New State Boundaries in Tourism Regulation in Namibia: 
The Case of Brandberg Mountain, Namibia

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Abstract
This paper analyses Heritage management and tourism in Brandberg National Monument, Namibia. Heritage sites are composed of natural and cultural assets that are characterized as common-pool resources. Exclusion from site is very costly and rivalry leads to conflicts over resources and overexploitation. However, tourism option use of Heritage sites can bring sustainable development. To assure sustainable Heritage tourism, institutions have to emerge to regulate and coordinate relations between various stakeholders that often have opposite interests. New institutional approach is used to study conditions that permit good governance of tourism in natural and cultural sites, particularly in Brandberg National Monument. We show that actors, concerned with Brandberg mountain development, follow rent-seeking strategies and compete for capturing revenues. Communities managed the area for years before the State took over in 2005. We give reasons of this State re-appropriation and analyse reactions from local communities. Finally, we propose a new institutional arrangement that would involve local actors and would permit an efficient governance of tourism in Brandberg but also in other Heritage sites in general.

Keywords: Heritage Site, tourism, common-pool resource, rent-seeking strategies, Brandberg, Namibia.

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1. Introduction

Colonial German and South-african regimes expropriated indigenous people’s lands, resources and sacred sites in South West Africa (present Namibia). Reserves and Bantustans were created to divide and rule local populations whose property of land, cattle and livestock was restricted. As a matter of fact, rural inhabitants *de facto* were no more owners of their territories and their sites. General administrators and colonial officers controlled all resources on their jurisdiction (indigenous reserve) and traditional leaders and local farmers should have official approval before any decision was taken. Apart from Bantustans, national parks were designed to protect wildlife from human “predation”. On the same time, cultural and natural sites of interest were fully nationalised and expropriated and designated as national monuments. Holly mountains, caves, forests, sacred places (as named by M. Kittrick (2000)) as well as man-made elements were controlled and managed from Windhoek and Pretoria. Once actors, communities simply became visitors on their own territories. Community natural and cultural heritage was thus State property. Brandberg Mountain (the White Lady and Koenigstein peak), Twyfelfontein rock engravings, Petrified Forest and Organ Pipes in Doro !Nawas, as well as the Spitzkoppe (bushmen paintings) are example of sites that were declared national monuments by the south African government, mainly during the 1950’s. In this paper, we will focus our attention on the Brandberg Mountain that lies in the Erongo Region. After the 1964 Odendaal commission, and until 1990 and the independence, the region was designated as the Damara Homeland (Damaraland). Damara tribes from all over South West Africa were forced to move in this Bantustan.

Resource use, whatever resources they are, e.g. natural, cultural, historical, lead to use conflicts. Different actors compete for resource appropriation. Ostrom (1990) define appropriators as agents that extract, and control individually, units of flow from the resource system (here the resource stock). Thus appropriators look for resource flows (grazing units, number of fishes, of antelopes, cubic meters of waters, etc.) in order to survive and derive economic benefits from this use. Agents are groups of users that are whether public actors (State, ministries, administration, para-statal corporations, statutory bodies, etc.), private-sector (mines extraction firms, agri-food corporations, commercial farmers, tourism operators, commercial trophy-hunting companies, etc.) or local communities and community-based organisations (cooperatives, conservancies, village councils, farmers’ groups, residents’ bodies, traditional authorities, etc.).
All these groups from society follow rent-seeking strategies and try to appropriate resource flows. Natural and cultural sites concentrate those conflicts, as they represent multi-purpose ecosystems and propose rich resource-systems (grazing areas, hunting territories, inshore fishing waters, underground drinkable water, agriculture, cultural activities as tourism) that allow for various income-generating activities.

Nature and culture Tourism are a new source of revenues. As number of tourist arrivals raise in third world countries, more and more actors redeploy their activities and turn their strategy to tourism. Moreover, tourism has better financial rate of returns that farming, agriculture and others. Last, but not least, tourism creates revenues that can be reinvested in the preservation and management of the sites. It is believed that sustainable development can be reached through heritage tourism. All these elements brought international organizations and local NGOs to promote tourism as an efficient way to alleviate poverty and conserve heritage for future generations.

However, demographic growth brings overpopulation and human pressure on sites. Resources stocks are endangered and overexploitation can occur if conflicts lead to free-riding behaviours and short-term use-options. Moreover, population high growth rate creates rent distribution problems and inequalities. The latter can further develop unsustainable use as poverty and uneven distribution create predation strategies (the poor have high discount rate for the future). Thus unequal appropriation of the rent from resource-systems (natural and cultural sites) can totally dissipate the rent (flow units).

Institutional approach can enlighten the debate in order to avoid overexploitation and degradation of natural and cultural sites of interest. We focus on institutional arrangements that organize relations between different groups of users. Governance of resource use strategies, and especially in the Heritage tourism sector, is the core point of this article. Coordination of actors, negotiation, design of better institutions to preserve sites, are the main purpose of good governance. Following Williamson (2000), we show that institutions matter and can improve relations and reduce conflicts and transactions costs.

First, we show that Heritage sites are common pool resources and we analyse problems that are linked with this status. Property rights are essential and are part the debate. Then we present our results on one Heritage site example, which is the Brandberg Mountain in Namibia. Finally, we analyse the recent process of “re-nationalisation” of the Brandberg site and conflicts that followed this decision.
2. Conceptual framework: Heritage sites as common-pool resources with multiple land-use options.

2.1 From the “Tragedy of the Commons” to the resources governance institutions.

Heritage sites are defined in article 1 of the Convention Concerning the Protection of the World Cultural and Natural Heritage, which has been signed in 1972 and ratified by country Parties. Cultural heritage are “monuments, [as] architectural works (...), cave dwellings and combinations of features, (...) [but also] sites, as works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.” Natural heritage are “natural features (...), geological and physiographical (...) [and] natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation and natural beauty.”

Heritage sites, whether or not included in UNESCO list (World Heritage Site, WHS), are composed of cultural and natural elements of aesthetic and scientific value. In Namibia, they are mostly situated on State or communal lands. Human populations are often very close to and dependant on those sites. Natural elements are sources of grazing for livestock, veld food, cooking and building wood, meat supply, etc. On the other hand, cultural elements are essential to daily rites, events, and traditional ceremonies. Heritage sites are essential to local populations’ livelihoods.

Heritage tourism is another economic opportunity to generate income from heritage sites. Heritage tourism is an activity based on natural and cultural capital (as differentiated from financial, physical, or human capital) at the international, national or local level. Visitors are attracted on Heritage sites by cultural man-made buildings and decoration but also endemic and abundant fauna and flora. Thus, Heritage elements form the Background Tourism Elements (BTE) that Jafari (1982) and Healy (1994) define as natural and cultural, original or man-made assets that are present in the area. To sum up, tourism can be characterized as a production process that transforms complementary assets (BTE, infrastructure, human-made capital) into outputs, i.e. tourism services and packages (Vail and Hultkrantz, 2000).

As stated by Vail and Hultkrantz (2000) and Briassoulis (2002), these assets (inputs) can be considered as common-pool resources. This is what Hardin (1968) or Ostrom (1990) would name the Commons”. Heritage assets (cultural and natural) in communal lands in Namibia
present very low degree of exclusion and high degree of rivalness. Considering exclusion, natural assets fall under quasi open-access regime. It is often very difficult to restrict entry to others users. Legal rights in rural areas are incomplete and informal, so that resources are open to anybody. As we will show later in his paper, Heritage in Namibia fell under National Monument Council of Namibia. However, due to financial shortage and State incapacity, declared national monuments were *de facto* open access. Any outsider could, and still can, enter the site and appropriate resource flows. Regarding rivalness, there are different users for the same resource-system\(^2\) (here the site). Natural assets provide ecological amenities and ecosystems services (air quality, water quality, carbon sequestration, etc.). When an agent uses part of the natural resources, it reduces potential use by other agents. Reciprocal externalities and congestion effects occur in common-pool resources, defined by a finite resource stock. Thus, users compete for resource flows from natural assets. Conflicts arise as actors share and seek for the greater part of the resources stock.

Moreover, environmental and cultural capital is composed of various functions (Vail, Hultkrantz, 2000). Multiple rural actors use different services. They can even use the same asset (input) but transform it (production function) into different outputs. In Kenya for example, Mount Kenya National Park/Natural Forest (WHS list) host ecosystems that represent source of income for local populations. On the other hand, Nature tourism generate important foreign revenues that the central State captures by declaring the site as a national park (protected area). Thus, users compete for different usages of different resources. For local communities, tourism activities bring opportunity costs and externalities, in terms of loosing grazing and fishing areas as well as hunting territories. Tourism activity is then based on common-pool resources that are also used by local people for livelihoods strategies. Theoretically and practically, there is competition for local natural assets between farmers, hunters, cattle and livestock owners and tourism operators that need recreational attractions and also with the State.

Heritage use generates rent for local actors. As stated by Mollard and Pecqueur (2003), a rent is an economic surplus over normal production factors’ returns (profits, wages). This surplus (rent) results from externalities generated by the use of production factors. Here, cultural and natural assets generate amenities and services as aesthetic, cultural and scientific values.

\(^2\) Ostrom (1990) defines a resource system as a stock of resources out of which actors can extract a certain flow (units) at each period. Cf. introduction.
Those services are specific and thus create a rent for nature tourism operators that use the common pool resource.

Communal lands in Namibia present the most dramatic open landscapes and are more suitable to photographic tourism. Endemic fauna is found (desert adapted elephant, black rhinoceros), as well as archaeological and cultural sites. All these elements determine the competitive advantage of communal areas where main tourism attractions are situated: the Brandberg and the White Lady world renown bushman painting, Twyfelfontein rock engravings site, Doros Crater, sanctuaries, Himba human settlements, etc. Based on statistics elaborated by the Ministry of Environment and Tourism (MET, 2002) and Krug (2002), Roe, Elliott and McGregor (2003) evaluate tourism in communal areas in 2001 and suppose that approximately 25% of all tourists to Namibia visit communal lands.

<table>
<thead>
<tr>
<th>Source</th>
<th>Number of Tourists to Namibia</th>
<th>Communal Lands Tourists</th>
</tr>
</thead>
<tbody>
<tr>
<td>Namibian</td>
<td>29,326</td>
<td>5,865</td>
</tr>
<tr>
<td>Overseas</td>
<td>99,093</td>
<td>20,748</td>
</tr>
<tr>
<td>Regional</td>
<td>132,257</td>
<td>38,855</td>
</tr>
<tr>
<td>Total</td>
<td><strong>260,676</strong></td>
<td><strong>65,469</strong></td>
</tr>
</tbody>
</table>

Table 1: Tourists by origin, 2001 Source: Adapted from Roe, Elliott and McGregor (2003)

Following Mollard and Pecqueur (2003), we note that tourism activities on communal lands generate a tourism rent, based on the specific local assets, especially heritage sites. However as we mentioned earlier, the resource base is limited, resource flows and rents are limited. Rent can also be perceived through other land-use options (e.g. grazing, hunting, cropping, fishing, etc) and communal lands’ rights security does not allow a clear definition ownership over the rent. Different resource use options generate rents and this leads to conflicts between actors, who want to capture the lion’s share.

The case of Heritage tourism is a good illustration of the rent distribution problem. Various actors compete for revenues from tourism in Heritage sites on communal areas. On communal lands, rights are not well defined an this legal confusion permits almost anybody to claim rights over certain resource flows. As stated by Ostrom and Schlager (1992), precise bundles of rights should be designed to establish unambiguously rights of different actors over resources-system and over resource flows. Otherwise, appropriation brings conflicts and
unsustainable use occurs. Recent Communal Land Reform Act of 2002 is a step to secure land tenure but a lot remains to be precised concerning responsibilities and authority over resources on communal lands in Namibia. As a matter of fact, land conflicts continue and endanger natural cultural sites. Different agents at stake are the State, ministries, statutory bodies, private operators and private entrepreneurs as well as rural communities and local Traditional Authorities (TA). All those different stakeholders have various and often opposite interests. Each follows its own rent-seeking strategy and tries to appropriate the resource flows (see Figure 1).

Local communities bear opportunity costs from tourism operations (refrain from using resources) and want to generate revenue so as to alleviate poverty. On the other hand, private operators seek rent outside national parks (where rights revert to the State). As attractions are mainly situated in communal lands, tourism operators try to operate business in communal lands. As said by the managing director\(^3\) of private company Wilderness Safaris Namibia, “Most interesting places are in communal lands. Wilderness areas are in communal lands. What we are looking, when investing, is landscape, wild areas, wildlife, culture”. Finally, central State tries to get a share from the nature tourism rent. Taxes, rights of leasehold,

\(^3\) Interview Dave van Smeerdijk, Friday 3rd of June 2005
declared National Monuments and Concessions are ways the Government follows to partially capture the rent. Those multiple actors’ conflicts could induce degradations of Heritage sites, as many examples showed in the past. At this point, institutional approach is very useful to analyse reasons of degradations and potential theoretic and practical solutions. Williamson (2000) defines resource governance as “an effort to craft order, thereby to mitigate conflict and realize mutual gains” (p.599, emphasize by Williamson). Williamson bases his analysis on the transaction unit and follows John R. Commons (1932) that stated “the ultimate unit of activity (…) must contain in itself the three principles of conflict, mutuality, and order. This unit is a transaction” (p.4). Thus analysing institution and transaction costs are essential to study governance and regulation of the threatened common-pool resources (CPR). Oliver E. Williamson (2000) states 4 levels of institutional analysis. Level I comprises the informal institutions. Williamson places social norms and traditions in the first level that he calls “embeddedness” to emphasize on the unconscious and socially built norms. Level II is the institutional environment, where formal rules of the game are designed. Property rights are essential in this level as they define *de jure* and *de facto* authority and responsibilities of

<table>
<thead>
<tr>
<th>Level (L)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>Embeddedness: Informal institutions, customs, traditions, norms, religion</td>
</tr>
<tr>
<td>L2</td>
<td>Institutional Environment: Formal rules of the game, Property (polity, judiciary, bureaucracy)</td>
</tr>
<tr>
<td>L3</td>
<td>Governance: Play of the game, Contract (aligning governance structures with transactions)</td>
</tr>
<tr>
<td>L4</td>
<td>Resource allocation and employment (prices and quantities; incentive alignment)</td>
</tr>
</tbody>
</table>

Figure 2: Four levels of institutional analysis.
stakeholders over resources. They set the way the game will be further played and define positions and powers of respective actors. Level III is the governance level. Play of the game is situated there and contracts as well as relations and conflicts have to be coordinated and regulated in this level. Finally, level IV is the resource allocation level. Here analyse is put on prices and quantities that exchanged on a daily basis.

Our institutional view of Heritage tourism activities regulation in Namibia, and especially in Brandberg Mountain, is situated in levels II and III. First, property rights should be defined as to provide secure land tenure and incentives for actors to sustainably use the common-pool resource and restrain from free-riding and rent-seeking strategies. Secondly, once rules of the game have been designed, contracts, transactions and relations should be regulated by efficient institutional arrangements.

Concerning level II and property rights, Bromley (1997, p.3, cited in Vail, Hultkrantz, 2000) states that “rights are not relationships between me and an object but rather are relationships between me and others [present or future] with respect to that object (...) To have a property right (...) is to have secure control over a future benefit stream. And it is to know that the authority system will come to your defence when that control is threatened” (emphasize by the author). Rent appropriation is possible through property rights and their legitimacy over other users. Thus, Baland and Platteau (1996) analyse problems that faces common-pool resources management, through this lens of property rights and legal status of resources. They emphasize that open access or quasi open-access (that is lack of property rights), combined with rivalness, leads to rent dissipation. Users balance the average benefit (the resource stock divided by the numbers of users) with the entry cost. As far as average benefit exceeds entry cost, new users enter. Property rights provide no incentive to save resource flows and in equilibrium, the rent is totally dissipated. When competition occurs, the resource system is overexploited and situation is inefficient. The Tragedy of the Commons appears (Hardin, 1968).

Demsetz (1967) and others called for private property right as a way to avoid rent dissipation from common-pool resources mismanagement. In other words, commons must be divided and enclosed so that each agent is fully responsible and bears (internalises) alone the costs from overuse and depletion of the resource base. Moreover, Coase (1960) states that well defined transferable rights results in rent maximization. Private property rights, with universality, exclusion and transferability criteria, are answers to the Tragedy.
However, common property scholars (Baland and Platteau, 1996, Ostrom, 1990, Wade, 1988) contradict this vision and show that well clear rights are not restricted to private property. Ostrom and Schlager (1992) define bundles of rights over resources. Those bundles provide users with rights and duties over resources, according to their legal status. Such clarification secures rural inhabitants rights and provide with incentives to manage sustainably the commons and generate rent efficiently. Moreover, distribution of the rent is essential to its maximization. An unequal distribution would lead to the Tragedy. In this context, land reform must give rights to various stakeholders in order for them to perceive rent from nature tourism activities. Otherwise, multiple use options will interfere and finally deplete the natural assets and dissipate the total rent. To stop the Tragedy of the Commons (overexploitation), the authors recommend involving communities in resource management and common-property could be implemented through community-based organisations, as Common Property Associations (CPAs) in South Africa.

Concerning level III and governance structures that regulate relations (transactions), Ostrom (1990) analyses factors that can lead groups of users to use and manage sustainable an natural site, here an Heritage site. Collective action, group homogeneity, social norms and well defined and understood rules are amongst criteria that bring good governance of resource in Heritage tourism. Birner and Wittmer (2000) use transactions cost analysis to draw institutional arrangements that help regulate conflicts between stakeholders for heritage tourism rent appropriation and management. Thus, community-based arrangements, co-management, hybrid-private forms and state management are institutions that minimize transactions costs, dependant on State capacity and community social capital.

<table>
<thead>
<tr>
<th>State Capacity</th>
<th>Social Capital Low</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Hybrid: private sector management under contract or regulation</td>
<td>Community-based management</td>
</tr>
<tr>
<td>High</td>
<td>Public Sector management</td>
<td>Hybrid: Co-management involving collective action sector and State</td>
</tr>
</tbody>
</table>

Figure 3: Potential governance structures of Heritage tourism.

*Source: Adapted from Birner and Wittmer (2000)*
Our practical problem is now to design institutional arrangements that would efficiently regulate Heritage tourism in southern Africa, especially in our field study, that is Brandberg National Monument, Erongo region in Namibia. We will see that property rights are essential and confusion leads to land conflicts. Governance structures are further condition to manage Heritage sites and they have to be wisely set up, without penalizing a group of users.

2.2 Field research methods

The section centers on a case study of Brandberg Mountain in the Tsiseb conservancy in north-western Namibia. It utilizes multiple semi-structured key informant interviews plus meeting minutes and consultant reports from CBNRM activities by NACOBTA, SIDA, USAid, RISE and other consultation processes State-level informants include the community-based coordinator at the Ministry of Environment and Tourism, as well as regional officers of the department of Wildlife, the traditional king of the area, and the technical officer for the National Monuments of Namibia. Tsiseb and Brandberg interviewees include Daureb Mountain guides, conservancy clerks and coordinator, as well as the conservancy chairman and all the stakeholders, whose livelihoods are dependant on the mountain and the common-pool resources. Field research findings are presented in a narrative and primarily qualitative form.

3. An answer to de facto open access in Brandberg National Monument: Community-based preservation and tourism, and their impacts on local livelihoods.

The Brandberg Mountain lies in The Tsiseb Conservancy, in the Erongo region, 50km north west of Uis village. The area is situated on communal lands that were designated as the Damara homeland under the apartheid system until 1990. At independence, former homelands (Bantustans) were dismantled and were declared communal lands. Those legally designated area are State-owned, on behalf of rural residents, that is all land, wildlife, forestry, mine and fish resources are controlled under the authority of the central Namibian government. Article 100 of the Namibian Constitution, on the Sovereign Ownership of Natural Resources, states that “land, water, and natural resources below and above the surface of the land and in continental shelf and within territorial waters and the exclusive economic zone of Namibia shall belong to the State if they are not otherwise is lawfully owned.” Powers and rights over land and resources in communal areas lie in the hand of central government. More over,
article 17 (1) of Communal Land Reform Act n°5 of 2002 stipulates that “subject to the provisions of this Act, all communal land areas vest in the State in trust for the benefit of the traditional communities residing in those areas and for the purpose of promoting the economic and social development of those people of Namibia, in particular the landless and those with insufficient access to land who are not in formal employment or engaged in non-agriculture business activities.” Finally, section 17 (2) further states that “no right conferring freehold ownership is capable of being granted or acquired by any person in respect of any portion of communal land.”

The Brandberg Mountain comprises numerous Bushmen paintings and archaeological remaining that attract scientists and tourists from all over the world. John Kinahan (1992) analysed the archaeological and historical interest of the site and showed the evolution of economic modes of production in san groups. More precisely, visitors come here to hike up to the White Lady bushman painting, which is a world renown archaeological bushman remaining. The specially-protected mountain zebra species and the recently discovered gladiator insect are more points of scientific and tourism interest.

The site was proclaimed as a National Monument on the 01.08.1951 by a South African government notice. It was officially recognised by the government in Pretoria in the National Monument Act of 1969. Thus, South African legislation makes provision for the National Monument Council to be the custodian of the site and the body that manages and preserves it. Article 18 e) and f), as inserted by section 13 (1) (a) of Act No. 35 of 1979, stipulates that “the council may, with the approval of the Minister, make by-laws regulating the conditions of use by any person of any area of land which has been declared to be a monument and which is under the control of the council; and regulating the conditions for the erection of any building structure on any land declared to be a monument”. After independence in 1990, the Namibian government did not revoke this South African colonial law until the new National Heritage Act was passed in 2004.

During the period 1990-2004, regulations were not enforced upon declared National Monuments, as for the Brandberg and Twyfelfontein rock engravings site. Sites were situated on newly declared communal land and the National Monument Council (NMC) had a shortage of staff to control sites⁴. Thus, the situation was one of de facto open access status.

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⁴ Interview Florence Sibanda, Scientific Officer, National Monument Council of Namibia, Friday 3rd of June 2005.
State did not have capacity to control use of and access to the area. Misusing and over-exploitation could occur, as theory of the Tragedy of the Commons foresees (Hardin, 1968). Rural farmers settled close to the mountain as water was available. Livestock and cattle were grazing in the Monument area. Buildings were erected by local populations at the bottom of the mountain. Numerous posts were set up, as there were good grazing grounds and water pumps in the vicinity.

Lack of State control thus led to human settlement and pressure over the monument area. Property rights were not well defined. On the one hand, State was proprietor and had *de jure* authority over the site and had *de jure* access, subtractions, management and exclusion rights over resources. However, State low institutional capacity *de facto* prevented the Namibian government from controlling the Heritage site. On the other hand, communities were not devolved the right to manage the site. Traditional Authorities (T.A) were custodian of the land but had little formal power over the mountain. Traditional Authorities Act of 2000 made provision for TA to grant customary rights, that is grazing, residence and fishing but those rights are not officially applicable on National Monuments sites. To sum up, *de jure* authority did not mean *de facto* control over resources. This confusion brought on an open-access situation, with unregulated activities and potential degradation of the site.

However, in the Brandberg area, the local community took care of the mountain. As told by a TA member, “it has happened that the tourists were attracted by the nature of the Brandberg and they always went to Brandberg. So in order to take care of these people, for safety, we decided to elect these mountain guides”. TA, as custodians of the area (“the Traditional authority is the owner of the Brandberg”), control settlement and activities in and around the Brandberg Mountain. Finally, in the beginning of the nineties, local rural inhabitants organized themselves into a guides’ association that supervises the site and benefits from it.

### 3.1 The Dâureb Mountain Guides

In 1991, Fritz, an old Damara man, was living in the Ugab river in the surrounding area of the Brandberg Mountain. He decided to come every day at the natural entrance of Tsiseb Ravine in Brandberg. Fritz started to watch cars in the parking area and gained tips from tourists for this service. Fritz was joined, after some weeks, by another old local man, Hendrick. In 1992/1993, some school boys were engaged in activities of the School Environmental Club in

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5 See Ostrom and Schlager (1992). They define legal status for resource users, in accordance with the different rights of actions over resources that are given by this corresponding status.

6 Interview Ismael //Gaseb, Thursday 26th of May 2005.

7 Interview Ismael //Gaseb, Thursday 26th of May 2005.
Uis school. Teacher Moore (an Irish citizen) was responsible for the club. He organised school trips to the Brandberg Mountain especially to its peak (Koeningstein). He gave the idea to open an association to bring people up and down the mountain. First the “Dâureb Community Tourism Project” was created. School boys joined the 2 old men at the entrance of the mountain and went there when time allowed it. As stated by a local guide, “we were not only here for income and employment. Damara ancestors were buried here, and so we were also inspired by the spiritual contact with the mountain”8. In 1995, the project became the Dâureb Mountain guides (DMG) association.

*Infrastructures and services provided*

When the project started in 1993, young people sat under a tree at the entrance of the mountain. They provided tourists with watching their cars during their hike. Few visitors were asking for guides to bring them to the White Lady. However, they were sometimes guiding people up to Koeningstein in a 3-day hike. Income generation was very low and it consisted mainly of tips for watching cars. In 1995, NACOBTA (Namibia Community-Based Tourism Association) was formed in Namibia. Community tourism projects joined together in order to create a forum that would help them to develop and market their product. The Dâureb Mountain Guides were founder members of NACOBTA. When NACOBTA started its activities, it supported communities with training in general tourism introduction. NACOBTA thus supported the Dâureb Mountain Guides and trained them about tourism and visitors desires (course on Basic Tourism Introduction). Moreover, a shade structure was set up at the entrance to provide better services to visitors that started to ask guides to bring them to the White Lady. After 1998, it was almost official that guided tours were compulsory in the mountain. NACOBTA marketed the enterprise on its web site. Legally however, it was impossible for the association to enforce rules. The area is State-owned and declared National Monument. Communities are not devolved any formal right of management of exclusion. Referring to Ostrom and Schlager typology (1992), rural people have only an “authorised entrant” status. Visitors could still refuse guides services, as standards and infrastructures proposed were very low. Despite this insecure land tenure situation, communities continued to control the site through the DMG association.

In 2001, Raleigh International and the European Union Namibian Tourism Development Program (NTDP, hosted in the Namibia Ministry of Environment and Tourism, MET) paid

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8 Interview Karel Shaq !Naibab, Conservancy chairman and Daureb Mountain guides Association chairman, Thursday 19th of May 2005.
and built a first reception building with local material and labour force. The official opening was on the 6th of June 2002. With this proper reception building, including store room and toilet, the guides association was more professional and the product was to reach the tourism industry standards. In May 2003, a second building was added and officially opened, as well as enviro-loo (dry environmental friendly) toilets. According to Ed Humphrey, Community Based Tourism coordinator in NTDP/MET, “[In] Brandberg, there have been 600 000 N$ involved for paths, building, shelters, toilets, new signs and new steps”9. Finally the different guides were trained and obtained their official licence to become a local guide. This diploma is required by the newly established Namibia Tourism Board10 (NTB).

3.2 Institutional setting.

Referring to North (1993) and Williamson (2000) institutional approach, we can analyse the Brandberg situation. As we showed earlier, local natural assets on this Heritage site are common-pool resources. Question is about regulating use of the commons and assuring sustainability. This problem lies in Level III Williamson’s “4 levels-model”. Play of the game is regulated through governance of relations and conflicts. In the Brandberg Case study, State capacity is very low because National monument council staff (before 2004) is very limited. On the other side, social capital is consistent within the local communities. Uis environmental club formed a group of young people who involved themselves strongly in the project. Young charismatic leaders were legitimate, took responsibilities and organized actions of the community. Finally, Tsiseb conservancy has been formed in 1998. This reinforced social norms, relations, and links between community members. As a matter of fact, social control restrains free-riding strategies. Collective action (Olson, 1965) is possible and efficient within communities living in the vicinity of the heritage site. Thus, institutions emerged in Brandberg to regulate common-pool resources (natural and cultural assets), over which Heritage tourism in Brandberg is based. With low State capacity and high social capital, community-based institutional structure gets the best performance in term of economizing transactions costs (Birner and Wittmer, 2000). Here transactions costs are costs of governing the conflicts between users, consensus negotiation, monitoring, etc. Here we analyse the Dâureb Mountain Guides Association (DMG) as a Community-Based Tourism Enterprise (CBTE) that emerged to solve governance problems (use conflicts) in the Monument Area. In

10 The NTB is a State Statutory body that designs and enforces regulations for commercial activities in the tourism sector.
real fact, from the beginning of the operation (1993) guides were de facto responsible for movements and degradations in the mountain. They controlled litters and free-riding behaviours. As stated by Karel Naibab, “Even in the post-1990 government, the MET [Ministry of Environment and Tourism] was not active. MET only went up and down [in the mountain] once in a while. In fact, it was the 26 guides that were taking care of the White Lady. Nothing would have been left if these 26 guides were not here to take care of it”11. The common resource was in held in control by the community through this local community-based association. Guides collected litters and papers and even followed visitors that refused to be guided in the mountain. In 1998, through the action of NACOBTA, it was made compulsory (however without legal base) for visitors and tour operators (T.O) to be guided by one of the local guides.

Institutional organization of the association includes an elected board with a chairman, a vice chairman, a financial person and additional members. A coordinator is also appointed to supervise the guides (number is between 15 and 20 guides, depending on season and secondary activities). Meetings are held normally every month to discuss logistical and financial problems and to plan the next month activities. Annual general meetings are held to elect new Board members.

3.3 Economic and social impacts.

Today the Brandberg project attracts 6000 visitors per year12. Funds are received from visitors that want to go and see the mountain or want to climb to the Koenigstein point (3 days trekking). The association collects fees at the entrance through a receptionist and distributes it to the guides according to the number of clients each of them brought in a tour during the week period. In 2004, visitors provided revenues for 15 guides with a monthly average income of 1 038 N$ and an average of 6 people depending on this source of tourism income13. Livelihoods approach (Long, 2004) is applied here to evaluate social and economic impacts of this community-based tourism project (community-based governance structure). Research study was carried amongst the DMG guides during May and June 2005. Questionnaires and interviews were used as an efficient mean to see revenues and other impacts. It is important to note here that revenues figures are given by the guides themselves. Despite conceptual and verification limitations, those figures are essential because that show what the guides perceive.

11 Interview Karel Shaq Naibab, Conservancy chairman and Daureb Mountain guides Association chairman, Thursday 19th of May 2005.
from the project. This perception is often the most important point if a community project is to gain legitimacy and local support.

Table 2 shows that, apart from guiding fees and tips, guides receive money from special trips to Koeningstein peak. Those trips need guides and carriers and thus generate income for multiple functions. Those trips are organised with tour operators (TO) that call for and book these services through the booking system of the association that is situated in their secondary office in the Uis Tourism Information Centre. Tourists get information there in Uis (main point where tourists get supply from shops) and book for trips in the mountain. Thus the association is very well organised and this created trust from TO and self-drive visitors. Moreover, guides generate income through crafts and stones that they sell to visitors when they guide them to the white lady.

Questionnaires and interviews revealed even more important impacts of the CBTE. With the money earned in tourism activities, guides purchase livestock, donkeys and horses. They increase their capital and this leads to lower vulnerability if special events occur, not only for them but also for all their dependence (in average 6 dependant per guide, see table 2). In time of low tourism season, they can sell milk and other products. Finally, they can sell livestock if a big occasional expense is need, as school fees, transport to hospital, funerals.

Moreover, table 2 shows an average of 4,6 training session per guide. Those training sessions increase their theoretical and practical knowledge and skills (Archaeology, tourism management, environmental sciences, accountability, etc.). This is particularly useful if we see in table 2 that guides are from rural settlements outside Uis and have low school formal level (average of grade completed is grade 8, which is around 15 years old). This leads to better jobs opportunities for guides. Referring to Sen (1987), Community-based tourism enterprise in Brandberg Monument area empowered local people and improve guides’

<table>
<thead>
<tr>
<th>Guides/Questions</th>
<th>Date of birth</th>
<th>Grade completed</th>
<th>Goat</th>
<th>Sheep</th>
<th>Donkey</th>
<th>Horse</th>
<th>Money from Guiding and tips (month)</th>
<th>Koenigstein in 1 year</th>
<th>Other TRISM</th>
<th>How many training sessions</th>
<th>How many dependant</th>
<th>Place of residence</th>
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<tr>
<td>Terry</td>
<td>1975</td>
<td>12</td>
<td>0</td>
<td>0</td>
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<td>1200</td>
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<td>Siegfried</td>
<td>1976</td>
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<td>Jürgen</td>
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<td>Seth</td>
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<td>Colin</td>
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<td>Manuel</td>
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<td>Matthias</td>
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<td>590</td>
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<td>Johnny</td>
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<td>Ernst</td>
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<td>18</td>
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<td>1200</td>
<td>6000</td>
<td>380</td>
<td>7</td>
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<td>Hendrik</td>
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<td>Alfons</td>
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<td>2400</td>
<td>325</td>
<td>7</td>
<td>8</td>
<td>Uis</td>
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<tr>
<td><strong>Average</strong></td>
<td><strong>1972,5</strong></td>
<td><strong>8,3</strong></td>
<td><strong>7,7</strong></td>
<td><strong>1,5</strong></td>
<td><strong>2,9</strong></td>
<td><strong>0,2</strong></td>
<td><strong>1038,5</strong></td>
<td><strong>2176,9</strong></td>
<td><strong>165</strong></td>
<td><strong>4,6</strong></td>
<td><strong>5,9</strong></td>
<td></td>
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</table>

Table2: DMG Guides’ Livelihoods: tourism impacts. Source: Lapeyre, Field Data, 2005
capabilities. After working in the association for few years they can find better jobs in private tourism enterprises or other activities. In august 2005, one guide went for a 3 month archaeology course in Tanzania with the support of the Museums association of Namibia (future possibility of recruitment). *He was to be recruited by Wilderness Safaris of Namibia when back from Tanzania.*

4. Capturing the rent from Heritage Site: State re-appropriation of Brandberg National Monument.

Previous part showed that during the period 1990-2004, State low capacity (staff shortage at the National Monument Council -NMC-) and community strong social capital made community institutions emerge to regulate *de facto* open access in the Brandberg common resource and appropriate the rent from tourism in the Heritage site. However, Rent appropriation is often a process of conflicts between different stakeholders that seek to capture the rent and benefit from resource flows. In the Case of Brandberg, State ministry of basic education and culture recently empowered the NMC so as to regain authority over the Heritage site. This process concerned all National Monument sites of interest in Erongo and Kunene Region. Brandberg, but also Twyfelfontein and Petrified forest were re-appropriated by NMC State body. We analyse the various reason that explain this government decision.

4.1 Preservation of Heritage Sites: State superiority over communities?

In 2004, the National Heritage Act was passed in the parliament ad replaced the Act of 1969. National Monument Council of Namibia, under the authority of the Ministry of Culture and Basic Education, had been dormant since independence. In 2002, during drafting period of the National Heritage Act, NMC appointed more staff members, a board of directors was set up and a director was appointed, under the authority of the Ministry of Basic Education and Culture.

It was a government decision to better protect national monuments in order to preserve Heritage in Namibia. More over, as tourists arrivals increase from 10 years (with some exceptional years), central government tries to improve the level of infrastructures and services standards in tourism sites. NTB has been set up to regulate the tourism sector and control respect of minimum requirements. Guides have to be certified with level 1 to 4 diploma in NATH (Namibia Academy for Tourism and Hospitality) courses if they want to be officially registered. Hygiene, sanitation structures and services on site have to meet
requirements for any enterprise to operate. This national strategy aims at enhancing Namibia tourism competitiveness on the international and regional market. South Africa, Botswana, Zambia compete for market shares in southern Africa, and thus minimum standards have to be put up to meet international tourists and TO criteria.

NMC, various archaeologists and development agencies (EU, USAid, etc.) noticed and reported cases of degradations in Heritage sites, especially in Twyfelfontein and Brandberg. In Twyfelfontein, toilets were in a state of disrepair and local guides used numerous non designated paths to show the engravings to the visitors. As a result, the site visit was totally disorganised and tourists could walk anywhere with the guide, leading to rock degradations and soil erosion. In Brandberg, paths that go to the While Lady painting were in bad conditions and the painting itself was not well protected and preserved. Only a very basic and non aesthetic fence was put up. There are very little protection for archaeological remains (huts, grazing areas, pots, etc.), if any. The European Union Namibia Tourism Development Programme (EU-NTDP) granted funds to improve the situation in situ but experts say that more works need to be done if the site is to gain scientific, aesthetical and tourism value. Various cases of drunk guides, drug consumption on site, and bad conditions uniforms have been reported. Other problems occur in Brandberg. According to Scientific Officer 14, “problems at site were happening. [For example] in Brandberg [there was] tour guides misbehaving, illegal mining within the monument area. Everybody could do what they want. T.O could take a guide and go anywhere without being prosecuted. Communities had no legal backing”. It is a situation of open access, where communities can not legally exclude outsiders from the mountain and can not control and regulate tourism activities on site. In accordance with theory, State property is solution to the tragedy of the Commons. That is one reason for State actual re-appropriation of site in May 2005. Government wants to stop those degradations of National Monuments and thus decide NMC will take officially over and manage those sites. In 2003, NMC informs regional councillors and governors of its new activities and plans. In 2003 and 2004, NMC officers organize workshops with communities and Daureb Mountain Guides association: From May 2005, control over tourism activities in the Brandberg is no more in the hands of guides and reverts to the State through the NMC. NMC collects entrance fees for guided tours to the mountain and appoints 2 clerks for funds administration.

14 Interview Florence Sibanda, Scientific Officer, National Monument Council of Namibia, Friday 3rd of June 2005.
The guiding operation is leased out to the DMG association, which signs a contract with NMC to operate guide tours in the name of NMC. The contract states the amount that DMG will receive at the end of each month in order to redistribute income to the guides. The community-based enterprise is evicted from management decisions, which are now taken by the NMC (State). The DMG association becomes a simple contractual provider of guiding services. Guides that are working in the DMG association should even also be interviewed and accepted by the NMC, according to their skills and behaviour.

In the Pipeline is also the project to apply for Brandberg and Twyelfontein to be declared UNESCO World Heritage Sites. Thus those sites have to be preserved and well-managed if application is to be accepted. Central government mistrusts rural communities. Ministries have the impression that communities do not have the institutional capacity and the skills to control the site efficiently. Ministries often relate communities with disorganisation, governance costs and open access regime. Economic theory further provides us with reasons for the State re-appropriation. As a World heritage site, Brandberg will become a global common resource. As costs are bore by multiple agents (World resource) and benefits from free-riding can be privatised by local communities, rural actors have no incentive to use sustainably the resource. State ownership and management of Brandberg is then theoretically rational to reduce degradation and free-riding behaviours on such global commons.

4.2 Rent-seeking State strategy

However, the decision can also be analysed as rent-seeking decision. Tourist arrivals statistics show an increase in the number of visitors in Namibia in general as well as in communal areas in particular. The Brandberg is now popular and numerous tour operators bring their clients to visit the site, or recommend self-drivers to go there. As a matter of fact, number of tourists at the site slightly grew and entrance fees increased. Moreover, the possible registration as a World Heritage Site on UNESCO list brings financial perspectives for entrance numbers and fees. Government now probably tries to capture those present and future revenues. NMC decided that 25% of entrance fees will be given to the DMG15 and 5% given to the conservancy. Benefits from local natural and cultural assets (The mountain landscapes and the White Lady painting) are redirected to a State body. Communities have to share the rent from Heritage tourism with the State.

15 However it is important to note that DMG do not have to pay for receptionists, as it was before NMC took over.
Thus, Government, through the National Monument Council of Namibia and the new National Heritage Act of 2004, re-appropriates local resources and expropriates community resources. Local community members were using resources “extracted” from the Brandberg. Local young men were using natural local assets to get revenues from non-consumptive tourism activities. Those natural assets are now controlled and managed by a government body that perceives income. Guides are now getting 25% of entrance fees. Tourism rent is now monopolised by the State, which expropriates local users that were the real custodians of the area when legislation was not enforced. This leads to conflicts over the rent.

4.3 Reactions of local population: distrust and potential free-riding.

Conflicts arose from this new situation. Guides did not accept this rent redistribution in favour of the State. They felt dispossessed from common resources they had managed for years without State support. As NMC in 2005 took over 3 sites in Damaraland that were previously managed by local guides associations, those guides decided in June 2005 to create an umbrella body to defend guides operating in North Western Namibia. This association aims at contradicting this unilateral decision. As stated by one Twyfelfontein guide that faces the same situation than in Brandberg, “we want to go to the ministries, to the NMC. These people from NMC come to us with contracts, they do not consult us on these contracts, and they want us just to sign the contracts. (...) They want to make things from Windhoek. They do not want to let the communities manage at the local level. (...) If we have to do it, then we will go the Ministry of Basic Education (...).”

Community members in Brandberg feel this government decision as a privatisation of a community resource. Community will not be custodian of the mountain any more and the tourism project becomes a public operation that is managed by central officials in Windhoek. As stated by the Tsiseb Conservancy vice-chairman, “now it’s a State-owned project”. State re-appropriates resources in Brandberg National Monument Area. Traditional authority is evicted from decision-making process and will only be consulted for legitimacy. This is misunderstood by local leaders that think that “this is [their] land, [their] place and [they] don’t understand because the area in itself is a communal area, and so [they] don’t understand how the NMC come in”. Communities feel they managed well before State came in, and they were the one that protected as we saw earlier in the paper.

16 Interview Adelma /Uises, Tsiseb Conservancy vice-chairman, Monday 30th of May 2005, Uis, Erongo Region.
Moreover, the new situation brings contractual insecurity for the DMG association. The guiding operation is leased out by NMC to the association. A contract is signed, that stipulates rights and duties for each party. As a matter of fact, guides’ situation is insecure as NMC can breach the contract and look for another operator. For example, NMC could plead a case of bad services to tourists as an excuse to stop leasing the operation out to DMG and find an external private operator. If we refer to our theoretical institutional framework, that is the 4-level model of Williamson (2000), this new institutional arrangement between State and communities seems not to be stable. The play of the game (level III) is not fair and conflicts would arise quickly, as there are no incentives for guide to behave sustainably. So the new institution that emerged is not optimal to reduce transactions costs and needs to evolve.

Even further conflicts occur, as Brandberg Monument Council is declared over a circle area of 10km radius. Legislation and regulations prohibit local people to settle, inhabit and use grazing in the vicinity of 10km. With the new Heritage Act passed in 2004, NMC is willing to enforce decisions about settlement on Monument areas. However, villages are already set up and many farmers use water for their livestock and for domestic use (drinking, cooking). Multiple users have rights over this area and this decision create conflicts over use and land rights in the area. Evacuation of the zone would expropriate local people from their essential and vital resources and would lead to great conflicts Situation could become explosive and unsustainable if no mediation and negotiation is done with the conservancy committee and the DMG association.


Natural and cultural capital in the Brandberg Heritage site is of great scientific, aesthetic and tourism value. Multiple groups of users compete for these assets and resources. They have different interests at stake and this leads to conflicts over use of resources. Heritage tourism is often an efficient land-use option for National Monument Areas as in the case of the Brandberg Mountain. This lucrative economic activity could promote sustainable development, conservation and rural poverty alleviation. However, different stakeholders are willing to capture the rent generated by tourism. This actors' game has to be regulated if rent is not to be totally dissipated because of unsustainable exploitation of the site. Institutional approach recommends building good institutions to govern relations. In a 4-level model (Williamson, 2000), levels II and III set up the rules and the play of the game. In a first step,
property rights over the Brandberg Heritage site have to be well defined to secure rural actors and provide incentives for wise utilization rate. Next step is to design good institutions and contracts to regulate transactions and relations and reduce conflicts. Community-based Tourism enterprise is an efficient institutional arrangement when State capacity is low and social capital is strong within the community. Recent State re-appropriation of the site disorganized emerging institutions and imposed central regulation over the site. Few reasons support this unilateral decision. However, this led to conflicts with local actors that feel dispossessed from their vital resource base. To overcome this disagreement and reduce transactions costs, new institution has to emerge to represent interests from all stakeholders, that is: the State, experts, development agencies, private tour operators and finally rural communities. A governance structure has to be designed to coordinate different groups of uses of the common-pool resources, here natural and cultural assets on the Brandberg Heritage Site. Facing organizational and institutional instability, causing environmental and economic unsustainable development, new institutional arrangements have to be looked at. Here is introduced the approach of co-management which overcomes State and community relatively low capacity by linking different actors and creating synergy. Co-management governance should be thought about to include all different rent-seeking strategies. As stated by Borrini-Feyerabend et al. (2000, cited in Carlson, Berkes, 2005), co-management can be understood as ‘a situation in which two or more social actors negotiate, define and guarantee amongst themselves a fair sharing of the management functions, entitlements and responsibilities for a given territory, area or set of natural resources’. The idea is that an agency (usually a State agency) with jurisdiction over an area might develop ‘a partnership with other relevant stakeholders (primarily including local residents and resource users) which specifies and guarantees their respective functions, rights and responsibilities with regard to the [area]” (Borrini-Feyerabend, 1996, cited in Carlson, Berkes, 2005). In our case study, decision process would be divided between State and rural communities that could be represented through the established Tsiseb conservancy. This conservancy has the institutional capacity to regulate the site if rights are devolved from top to bottom and if actual decentralization of responsibilities is decided and undertaken. Thus, management duties should be partly or wholly transferred from State agency to rural communities. Conservancy members have local knowledge that would help conservation activities within the Heritage site. Moreover, involvement of local resource users in benefits-sharing decision process leads to better incentives for sustainable Heritage management and tourism. To sum up, as opposed to
current unilateral vision from National Monument Council (NMC) of Namibia and as recommended by Kiser and Ostrom (1982, cited in Carlson, Berkes, 2005) in their three-layer model, co-management in Heritage tourism in Brandberg site should include communities not only in decisions about operational rules but also in decisions about collective choice rules. Preservation and sustainability of the mountain is dependant to the emergence of this new institution.

References


