term *impose* entails (Franzsen 2013). Some counties are now arguing that under the new constitution, they can draft and introduce their own property tax laws. From a policy perspective, this could be problematic. South Africa's constitution is quite clear in this regard. Although the property tax is a local tax, it is regulated by a national law.

Decentralisation refers to the devolution of authority, decision-making and allocation of resources from central government to district levels geared towards enhanced supervision and development (Adei & Ahwoi, 2013). The decentralized process in Ghana is coupled with fiscal decentralization that empower metropolitan, municipal and district assemblies to levy constituents in the form of taxes to augment their revenue base to meet constituency developmental needs. Nonetheless, an efficient and reliable local government revenue system is essential for a successful fiscal decentralization (Olowu and Wunsch 2003). Raising local-level revenue is critical to ensuring the smooth running of local government systems. Local governments in developing countries have been unable to secure adequate funding from central governments, or to generate it locally. In sub-Saharan Africa, local governments are constrained with resources in their efforts to spearhead local development and to ensure participatory governance at the local level particularly in the rural areas.

Local governments have several possible sources of local-level revenue, and key among these is property taxation. The term 'property taxation' includes taxes on personal property such as inventories, automobiles and business equipment; land and buildings (Youngman and Malme 1994). Property rates, as an annual tax on the ownership or occupation of immovable property (ie land and/or buildings), are an important source of local government revenue. The unique feature of property rating as a tax is that the local government decides how much revenue it seeks to obtain from property rates, and then distributes the liability across all rateable properties (Emeny and Wilks 1984). Examples of property taxes include: property rates, rent income tax, stamp duty, gift tax, inheritance tax, capital gains tax (Franzsen 2003). Property taxes are popular because they produce reliable and stable source of revenue for local government authorities (Mikesell 2003).

It is also often argued that decentralization will enhance the efficiency, effectiveness and legitimacy of central government programmes at grassroots level (McCluskey and Bevc 2007). Decentralised governments no longer require central government directives to assist with the provision and delivery of local services and to contribute to local-level sanitation, security, and social and physical infrastructure development (Bird and Slack 2003). Increasing urbanization has further pressured local governments to provide physical infrastructure and social amenities for the exploding urban population. Jibao (2009) argues that as local governments begin to assume responsibility for local-level development, so also they assume more responsibility for financing these services by generating local-level revenue from citizens – thus bringing governance closer to constituents and thereby improving government efficiency, effectiveness and responsiveness. It is held that local governments which promote broad-based local participation in governance are more responsive to local needs and to tackling local developmental challenges (Baldersheim *et al* 1995). However in the Ghanaian context, to

discharge these responsibilities the country's metropolitan, municipal and district assemblies (MMDAs) require a significant, reliable financial resource base capable of resolving their recurrent annual budgetary constraints. Currently, due to dwindling government subventions to local governments, the central government of Ghana is unable to address all the financial needs of local governments. There have been many recent reports of central government grants to local government units being erratic, in arrears, and beset by serious managerial challenges, which compounds the challenges faced by local governments (Banful 2007). It is against this backdrop that MMDAs are encouraged to pursue all legally possible means of generating local-level revenue for their budgetary requirements and to finance local-level development.

The main legislative bases for property rating in Ghana are the Immovable Property Rate Amendment Regulations (LI 1049) and the Local Government Act 1993 (Act 462). Specifically, Section 94 of Act 462 makes MMDAs the rating authorities in their areas of jurisdiction. Act 462 assigns those powers of determining, levying and collecting property rate in Ghana. Section 95 (1) states that: 'A district assembly (DA) shall make and levy sufficient rates to provide for that part of the total estimated expenditure to be incurred by it during the period in respect of which the rate is levied and which is to be met out of money raised by rates.'

Over reliance on central government subvention for local development seemed not appropriate due to recurrent national budget deficits. However, over the years grants from central government have formed the bulk of the local government finances, even though property taxes are considered appropriate to facilitate financial autonomy at sub-national levels (Bahl and Martinez-Vazquez 2006). Ghana's central government District Assemblies Common Fund (DACF), which comprises 7.5% of the total annual national revenue, is shared among all 216 district assemblies in Ghana according to a formula based on factors such as 'need', 'responsiveness', 'service pressure' and 'equality' (Banful 2007). However, this funding is never adequate for their ever-expanding financial requirements. It is therefore prudent for district assemblies to identify further sources of revenue and to ensure the efficient collection of revenue so as to supplement DACF allocations. Act 462 empowers MMDAs to raise revenue to support local development projects from sources such as market tolls, licensees, fees and property rates. These avenues are known as 'internally generated funds' (IGF). Within IGF, property rates are the surest source of revenue and are a balancing factor in district assembly budgets (Asiama 2006).

Unfortunately, this potential 'gold mine' that property tax is for MMDAs has been underexploited, and many MMDAs including Bolgatanga Municipal Assembly tend to rely on central government support to finance their development aspirations. Inefficiencies and ineffectiveness in the tax administration system have also masked the potential of property rates in Ghana. Additionally, tax payers seemed not enthused to pay property rates, because over the years local governments have been unable to show any justification for it, however small, in the form of social services and physical infrastructure. Hence, though it has huge potential, property tax payment in Ghana is beset with noncompliance.

This study focuses on urban property taxation in line with Di John (2009: 13) who argued that land and property taxes is especially important in urban areas as local governments seek to cover the cost of decentralization reforms, and property taxation remains one of the most underused forms of taxation in developing countries, which could potentially provide finances for urban infrastructure. Nevertheless, the process of collecting revenue is mainly manual and cumbersome and prone to fraud.

According to Adedokun (2006: 3), the ‘local government system as the third tier of government, deserves adequate finances to enable it to cope with the numerous developmental activities within its jurisdiction.’ It is generally believed that local governments are better able to identify and tackle priority societal problems in their area, but to do this they need locally generated revenue and financial support from central government. In Bolgatanga Municipality, local needs have outpaced local resources. There is particular difficulty in reconciling property taxes collected and the social services provided to the community. This is one reason why most citizens refuse to honour their property tax obligations. It is very cumbersome and expensive to own a house in Ghana, where direct government support in housing provision for the poor is limited. Property owners face many difficulties in constructing a home, and therefore find property taxes hard to justify. There is much emphasis on community participation in deciding priority projects, but a huge gap exists between desired developments and those provided by local governments. The focus of this paper is to shed light on the challenges of revenue mobilization by the Bolgatanga Municipal Assembly through property taxation.

LITERATURE REVIEW

Defining Property Tax

The International Monetary Fund (IMF), which is the standard source for comparative fiscal data, takes a broader view. It defines the term property tax for statistical purposes to refer to “taxes payable on the use, ownership, or transfer of wealth” (IMF 2014, 417). Besides recurrent property taxes, this category includes capital transfer taxes (e.g., stamp duties and property transfer taxes), estate and inheritance taxes, gift taxes, and net wealth taxes. The property tax in developing countries is an important part of the strategy for local-government finance even if it is not an important part of the strategy for overall government revenue mobilization (McCluskey and Franzsen 2013). Administration of the property tax (identification of properties, database updating, valuation, and collection) is a local responsibility of local government Authority

There is also a common misunderstanding of the term ‘property’ for the purposes of property taxation (Mathur *et al.* 2009). As expressed by Kitchen (2003: 2): ‘The assessment roll should include the address of the property, its owner, building and lot size in square metres or hectares, the age of the building and information on renovations or improvements.’

Different countries use different rating systems to determine the level of property tax payable. Some use the capital Value of land, while others use the capital value of land and buildings, either jointly or separately. Some Commonwealth countries use the value of a building as a basis of imposing property tax and this is the case in Ghana. Property tax is the most popular source of

municipal assembly revenue in a number of countries. Property tax is an *ad valorem* tax because the tax payable is determined by the value of the property.

In Ghana, property tax is an element of IGF. Local development is financed by a mixture of IGF and externally generated funds (EGF) (Crawford, 2004). Local authorities are not completely dependent on central government but have some revenue-raising powers (Crawford, 2004). The taxes and rates are classified as basic rates and property rates, and are payable by individuals and organisations who own immovable properties situated in the jurisdiction of the assembly (Bird & Slack, 2002; Crawford, 2004). These taxes are recurrent in nature and are usually charged yearly. All buildings within the jurisdiction of an assembly are eligible for property tax unless specifically exempt by Section 99 of the Local Government Act, 1993. Assemblies may, however, grant complete or partial exemption to properties used for charitable, religious or other public purposes, or for a good cause. Property rates have the potential to improve the income of the assemblies and play an important role in sustaining assemblies financially to implement projects and programmes (Bird & Slack, 2002). Property tax is assessed as a percentage of a property's value. This may relate to the annual rental value of the property or its capital value. In Ghana the tax is based on capital value, determined by a valuation from the Land Valuation Division of the Lands Commission, or its representative. Under Section 95 of the Local Government Act, 1993, an assembly is required to raise revenue to achieve its intended purposes. Additionally, Section 96 states: 'A rating authority may, subject to this Act, levy general or special rates of such amount as it considers necessary.'

Before Ghana's independence in 1957, property tax yields were very high. In urban areas especially, where expatriates had businesses and properties, the tax collected exceeded the various targets set and became the most important source of IGF for basic local recurrent and other development expenses. However, property tax revenue started to decline in the early 1960s when most businesses were taken over by African merchants who often refused to pay the required property taxes. This situation still prevails and currently property tax revenue in Ghana represents a low percentage of revenue for local government, particularly rural district assemblies. For example, Ahafo Ano North District Assembly collected only 11% of its budgeted property rates in 2013 (District Assembly Annual Report, 2014). Property rates contribute less than 2% of local government revenue. According to the Government of Ghana's 2011 Budget, property rating contributed 0.03% of GDP in 2010. According to Boamah (2013), property rates constituted 0.21% and 0.19% of Ghana's GDP in 1997 and 1999 respectively.

METHODOLOGY

The study adopted exploratory sample design. The population of this study consisted of property owners, staff from land commission and staff of the Bolgatanga Municipal Assembly. The staff of Bolgatanga Municipality comprised of Budget Office, Metropolitan Finance Office and Internal Audit Unit, and the divisions of the Lands Commission comprising of the Land Valuation unit and the land registry. A sample size of 140 respondents was considered for the study. The purposive sampling method was employed in the selection of the 10 staff from the Bolgatanga Municipal Assembly, 10 staff from the Lands commission (valuation division), 40 revenue

collectors and 80 property owners. The Municipal Assembly was selected for the study due to their role in levying and collection of property tax. The Lands commission was also selected due to their role in the preparation and maintenance of valuation records for rating purposes which are essential for the assembly's revenue collection. The questionnaire was distributed to staff of the Bolgatanga Municipal Assembly, the Lands commission (valuation division) with brief explanation of the objective of the study to their understanding and as to how to complete the questionnaire. The respondents were then given five days to fill out the questionnaire; this time frame was given in order to allow sufficient time for the respondents to reflect on the items on the questionnaire to facilitate valid responses. Scheduled interview was prepared and administered to property owners. The data obtained was coded for consistency and analyzed descriptively in simple frequency distribution tables and percentages. The data was analyzed with SPSS version 20. This assisted in generating frequencies and percentages of the data.

Analysis and findings

Table 4.1 Respondents' Demographic Characteristics

Gender	Percentage (%)	Marrietal status	Percent age (%)	Educational level	Percentage (%)	Job status	Percentage (%)
Male	70	Married	75	Illiterate	0	High revenue superinendant	20
Female	30	Not Married	25	Certificate/Diploma	35	Revenue collector	30
		Divorce	0	Bachelor Degrees and Above	65	Senior revenue superintendant	50

Source: Field Data (2020)

Out of the 140 questionnaire distributed, the researcher retrieved 120 of them, from which 36 (30%) and 84 (70%) are females and males respectively. The sample revealed the male dominance in places of work across the country.

Regarding the educational level of the respondents 42 (35%) are Certificate/Diploma leavers while 78 (65%) represents those with Bachelor Degrees and Above. The sampled participants suggests that respondents had the requisite knowledge and working experience to respond to items in the questionnaire.

Table 4.2 Challenges and Constraint to Property Rate Collection

VARIABLES	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
	(%)	(%)	(%)	(%)	(%)
Absence of updated valuation of roll	42	20	4	20	14
Use of manual procedures and minimum controls	20	44	0	22	14
Fraudulent practices on the part of the revenue collectors and the difficulty in obtaining the needed data.	14	47	0	23	16
Relying on land valuation division for valuation rolls which is not forth coming	28	43	2	13	14
Inadequate street naming and house number in the Assembly	23	42	10	13	12
The Assembly was not able to prepare and maintain complete records on property rate	14	42	0	23	21
The prevalence of traditional and customary land tenure system	34	35	0	23	8
There is widespread evasion and avoidance of the tax	37	38	8	10	17
Inadequate valuation practices	23	43	0	18	16
Poor property coverage	24	42	6	17	11
Inadequate databases and logistics	24	46	0	20	10
Poorly motivated staff	20	48	2	19	11
Political interferenc	11	45	4	27	13
The Assembly was not able to prepare and maintain complete records on property rate	28	34	7	17	14

Source: Field Data (2020)**Scale: 5=“strongly agree”, 4= “Agree,” 3= “Neutral”, 2= “Disagree”, 1= “strongly disagree”**

The respondents of Bolgatanga Municipal Assembly were carefully selected with 20% of them being revenue superintendents, 30% revenue collectors while 50% were senior revenue superintendents. Evidence as shown from table 4.2 shows that, the most challenging factors to property rate collection are out-dated valuation rolls, and revenue leakages. The use of manual procedures and the reliance on land valuation division for valuation rolls which usually were not forth coming coupled with fraudulent practices on the part of the revenue collectors were constraining factors in the Assembly’s revenue generation. The results revealed the factors affecting property rate collection including failure to update valuation rolls (62%), use of manual procedures and minimum controls(64%), fraudulent practices on the part of revenue collectors (61%), inadequate street naming and house numbers (65%), the Assembly’s inability to prepare and maintain complete records on property rate (62%), the prevalence of traditional and customary land tenure system(69%),there is widespread evasion and avoidance of the tax(75%),

Poor property coverage(66%), inadequate databases and logistics(70%), poorly motivated staff (68%), and political interference(56%).

The Bolgatanga Municipal Assembly is clearly not meeting its targets in the generation of property tax revenue. Some of the factors contributing to this phenomenon of not meeting revenue targets include deficiencies in ensuring that all transactions are recorded with appropriate title issuances. Only properties that are registered are liable to the property tax. This leads to situations where owners seek to avoid payment by not registering property. Failure to undertake revaluation exercises to capture newly built properties for rating as well as upgrade out-of-date rating values. Clearly, registration of all property is the ultimate goal for the municipality. Secondly, the assembly failed to enforce the law against property owners for noncompliance with tax obligations with the reason that the procedures involved were mind-numbing. Finally, the property rate did not adequately cover all property owners. Poorly trained and unmotivated municipal staff and underdeveloped monitoring systems diminish the effectiveness of base expansion and collections and also open the door to corruption. Although national revenue agencies may have the necessary skills and may provide training opportunities, local officials may have limited resources and few opportunities to attend training courses.

A peculiar problem identified in the Bolgatanga Municipal Assembly is the lack of cooperation in rate-payment by indigenous communities in Bolgatanga Township. Fines for non-payment was often politicised and as result only few tax administrators were willing to carry out punitive measures against recalcitrant property owners. Also, legal cases arising from non-payment could drag on for prolonged periods of time. For most part of the municipality, particularly in the indigenous Gruni communities, property tax payment was deemed very challenging. Properties were mostly in clusters without clear boundaries, and families owned properties jointly. The rural areas are mostly composed of customary land, small towns, and villages.

These characteristics make property valuation extremely difficult. Differentiating between ownership and occupation is tricky, leading to complexities in rating assessment. Interviews also indicated that in a number of cases some family members resisted rate payment by other family members, fearing that this could be construed as evidence of ownership of a property. There is also an erroneous belief that indigenous people were not liable to pay tax. High levels of poverty and poor housing quality create additional challenges.

The property tax is politically sensitive because it affects citizens in an area they consider the most fundamental in their lives. Therefore, governments that were committed over the years did not make an effort to collect this tax for fear of frightening off voters. For this and many other reasons, members of the Ghanaian political class are among those who have never paid property tax.

Table 3 below portrays respondents' perceptions concerning why people fail to pay property tax.

Table 4. 3 Perceptions about why people do not pay tax

VARIBLES	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
	(%)	(%)	(%)	(%)	(%)
There is a culture of tax evasion in Ghana – everyone who has the opportunity to evade tax does so.	20	40		20	20
The taxes collected are used poorly	15	65	0	20	0
The potential consequences (e.g. fines and penalties, public naming, prosecution) of getting caught are not serious enough to stop people evading paying their taxes	30	51	0	10	9
The property tax is politically sensitive	20	45	2	20	13
Only properties that are registered are liable to the property tax.	28	56	3	7	6
People think they pay too much tax on what they earn already	30	64	0	3	3
Members of the Ghanaian political class are among those who have never paid property tax.	15	55	1	14	15
People feel they do not get paid enough for the work that they do	30	40	0	10	20

Source: Field Data (2020)**Scale: 5=“strongly agree”, 4= “Agree,” 3= “Neutral”, 2= “Disagree”, 1= “strongly disagree”**

Source: Field Data (2020)

Difficulties of raising tax as the main source of revenue were analysed. Issues looked at under this objective ranged from tax evasion to poor use of tax and lack of understanding of the of purpose of the tax. From the table, 30% of the respondents agreed that there was property tax evasion in the municipality while 60% of the respondents agreed that taxes collected were not used for their intended purposes. As a result, constituents lost confidence in the tax system and failed to honour their property tax obligations. From the table, 30% of the respondents were of the view that punitive measures against persons who misappropriated tax revenues were not deterrent enough. On the issue of paying tax, 70% agree that People think they pay too much tax on what they earn already. Respondents also pointed out that, they feel they do not get paid enough for the work that they do to warrant payment of taxes with 30% strongly agree, 40% agree, 10% strongly disagree and 20% disagree

The Bolgatanga Municipality is confronted with revenue leakage from the land sector agencies through to the local authorities who are in charge of rate collection; this is because most of the operations in the assemblies are manually based leading to unpaid land rates and bills and exploitation of consumers by some officials. It has further attracted corrupt practices as officials

(rate collectors) and consumers conspire to distort bills and other fees that need to be settled. Some properties (old and new) were not listed on the valuation rolls and as a result payment evasion.

Also, property rate collectors were temporary workers, mostly high-school students or graduates engaged to distribute rate demand notices on behalf of the municipality. These rate collectors lack basic map-reading skills coupled with poor or lack of street names made it difficult to locate rateable properties in the field. Past experience indicated that some rate collectors misappropriated property rate taxes while it was alledged that others issued fake receipts and collected bribes from property owners in exchange for undervaluation of properties or not serving demand notices on owners.

Implications of the study

Staff of the municipality should be given orientation on new trends in property rate. A monitoring team should be put in place as well as punitive sanctions deterrent enough should be metted to persons who appropriated the Assembly's funds. The assembly should intensify the campaign for street naming and house numbering in order to facilitate easy identification and recording. The assembly should build a database to capture all land registration and permits issued at the land valuation board in order to have primary information on all properties and their owners within the jurisdiction of the assembly. This will ensure accurate billing, monitoring and control of the revenue collection process and also guarantee that revenue is not lost.

This paper discussed the challenges related to property tax collection which may not be confined to only Bolgatanga Municipal Assembly. The practical implications for this study is that Assemblies in Ghana should focus on tax reforms for instance by automating their property tax systems in order to minimize their revenue leakages and overreliance on central government for budgetary support.

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