

Chapter

ANTI-COMMONS, REGULATION AND TOURISM: HOW TO AVOID THE ECONOMIC DESTRUCTION OF VALUE

*José António Filipe**

Instituto Universitário de Lisboa (ISCTE-IUL), Business Research Unit (BRU-IUL)
and Information Sciences, Technologies and Architecture Research Center (ISTAR-IUL),
Lisboa, Portugal

ABSTRACT

Anti-commons theory has been used recently as a framework which allows the study of tourism sector in terms of coordination of agents or in terms of bureaucracy. This kind of study allows to observe the implications for the tourism economy and to understand the problems resulting from decisions involving too many deciders. The situation of tourism legislation and bureaucracy for the segment of local rental in Algarve region in Portugal is studied in order to identify how too much regulation or too many administrative procedures can induce a loss of value for economic agents. Local rental, particularly the short term rental, is an important topic to analyse the problem of anti-commons in the tourism sector in Algarve region (Portugal). It is also seen in this chapter the particular case of a project that has failed as a result not just because activities were deficiently coordinated, but also as a result of being the project badly structured and deficiently dimensioned. The combination of theoretical tools allowing, at different levels, decision makers to enhance projects profitability or the welfare standards for communities or high levels of sustainable development in tourism structures is always welcome. This theory has a set of virtuosities, being easily used and allowing to understand the way a project may be implemented, being studied on this context with the consequent analysis of the regional implications.

Keywords: anti-commons, tourism, tourism destination, regulation, bureaucracy, coordination

* Corresponding Author; Email: jose.filipe@iscte.pt.

INTRODUCTION

The present chapter is based on anti-commons theory and on tourism economics.

Heller (1998) has made “the tragedy of the anti-commons” a popular expression since the term has been presented by Michelman (1982). Since then, anti-commons theory has been used to a large set of situations and debated in several academic disciplines. It has been discussed within the property law area and assorted boundaries have been studied for the concept.

Heller (2008) presents many examples of anticommons in diverse legal fields in many countries around the world. Heller (2008) showed, for example, the case of post-soviet Russia when kiosks were selling all kind of goods on streets while the traditional stores did were underutilized because problems of property rights’ holders, resulting a “tragedy” resultant from too many people who could veto decisions.

Heller (2008) view on anti-commons analysis is considerably authoritative for the debate of many legal, social and economic situations. However it has been also object of several kind of criticisms (see for example Claeys 2011; or Epstein 2011).

Heller (2008) himself noted that anticommons theory is now well established, but empirical studies have yet to catch up. Heller stated that there is a free market paradox: usually, private ownership creates wealth, but too much ownership has the opposite effect – it creates gridlock. When too many people own pieces of one thing, cooperation breaks down, wealth disappears and everybody loses.

In this sense, Buchanan and Yoon (2000) have presented diverse bureaucratic situations in which anti-commons theory may be applied. Moreover, anti-commons have been recently considered also to be applied to tourism. One of the ways may be to use it for analyzing bureaucracy in tourism destinations, for example. Anyway, coordination and cooperation are often used to show how anti-commons problems may be solved. Although, there are exceptions on cooperation’s benefits, for example, when the transaction costs are too high or too many rights holders exist.

As stated in Filipe, Ferreira and Coelho (2008), when many agents may take decisions over a resource, hold together and exploited by all parts, existing the possibility of imposing a veto decision, an anti-commons problem may rise. All agents have to agree about the resource’s utilization. Otherwise, a situation of non utilization for the resource or its underuse is possible.

In this chapter the importance of anti-commons to analyze problems of lack of coordination, regulatory problems or unwanted bureaucratic procedures is highlighted in order to understand some phenomena related to tourism and to propose solutions to overcome these problems. Anti-commons theory is presented and a discussion over tourism problems involving this theory on bureaucracy and regulatory problems is made, having Algarve and Alentejo in Portugal as settings to analyze this situation. The aim is to show, depending on the case and based on the experience, that it is possible to learn and to increase wealth by reducing bureaucratic barriers and the number of exclusion rights assigned to a set of agencies that deliberate on procedures needs, procedures circuits, procedures’ verification and, in general, that participate on the approval processes. It is also possible to enhance wealth by improving the coordination among agents in order to get improvements in the way the activities are offered and presented to tourists and all economic agents in general.

In Algarve case, local rental is studied in order to see how regulation is important in the region for the tourism sector and how agents deal with a situation in which regulation may affect their activities. For its turn, for Alentejo, anti-commons are also presented and a discussion over tourism problems involving these theories is made, having Ammaia Golf Course - a project in Alto Alentejo (Portugal) - as backdrop to analyze implications in the involving area management.

THE GROWING IMPORTANCE OF TOURISM FOR REGIONS. THE CROWDED ALGARVE AND THE PRESERVED ALTO ALENTEJO REGIONS (PORTUGAL)

The growing economic importance of tourism conducted to a fast development of Tourism Economics over the last two decades. Tourism is internationally a key “industry” and the most important sector in many economies. According to the United Nations World Tourism Organization (UNWTO), over the past six decades, tourism has experienced continued growth and diversification to become one of the largest and fastest growing economic sectors in the world. The World Travel and Tourism Council (WTTC) estimate that tourism contributed 9.2 per cent of global GDP and forecasts that this will continue to grow at over 4 percent per annum during the next ten years to account for some 9.4 per cent of Gross Domestic Product (GDP) – WTTC (2010), cited in Dwyer and Spurr (2010). Over time, an increasing number of destinations have opened up and invested much in tourism development, turning modern tourism into a key driver for socioeconomic progress (Dwyer and Spurr 2010). In fact, tourism has become a global force in terms of economic growth and regional development and holds a mix of benefits and costs, making an important contribution to tourism policy, planning and business practices.

The specific situation of Algarve (Portugal), for example, may be presented as one of the best destinations on the area of beach and golf segments which is much demanded year after year. In this region, tourism has become the most important activity for the regional economy¹. Algarve is internationally recognized as Portugal’s main tourism destination, allowing the relax and joy of the golden sandy beaches, the beautiful design and quality of golf courses, the pictorial villages and the taste of seafood in the regional restaurants. The weather, in general, is enjoyable all the year and there are excellent tourism facilities. In Summer season, there is a very strong tourism demand for this region.

By its turn Northern Alentejo – Portalegre District – is a very preserved region, outside the big routes of tourism. Although, there are vast plains, mountains, thermal waters, dolmens and menhirs stones, manor houses, ancient convents, wineries, ... which are anyway in touristic terms very interesting to visit. There are also festival and fairs, popular music and dancing, local art. The region is intended to maintain tradition and, in general, it has been kept offside of all tourists paths and from tourism mass.

¹ Tourism and related services are around two third of the Algarve regional economy.

ANTI-COMMONS THEORY AND TOURISM

There is an old discussion around property rights. Property rights are constantly investigated once much discussion may happen from the difficult definition of boundaries of several property rights situations. As stated in Coelho, Filipe and Ferreira (2009), ambiguous concepts blur analytical and policy prescription clarity. For analysis of this subject and clarification of the conceptualization on this area, see Filipe (2006), Coelho, Filipe and Ferreira (2009) or Filipe, Ferreira and Coelho (2011).

In property rights field, it is possible to define actions that individuals can take in relation to other individuals regarding one object: if one individual has a right, someone else has the corresponding duty to match that right.

Anti-commons theory has appeared representing the idea of an excessive partition of property rights. This theory has appeared in the 80's of last century, introduced by Michelman (1982). In the last years of the 20th Century several ideas about this new problem around property rights have emerged in which too many rights of exclusion and a reduced level of utilization of the resource are present. Many examples have been given in the areas of pharmaceuticals, intellectual property, or natural resources, for example. When Michelman (1982) presented the notion of "anti-commons," he defined it as "a type of property in which everyone always has rights respecting the objects in the regime, and no one, consequently, is ever privileged to use any of them except as particularly authorized by others." Considering the anti-commons conceptualizing, Buchanan and Yoon (2000) wrote that the anti-commons concept helps to explain how and why potential economic value may disappear into the "black hole" of resources underutilization.

The description of "anti-commons" settings makes evidence of the lack of efficiency in several situations in which each one of several owners with property rights over a given resource has no effective rights to simply use the resource (and also, each one has the right to exclude other agents from its utilization) or to use it properly.

If property rights are too dispersed and complementary factors owners are unable to come up with efficient agreements, a "tragedy of the anti-commons" may happen (Heller 1998; Bergstrom 2010).

As seen in Filipe (2014b) anti-commons tragedies conceptualization allow to join, in a unifying framework, a construction that reflects a set of coordination failures in very distinct areas, such as patents, telecommunications, eminent domain, tourism, pharmaceuticals, intellectual property, natural resources or bureaucracy, for example. Overcoming these failures may be difficult, often brutal, but solutions can be got, by understanding problems and finding solutions on the available set of strategies for agents, sometimes considering administrative solutions to overcome the problem. The ability for one person to veto a solution drastically increases the obstacles to get a solution. Vanneste et al. (2006) say that anti-commons may well lead to 'disaster.'

In Tourism Economics the discussion around anti-commons in tourism can be found recently for authors as Candela and Figini (2010), Andergassen, Candela and Figini (2013), Candela, Figini and Scorcu (2006) or Álvarez-Albelo and Hernández-Martín (2009), for example. Candela and Figini (2010) show that a tragedy of anti-commons may, in fact, be present in tourism, once three dimensions of the coordination problem may be taken into account on this area: the coordination in quantities, the coordination in quality and the

coordination in prices (for more details see Candela and Figini, 2010). The Ammaia specific project in Portugal allows a discussion around this subject of anti-commons problems (see Filipe 2014a).

ALGARVE AS A TOURISM DESTINATION

The Territory, Its Geographic and Administrative Division and the Economy

With a total area of 4,995 square kilometers, the Algarve is the most southern region of Portugal. Occupying 5.4% of the total area of the national territory, this region borders Alentejo to the north, to the east it is separated from the Spanish Community of Andalusia by the Guadiana River and the west by the Atlantic Ocean. In spite of being a small region, the Algarve occupies approximately one fourth of the coastline of the Portugal mainland. The quality and diversity of its natural resources, generally well preserved, are recognized internationally. The city of Faro is the capital of the region. The Algarve is divided into 16 municipalities (Albufeira, Alcoutim, Aljezur, Castro Marim, Faro, Lagoa, Lagos, Loulé, Monchique, Olhão, Portimão, São Brás de Alportel, Silves, Tavira, Vila do Bispo and Vila Real de Santo António). Algarve has natural characteristics associated with its geology, quite unique to the region, being possible to identify several “sub-regions,” which are associated with different economic activities.

The “Serra” (Mountains) is almost an amphitheatre open to the ocean that separates the Algarve coast from most of the rest of Portugal. It is in this region that most of the more traditional activities are developed in Algarve, usually attached to forest resources and some agriculture, with a low rate of human occupation and occupied by the older generation.

The “Barrocal” zone is the intermediate zone (between the coast and the mountains), it has very favorable conditions for the development of some agricultural activities and close to major urban centers, it has become a very attractive region for locating economic activities.

The region further south is the “Litoral” area (coastline) is the most sought for the development of economic activities (predominantly related directly or indirectly to tourism, since this is the main engine of the regional economy) or the largest source of employment.

In the extreme east and west of the region there are the “Costa Vicentina” and “Baixo Guadiana” areas, both with low levels of employment, in general employments held by older people (over the Baixo Guadiana) and with weak economic dynamics and usually closely associated with the endogenous resources of the primary sector.

Algarve – An Important Tourism Destination

In general, the theoretical developments in Tourism Economics are based on the systemic nature of tourism and on the big heterogeneity of the tourism activities. Tourism presupposes a strong net of relationships among the economic agents in a complex system of interactions among local, regional and national levels of governmental agencies, firms, tourists and residents. In this sense, tourist products necessarily include a set of heterogeneous and

complementary goods and services, supplied by firms belonging to different industries which are mainly, but not exclusively, located in the tourism destination.

In Algarve many activities depend on tourism. Many tourism products are provided and a strong demand is got each year. Particularly, since the 1960s, Algarve has become an important destination for European people. Algarve became a very popular destination for tourists, mainly from Britain. Since then, it has become a common destination particularly for Germans, Dutch and Irish people. Many of these tourists have their own properties in this region. There are Algarve-based English-written publications and newspapers specifically addressed to this community. In addition to the natural beauties and ample beaches, the Algarve has invested in the creation of a network of golf courses. The Algarve is a popular destination, largely due to the beaches - many of them very well known abroad - a Mediterranean climate, safety conditions, a tasty cuisine and also relatively low costs. It is also popular for religious tourism.

Algarve's gentle climate attracts the interest from Northern Europeans wishing to have a holiday home or residence in this region. Considering that Algarve is a region of Portugal, and therefore belongs to the European Union, any EU citizen has the right to freely buy property and reside with little formality in the Algarve. British, followed by German, Dutch and Scandinavians, are among the largest groups wishing to own a home in this sunny region of Portugal.

Tourism plays an important role in the economy of the Algarve. A large number of seasonal job opportunities are tourism-related and are fulfilled by many immigrant workers from countries like Brazil, Ukraine and Cape Verde, among others.

In March 2007, the Minister of Economy, Manuel Pinho, announced the creation of the "Allgarve" brand, as a part of a strategically promotion of the Algarve as a tourism destination for foreign citizens.

Additionally, many owners that have a second house or are away for any reason intend to rent their properties. As the region is very demanded for tourism the rental sector became very attractive.

Taking into account that the tourist destination is, in essence, a travel destination that gets the attention of a large numbers of tourists, visitors may come to visit these destinations to enjoy the beaches, to see historical sites, natural wonders, etc. Some tourist attractions also include many activities and souvenirs that are often got on these destinations. In tourism, the "space" plays a fundamental role (Leiper 1990), being Algarve recognized as a beautiful and warm place to enjoy the space, reason by which it is a very strong tourism destination in several segments.

In Leiper (2004), tourist destinations are defined as "places where travelers choose to stay a while for leisure experiences, related to one or more features or characteristics of the place – a perceived attraction of some sort." According to the view of Cooper et al. (2008) for territorial system, Algarve represents a territorial system supplying tourism products to satisfy the complex tourists' demand needs. Accordingly, Algarve has a sort of common features as destination region providing a variety of touristic products, allowing significant economic value accumulation for the regional economy.

Considering the features of Algarve destination, there are some interesting notes about, namely:

- In the region there is a significant tourism seasonality, being the demand for beaches the main strength of Algarve tourist economy.
- Sometimes an important part of the Algarve carrying capacity is reached, mainly in several specific areas of the region. In these circumstances, the overuse of specific common resources creates unsustainable conditions for a pleasant use of these common resources.
- Often, tourists and residents compete for a limited amount of available resources. In the region it is usual that in some seasons, particularly in Summer season, goods become more expensive considering the strong demand, and also the conditions for using the beaches become worse and often an overcrowded capacity is reached.
- There is anyway a different sort and variety of products offered in the region which compose the “regional tourism product,” often being of different segments but trying to get homogeneous products for these specific segments what allows to preserve specific products in the region, targeting different touristic publics. This offer allows to guarantee a compatible quality permitting to get the economic success of the different products in the region destination.
- As Andergassen, Candela and Figini (2013) point out - and matched for Algarve - tourism supply meets demand in the destination; environmental and cultural resources, attractions and the hospitality industry are located in the destination; the demand for tourism is revealed in the destination; tourism destination is the conceptual link between:
 - the complexity of the sector, the complementarity and substitutability of the many goods and services of which the tourism product consists,
 - and the supply of available local resources.

Algarve has reached an important position in the international context of tourism destinations, pleasing the demand in the different requesting contexts. Considering that there has been a strong specific demand for local rental sector, matched by different kinds of offer (apartments, houses, villas, hostels,...), the main point is now to reflect about what will happen with the legal changes in the sector, considering the proposal of Portuguese Government for Local Rental regulation.

LOCAL RENTAL SECTOR

A New Legal Framework Scenario for Local Rental Sector in Portugal

Learning from past experiences, it is usual to say that in Portugal the bureaucracy mines activities, the business creation processes and the procedural requirements needed for economic activities. It is usual that administrative procedures create a web of customs that bring difficulties for those who want to develop activities, also often too many documents are needed to cope with the current life situations.

In general, administrative procedures are exaggerated and bring economic problems leading people to lose a lot of time with administrative matters which in general are absorbing too much time and resources. Some cases are often singled out as paradigmatic as

construction licenses, projects approval in various areas, namely aquaculture or in restoration, the creation of enterprises, etc. There is a wide background and experience of excessive bureaucratic procedures in Portugal which in general have brought very bad economic results.

In the present case study of local rental in Algarve, lawmakers seem to want less bureaucracy in this sector. Registration of local accommodation will become mere prior communication to the City Halls (according to the previous version of the new Decree-Law ruling this sector). Anyway Portuguese Government is fixing a maximum of nine apartments for rent and provides for fines up to 35 thousand euro, according to this prior version of the Decree-Law for illegalities.

Local rental is already under the previous Portuguese Legislation. The figure of the local accommodation was created by Decree-Law No. 39/2008², to enable the provision of temporary accommodation services in establishments which do not meet the requirements legally required for tourist resorts (for the purposes of that Decree-Law). According to it, the registration of the local accommodation is yet required and is a responsibility of local authorities.

In the expression local accommodation establishments (in Decree-Law n° 39/2008) were considered the villas, apartments and other accommodation establishments with authorization to provide temporary accommodation services, with remuneration, but not meeting the requirements to be considered as tourist resorts. The local lodging establishments had to comply with the minimum requirements of safety and hygiene set by joint Ordinance of government officials responsible for the areas of tourism and local administration.

The local accommodation establishments which met the requirements provided had to be registered at the Town Hall of the respective area. Only the local accommodation establishments registered in the Town Halls of the respective areas could be marketed for tourist purposes either by their owners or by travel agencies and tourism. The municipalities had to provide to the *Turismo de Portugal, I. P.*, the computer access to the register of local accommodation. The establishments referred to in this Decree-Law had to identify as local accommodation and could not, under any circumstances, use the qualification of tourism, nor any system of classification.

Considering these specifications, there is a set of legal procedures which make that often only a part of entities that explore the business in a structured way are under the fiscal system and have the business formally created. Many situations in the sector exist for which the activity is not legalized and consequently they pay no taxes.

The Portuguese Government is now creating new rules and creating new penalties for infractions. Simplifying and “debureaucratizing” the rules of local accommodation is the buzzword in the new law that is being prepared by the Portuguese Government. Among the new rules under consideration is the transformation of the current registration of houses for rent to tourists in a mere advance notification addressed to City Hall. But each owner will be able to explore just nine apartments, otherwise falls on the law of tourist resorts.

² This Decree-Law established the legal regime of installation, exploitation and operation of tourist resorts, by revocation of the various diplomas that previously regulated this matter and by bringing together in a single law the provisions common to all activities in this area. This Decree-Law intended a flexible classification system. However it enforced a set of minimum requirements for each category and enumerated a set of optional requirements allowing to achieve the score needed to obtain certain category. At the same time, the requirements for periodic review of the rating were introduced, predicting a quality control performed not only by tourism offices but also by other accredited entities for this purpose.

As mentioned above, the strengthening of fines is also an aim of the Portuguese Government: the accommodation locations that are not registered or with outdated records risk fines between 3,741 and 35 thousand euro, depending on whether being individuals or corporations.

The new legal framework creates a new type of establishment, the “guest-house” - part of a house or an apartment rented to tourists.

These are some of the measures included in the latest version of the diploma (Monday, 19th May 2014) that will regulate local accommodation. The new rules will be approved later by the Council of Ministers (expected to be approved by the end of June) and that can still suffer adjustments – are expected to be applied this year, adjusting the properties for rent to tourists to the functioning of the market.

The revision of the legislation seems to respect the principle of reducing the bureaucracy in the tourism sector (the registration will be replaced by a prior communication to the City Hall) and freedom of initiative (the government aim seems not to be limiting or prohibiting the existence of local accommodation; however, theoretically it is difficult to discuss the problem involving politics, which is not anyway the aim of this study).

The Local Rental Sector in Algarve

As already seen, Algarve is an important destination for Portuguese and for foreign tourists. Accommodation in the Algarve ranges from high rise resorts in places like Albufeira to traditional guesthouses, located in small towns and villages surrounding the Algarve coast or even apartments or villas. Over the past 50 years the Algarve region has registered an important development, particularly in tourism activities. Over the past few years many tourists visiting Algarve have moved away from the resorts, and have chosen the comfort of a traditional Algarve guesthouse. Many of these people came from England, Holland, or Germany who have escaped to the Algarve region for a higher quality of life.

Algarve has developed the segment of local accommodation once it proved to be very profitable. The tourism demand has reached very high levels and as a result a strong supply for this kind of local rental in the market is a reality (as it is the case for example for apartments).

Besides, it is factual that the vast majority of these rentals do not comply with their tax obligations and has been normally out of the legal system. Once the sector in Algarve is quite important, the tax losses are very significant, being this situation one of the reasons why the Portuguese Government is currently preparing legislation. It intends to bring to the legal system many of these rents in order to tax the incomes that have been away from the legal system and to establish a strong control scheme in what relates to the prevarication on this kind of practices.

Discussion

With the new regulation, villas and apartments rented for short periods of time will be entered into a register agency what will facilitate rents control. A new National Register of

Local Accommodation (RNAL³) is being prepared in order that all the buildings rented to tourists are registered there. This implies a licensing in the Portugal's Tourism Agency⁴ and at the same time a declaration of commencement of activity in the Ministry of Finance Department for taxes effects, through the use of a CAE⁵ (Economic Activity Code) specifically for this purpose.

The new regulation aims that rentals not declared for taxes purposes may be eradicated, ending tax evasion and unfair competition in the tourism sector. These villas or apartments are frequently advertised on the internet⁶ and beyond the control of the Portuguese authorities.

In addition to the supervision by the tax authorities, new requirements such as cleanliness and quality of facilities will be also required, being ASAE^{7,8} (Food and Economic Security Authority – a branch of the Criminal Police) the entity responsible for the surveillance and inspection of these activities in the sector.

One of the main objectives is to create a kind of mega database of accommodation places, forcing the Local Authorities to send the communications on registration to the Portuguese Tourism Agency *Turismo de Portugal*. In this way this process will facilitate the cross-checks with the taxes authorities that will tax the incomes of this activity in a normal way.

Beyond the tax discussion another matter is considerably important involving the discussion. The excess of rules destroy value as far as the creation of reasonable administrative processes in the system brings new behaviours and a more efficient management of the sector's structures and logistics.

It is possible to enhance value by creating correct requirements to citizens, generating an acceptable level of administrative demanding. Besides, involving a more general analysis, as far as taxes are put in a correct level the sector may develop in a more structured and organized way creating new strands of business development, although if there are not excessive requisites created for the activity.

This legal regime is applied to 4 types of accommodation: apartments, villas, lodging establishments and guest-houses (part of villa or apartment). Nine apartments are the limit for each owner. Otherwise, it will be considered as tourist resort. Apartments registered in the spouse's name, descendants and ascendants of the owner or holder of the exploitation are considered for this effect. These are some of the foreseen measures that apparently intend to supervise the sector efficiently and fairly. Moreover all the measures needed to be accomplished by all the agents involved in the process, if applicable in a sensitive manner, may make the sector to compete fairly and bring add of value for all the parts implicated in the sector operation.

Nevertheless, it is not clear that the administrative procedures will be simplified and that there will be less bureaucracy. The practice will respond to this situation but the last effect is not clear. If some of the processes will not be expedite, the bureaucracy can bring the well known face of losing. Garrido (2014) states that the worst situation may be feared with the legislation expected for the sector: regulation and more regulation, documents coming and

³ Registo Nacional de Arrendamento Local.

⁴ Turismo de Portugal.

⁵ Código de Atividade Económica.

⁶ Often the entities that advertise are international companies that do not pay taxes in Portugal.

⁷ ASAE - Autoridade de Segurança Alimentar e Económica.

⁸ Specialized national administrative authority within the framework of the food security and economic surveillance.

going, authorizations in “thousands” of departments. [...] this will destroy the small businesses. The last result will be less income and less innovation, with income gains for the ones who are already installed in the structured part of the activity. In that case, the bureaucracy may be attacking, destroying value and ensuring rents. All this may happen in the guise of combating tax evasion and unfair competition.

In fact, a set of new requisites has to be accomplished by the local accommodation owners. Requirements such as the number of cleanings registration, smoke evacuation equipment, book of complaints or a mandatory card at the door of the house are some of the requirements of the new law (see Garrido, 2014). The ASAE will work together with the Treasury to ensure that these requirements are satisfied.

If there are too many requirements to be satisfied, the costs of renting a house to tourists may increase considerably and in these terms many houses will no longer be available on the market to be rented.

Anyway, the final result is ambiguous and difficult to understand at this moment.

Conclusion

In several countries in which tourism is a fundamental activity, the framework of anti-commons is a possible tool to methodologically deal with tourism problems.

Tradition shows that in Portugal the bureaucratic weight is very high. Wealth creation often depends on multiple processes, lengthy administrative circuits and many agents from whom the approval of processes depends on. Decision-making on a set of establishments licenses and projects' economic exploitation involves too many agents, what brings frequently many problems to effective results achievements when the use of resources is considered within this field.

These excessive administrative procedures lead to heavy losses of value and economic wealth and to the frequent destruction of social projects or inhibition of the development of interesting projects to the communities.

In the case of local rentals, a huge loss of tax revenue has existed in Portugal for long time because homeowners did not legalize their activities in this local rentals business.

Various administrative procedures use to be required but above all the lack of supervision and the lack of effective penalties to offenders have led to this situation. Although the bureaucratic procedures are much more demanding for tourism resorts, requiring the authorisation and inspection of multiple agents, also the process of implementing an accommodation place on local rental system is not easy, and depends on various bureaucratic associated procedures.

Based on the experience, have the Portuguese authorities learned the lesson on the simplification of procedures and decision processes regarding registration and business implementation? Local rental sector is separated from tourism resorts particularly in terms of administrative processes. On that basis, the Government proposes a Decree-law - to be approved by the Council of Ministers, after discussion - which predicts the existence of simpler and more realistic procedural practices. If the Portuguese Government main goal is to obtain greater tax revenue, the truth is that by stimulating the activity a new strand to the formal economy is given, which may correspond to an increase of integrated activities in the region. Anyway, the way procedures will be implemented are not clear for the moment.

A question remains: what will be the final result?

The reduction of procedures in a reverse logic of the tragedy of the anti-commons allows reversing the destruction of wealth that can be seen in many situations when the addition of bureaucracy is evident.

There a “Drama of Anti-Commons” may be seen in the sense that the “tragedy” happens for practical implementation of excessive bureaucratic procedures as well as there may be “comedies” through the reversal of processes, reducing the administrative charges and the decision-making circuits. With the reduction and the reversal of excessive processes, a “comedy” may happen in the sector with an increase in value for the region in terms of the wealth produced and with the integration of activities, broadening the range of beneficiaries of the introduced measures.

On the case of local rental in the present study, the question seems to be kept unanswered. In terms of the theory of anti-commons, a logic of “comedy” can be the corollary of the problem resulting from a learning process that leads to the adoption of a smaller administrative and bureaucratic assignment. But this is not evident yet. The final result will depend on the way the process of implementation of the measures and the way how the control and surveillance system will be working on. In fact, there may be:

- an increase of value/wealth, providing a “comedy” resulted from the inversion of the logic inherent to the processes associated with anti-commons;
- or the contrary, if the administrative procedures rise significantly and difficult the exploitation of the business.

THE “AMMAIA” PROJECT IN MARVÃO, ALENTEJO REGION, PORTUGAL

Geographical and Historical Contextualization

Northern Alentejo – Portalegre District – is a very preserved region. There are vast plains, mountains, thermal waters, dolmens and menhirs stones, manor houses, ancient convents, wineries, ... There are also festival and fairs, popular music and dancing, local art. The region is intended to maintain tradition and, in general, it has been kept offside of all tourists paths and from tourism mass. Anyway, in a recent study for Portugal the Alentejo region has been elected as the first choice in tourists preferences (see Genç and Filipe 2016).

Since prehistoric times this region has been sought by mankind. Over half a hundred dolmens and menhirs - of which that Meada (Castelo de Vide) is the biggest of the Iberian Peninsula - bear witness to the exuberance of the megalithic culture. The Romans were to surprise the natives in their fortifications. They built on the best lands of the valley and plains. The Roman town of Ammaia (Marvão) and the Roman villa of Torre de Palma (Monforte), with their beautiful mosaics retell a little of the splendours of the Empire. Following the Barbarians, the Moors left their indelible imprint on the language, the agriculture, the military architecture (Elvas, Marvão) that the Christians from the North were able to assimilate and transform into anchors of Portuguese nationality. The castles and town walls of the Northern Alentejo - which form the country's most important group of fortifications - as well as the

headquarters of the powerful military religious orders (Crato, Avis) constitute the eternal documentation of those disturbed times of the fight for independence. They now form a countless nucleus of historic centres unmatched in Portugal: Marvão - World Heritage candidate, Castelo de Vide, Portalegre, Crato, Alter do Chão, Campo Maior, Elvas. Touches of Manueline, Renaissance and Baroque erudition's were added to their vernacular purity, in places, churches and convents, permitted by the centuries of the Discoveries.

The Geographic Triangle: Portalegre - Castelo de Vide - Marvão

Natural Park of Serra de S. Mamede is a very beautiful natural region.

Portalegre lies on one of the sides of Serra de São Mamede, a mountainous range with a variety of fauna and flora, part of which has been designated a natural park. Portalegre itself is of roman origin though it is filled with fine Renaissance and Baroque mansions. Castelo de Vide, on another green slope of Serra de São Mamede, is known for its curative waters since roman times and its castle, that gave the town its name. From the castle in Marvão, spectacularly set on an escarpment facing Serra de São Mamede and Spain, the splendid views can be enjoyed over the fertile plains. This small and tranquil medieval town is completely enclosed by walls, with whitewashed houses blending into the granite of the mountains.



The Project

On this scenario, some projects have been developed, some of them with considerable investments. “Ammaia”⁹ was the first golf course emerging in Alentejo countryside away from coastal areas. It was a handsome space fully integrated in the landscape of the Natural Park of Serra de S. Mamede.

It was inaugurated in April 1997, being the first golf course in Eastern Portugal and the first one in Alentejo, located 5 Km from the historical village of Marvão (UNESCO world patrimony candidate) and 6 Km from Castelo de Vide, also known as “Sintra of Alentejo.”

When it opened in 1997 offered varied infrastructure: areas to train, bunker and chipping areas, putting green, a clubhouse offering restaurant and bar services, manual and automatic trolleys, among other services.

Landscape is fabulous in the area, allowing magnificent sightseeing over Marvão and S. Mamede’s mountain.

This golf course has been ranked by the magazine “European Golf” in 1999 as the 7th most beautiful of Portugal (with respect to the surrounding landscape and insertion of the field in the landscape) and was distinguished as the “Golf Course of the year” by the Portuguese Federation of Golf, in 2000.

As published in the website¹⁰, covering 137 hectares of the São Mamede Natural Park and strategically placed in the Marvão – Portalegre - Castelo de Vide triangle, the Ammaia Club de Golf of Marvão was a pioneer in the Alto Alentejo. As referred before, the name comes from an ancient Roman town that was once there, and which historic remains can still be seen scattered about the course. The welcoming clubhouse was inspired by the design of a typical Alentejo house, perfectly blending with the local landscape.

The course¹¹, designed by the Architect Jorge Santana da Silva (also responsible for the Amarante and Quinta da Barca courses), has undulating greens, several bunkers and four lakes. Three of these lakes are in the early part of the course (14 holes in flat terrain), and one in the challenging final sequence of four holes set in elevated countryside.

The Project Failure

Despite all the potentialities, Marvão golf course is closed since 2007 after having entered into insolvency proceedings, in 2006, when it belonged to Carlos Melancia, former Governor of Macau.

In April 2007, through the Solévora, the Fernando Barata Hotel Group acquired the property of “Ammaia Clube de Golfe de Marvão, SA,” after the insolvency of the company, requested by the Administration and decreed by court, due to debts to suppliers and employees.

⁹ Ammaia is the name of a 1st century Roman city, located at 2 Km from the golf course, and that gave the name to the golf project. The Ammaia-Clube de Golfe de Marvão, S.A. was the owner of the project.

¹⁰ <http://www.portugalgolfcourses.com/portugal/golf/alentejo/marvao.html>.

¹¹ Running to 6,170 meters, the emphasis of this course is on holes number 4, 12 and 17. Hole number 4, is a Par 4, requiring a precise drive because of water running along the right side of the fairway. Hole number 12, a Par 5, rises sharply to finish with a green made up of a double platform. Hole number 17, a Par 3, has a teeing-off point set on high ground, while its green is placed in a peninsula surrounded by water on three sides and exposed to the wind.

The same group, which had previously purchased the tourist village associated with the golf course, the “Aldeia d’Azenha,” was one of the four partners of Ammaia, also integrated by Bevide, a company of Carlos Melancia (Ranhola, 2007).

The company of Fernando Barata has left the project for breach of deadlines for payment to the Commission of insolvency, and lost a deposit of about 400 thousand euro.

In 2009, The Edge Group, real estate fund of Miguel Pais do Amaral and José Luís Pinto Basto, tried to buy the project by 750 thousand euros. However, they did not reach an agreement to get the project. The *Turismo de Portugal*, for saving the golf course, bought it at public auction in February 2010 by 565 thousand euros. In 2011 a group of private investors offered about 640 thousand euros to acquire the venture (Conceição, 2011).

A new golf course is being studied for Abrunheira, Portalegre, when in the region of Portalegre already exists the above mentioned example of failure: the Ammaia golf course, Marvão, which current abandonment of land and associated buildings are clearly visible. Nowadays, sheep can be seen grazing in these areas.

This example claims for reflection and collective responsibility when promoting this kind of investments; public institutions may better ponder the approval of large projects of this nature.

The Methodological Discussion

Taking into consideration the frameworks considered for the present discussion - commons and anti-commons theories – some preliminary comments are appropriate:

- There is an enormous natural scenery and historical heritage, claiming for being enjoyed and being potentially very significant for tourism exploitation in a sustainable basis, guaranteeing the space and legacy preservation;
- the existing structures, the cultural features and the communities’ organization also reflect a under exploited region but with great potential for developing a sustainable tourism offer;
- preserving all this region for sustainable tourism development is a central issue for managing the natural, built, and socio-cultural resources of the host communities of the region;
- there is no enough coordination among local agents themselves and with local and national authorities to develop integrated strategies of development of tourism products for the region;
- There are no joint strategies, including integrated and diversified offers for tourism products, combined with price coordination and a net of joint actions to find chain added value for economic agents in the region.
- There are not tour-operators concerned with a high value product for the region, integrating a set of activities and facilities.
- Such a “space” needs the appropriate promotion to become a demanded tourism region.

In short, there has not been any agents coordination in order to make the correct (and higher level) exploitation of the project, considering the existing tourism products in the region.

Additionally, some other notes need to be presented, specifically considering the supra mentioned broken project. What are the reasons for the bankruptcy of the project “Ammaia”? Equating the various possible hypotheses, may it have been due to:

- errors and incompetence of management? Independently for this project or considering other developed projects, having anyhow some joint focal points associated, particularly on management and investment?
- connections among politics and businesses that subsequently did not have developments in conformity?
- problems of economies of scale in the regional economy?
- a market failure as a result of the lack of coordination of agents to allow the success of the venture?
- a wider surrounding of inabilities to get an association of infrastructures and other structures to be made available for supporting the local tourism projects?
- a strict question of communication and marketing that failed?

Considering all the above statements and evidences, it is clear that “Ammaia” was a big investment in a region with no much facilities and with no tradition in big tourism demanding. Anyway, some facilities were created to support the project and a well known and famous hotel (in Castelo de Vide) was in the neighborhood supporting the project. Additionally new related facilities were being created. Yet, new investors keep interested in the project, as it is the case of Dr. Pais do Amaral.

As recognized by Candela and Figini (2010) there are several fundamental economic problems of a destination, including that:

- in the destination, it is necessary to coordinate the different production activities provided by independent firms;
- in the destination, it is necessary to supply a variety of goods and services in order to meet tourists' needs and improve their satisfaction;
- the destination needs to “complete” the tourism product through the supply of public goods (structures and infrastructures) and services (information) which cannot efficiently be offered by the private sector.

In a region as the one approached in this study, it is relevant to understand that many goods and services are lacked in the area and much is necessary to be done to have attractive tourism products.

It seems also clear that the President of Marvão Municipality has been – and continues to be - very committed with the project’s success. However, the financial resources and his power of influence is not enough by himself alone to open a new perspective for the future of the project.

However, it seems that, considering the promoters and all the involved agents, the commitment was not significant. The coordination among municipalities’ authorities and

among the economic agents of the different municipalities who were interested in the development of the project has not worked. Also the venture's direct promoters did not develop or search for new solutions.

Now, a profound analysis is required for the future.

While such kind of a project brings considerable chemical pollution to the water courses, significant in golf area and some other kind of risks, which amount would be depending on the dimensions of the tourism arrivals, it is also true that a possible increase of investments would come and new improvements would be made considering the facilities in the region.

At the same time, some other activities could be implemented in the region in order to develop traditional arts, to contribute for promoting the preservation of historical mankind resources in the region and the natural and other tourism landscapes. In practice, several activities, although constituting activities used by tourists, (natural, socio-cultural, built attractions, ...), could have their maintenance supported and financed by tourism, providing their preservation and improvements. In that extent, the same is applicable, for example, specifically to the facilities serving the needs of tourists (for example, accommodation or specialized facilities), to other facilities serving both, tourists and locals, to the broader landscape, to the natural environmental elements (water, air, land, ...), infrastructures, etc.

In such kind of space, the carrying capacity of this area in Alentejo, in general, is far away from being reached and until then, many improvements for the region as a whole and for local population may be got. However, the ways to minimize the negative externalities may be considered, mainly the ones occurred in consequence of the watering and fertilizing system of the golf course with direct environmental impacts on habitats, species, soils and hydric resources.

To solve the anti-commons problem as a result from the agents' lack of coordination¹², more coordination and more commitment among the agents are required.

Some Conclusions and Recommendations

In several countries in which tourism is a fundamental activity, the framework of commons and anti-commons is a possible tool to methodologically deal with tourism problems.

The tourism products and destinations may request the modelling of optimal development strategies, combining the measures provided by national and local authorities with the ones of economic agents. The exploitation of the tourism products may deserve an analysis strong enough to allow that the tourism activities in a region are sustainable; that the tourism resources be kept preserved; that the suitable rates of firms profitability and the benefits from the tourism for communities are got; and the governmental aims, of all kinds, be kept consistent with long term exploitation of tourism resources.

According to the previously exposed, governments have to be a part in the decision process and shall create the sustainable conditions for the tourism exploitation in the long term. When needed, they may be representative as a part in the solutions' findings. Not always the interests of the economic agents are compatible. Usually being the products

¹² Other kind of problems that may have contributed for the bankruptcy of the supra mentioned project is not considered in the analysis, once it is out of the purposes of the current study.

offered complementary, often there are also conflicting ones once they are competitive. In both circumstances, as much as possible, the agents may look for coordination in order to find acceptable results. Often cooperation appears as a solution and agents have to study the specific conditions in which they benefit from cooperation.

In this study, Alto Alentejo was used to show that one region with important geographical, historical, and socio-cultural resources and an enormous natural beauty can develop tourism products, improving the welfare of the locals and providing an excellent route for tourists. The development of tourism can provide an important improvement in the region commons.

However, the Ammaia Golf Course (Ammaia Club de Golf of Marvão) was a project developed in the region but, considering a set of reasons, fell into the liquidation.

The framework of anti-commons may explain that a better agents coordination in the region would contribute to reduce the risks of collapse of such a kind of project. This outcome frustrated what would be a socially desirable outcome, considering all the agents involved in the project, since the entrepreneurs and the beneficiaries of the service, until the region authorities and the community.

CONCLUSION

In tourism, a set of situations are visible concerning anticommons problems. In this chapter it is possible to see how some troubles rise resulting from regulation problems. When numerous and often repetitive regulatory requirements are necessary to be satisfied, as much as excessive and inappropriate rules or legislation are posed, there are problems of efficiency rising to agents. This situation provokes a lack of creation of value and often even a problem of destruction of value. As can be seen, bureaucratic procedures or a lack of agents' coordination motivate problems of anticommons and the resulting "tragedy." As said by Vanneste et al. (2006) anti-commons may well lead to 'disaster.' The suboptimal utilization of resources is the result.

The case of local rental regulation (exemplified for Algarve case) and the Ammaia project case, both in Portugal, allow the discussion of the anticommons problem under this contextualization. The analysis of this problem allows also to discuss the possible destruction of value in economic terms.

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