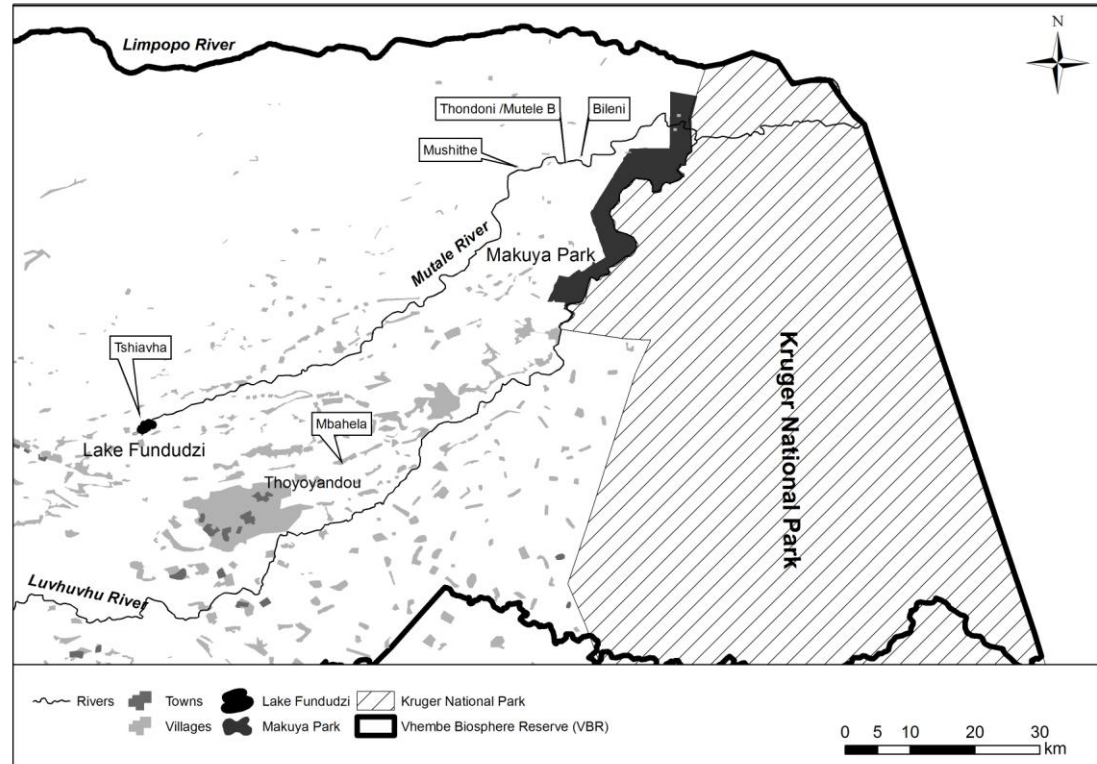
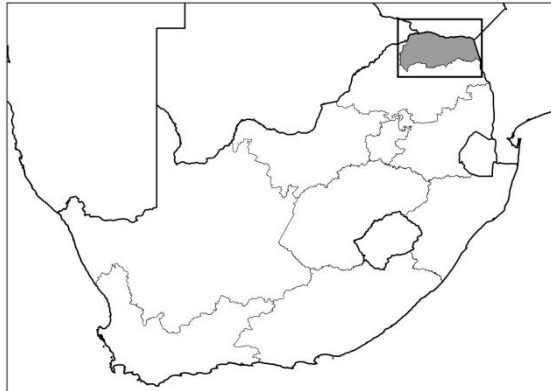




# Which law can protect Lake Fundudzi? An interface between water, protected areas, customary and international laws

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# Location of Lake Fundudzi



# Lake Fundudzi – the enchanted lake



# Background to Lake Fundudzi

- Unique inland freshwater lake in upper reaches of the Mutale River
- Cultural and spiritual significance for VhaVenda people
- Deserves national and international conservation status
- Under threat from a biophysical perspective
- Could be a valuable ethno and eco-tourist attraction



# Legislative framework

- Lake Fundudzi could be protected either under the 2004 National Environmental Management: Protected Areas Act (S 23), the National Heritage Resources Act (S 3), the 2003 Limpopo Environmental Management Act (S 15), 1972 World Heritage Convention or customary law.
- **NEMPAA:** Nature reserves can be declared to protect an area of cultural interest
- **NHRA:** The national estate includes areas to which oral traditions are attached or which are associated with living heritage ; landscapes and natural features of cultural significance and which have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
- **LEMA:** Protected parks can be declared because of natural landscapes, indigenous fauna and flora and biotic communities, and to sustainably utilise the area for scientific, educational and eco-tourism purposes



# The uncertain legal status of Lake Fundudzi

- Lake Fundudzi has not been formally declared as a national heritage site yet (but it is listed on an inventory of Limpopo heritage sites)
- Submission in process
- Customary laws are in place but Lake Fundudzi's current legal status is in question

# Implications

- Lake Fundudzi open to development threats in absence of a legal status
- Fuelled by competing stakeholder interests:
  - Tshiavha people: protection of traditional customs and belief that Lake Fundudzi belongs to them
  - Limpopo Department of Economic Development, Environment and Tourism and at least one of the other chiefs: infrastructure development for tourism and land use practices for others
- For now there is a stalemate between proposed ideas for development and protecting Lake Fundudzi as a sacred site, but for how long?

# Phiphidi Falls



- Example of problem of lack of protected area status
- Threatened by tourism developments
- Injunction to halt development for now granted by High Court



# Conclusion

How to protect Lake Fundudzi for now:

- Raise Lake Fundudzi's status by giving it international recognition
- Interim protection until declaration process is complete
- Need for streamlining of national legal framework for conservation areas

**Ultimately:** how to find a compromise that protects the sacredness of Lake Fundudzi and helps communities benefit from its “living heritage”?

