

Legislation, Governance, and Finance of Public Space

Policy Brief

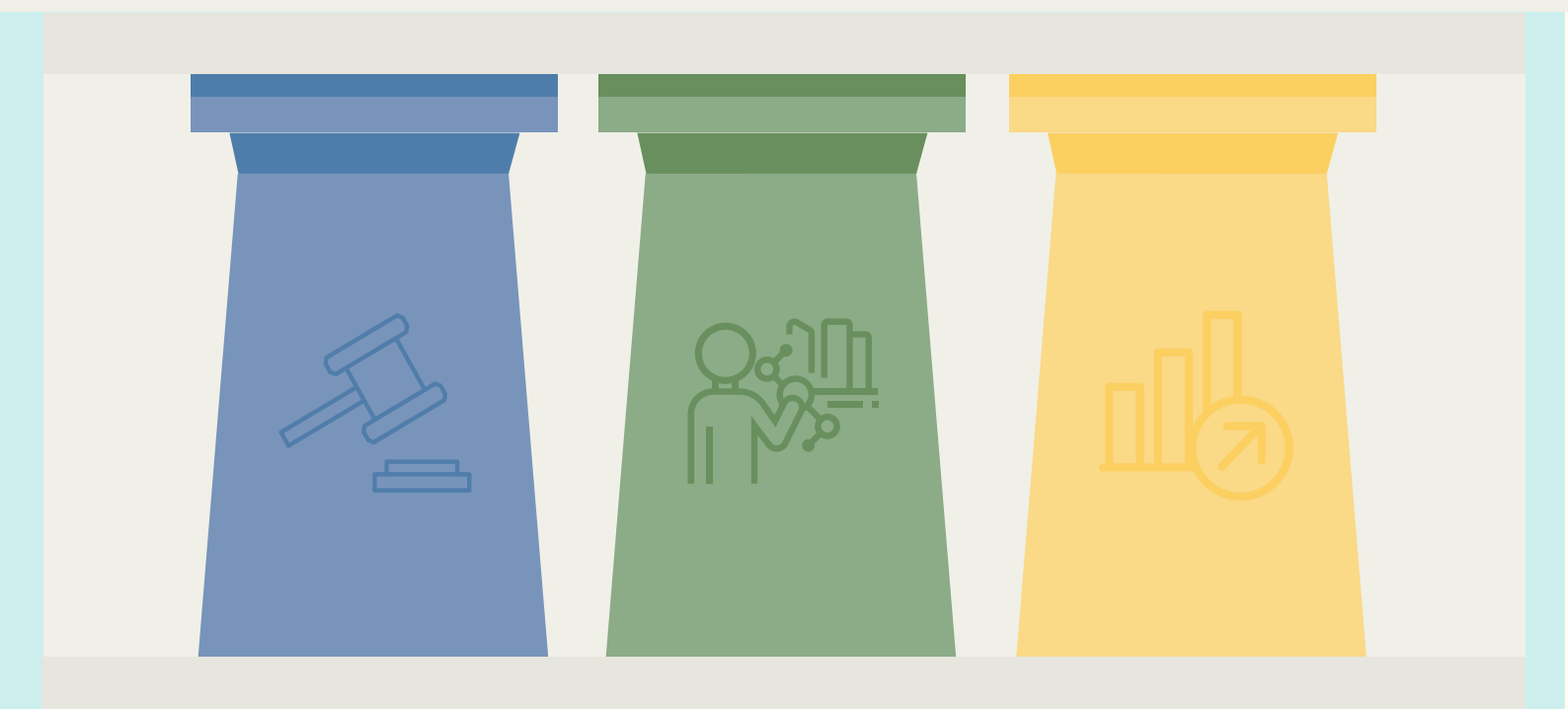




Figure 1.A football field in Moravia informal settlement, Medellín, Colombia. © UN-Habitat / A.Padrós

Executive Summary

Public spaces play a vital role in creating inclusive, liveable and resilient cities. They encourage social interaction and inclusion, foster a sense of belonging to urban spaces, and improve environmental quality.

This policy brief examines the critical role of legislation, governance and financial frameworks in public space development and management. It provides a detailed analysis of how these frameworks influence the creation, management, and sustainability of public spaces.

Traditionally, legislation provides the overarching framework, while governance determines the specific mechanisms and actors involved. Financial frameworks, in turn, allocate the necessary resources, thereby facilitating effective public space management and development. However, public spaces in urban environments are increasingly being compromised, as their social, environmental and economic value is being undermined by growing pressures from privatisation, inadequate maintenance and land allocation, and fragmented governance. This policy brief aims to provide policy recommendations on legislation, governance and the financing of public spaces. The recommendations seek to ensure that public spaces meaningfully contribute to social equity, community well-being, and long-term urban resilience, by addressing systemic challenges and enabling coordinated, well-resourced action.

Introduction

Public spaces are vital for the dynamic social functions of public life of diverse user groups. They provide areas for social encounter, recreation (including work, play and study), shelter needs and other forms of community engagement. Officially, they are defined as “areas that are publicly owned, intended for public use, accessible and enjoyable by all without charge and not driven by profit motives” (UN-Habitat, 2015).

A successful framework for shaping public spaces, as they add huge value to urban areas, identifies ten core characteristics crucial for achieving places that truly serve the community and enhance the urban experience. These principles for public space quality and management are¹:

1. Adaptable (whether formal or informal in nature).
2. Diverse (avoiding one-size-fits-all).
3. Free (with secure rights and responsibilities).
4. Defined (clearly public in their use).
5. Engaging (designing in active uses).
6. Meaningful (incorporating notable amenities and features).
7. Social (encouraging social engagement).
8. Balanced (between traffic and pedestrians).
9. Comfortable (feeling safe and relaxing).
10. Robust (adaptable and distinct in the face of change).

However, public spaces are under threat. Rapid urbanization has exacerbated conflicts over land use meaning cities are failing to allocate enough land for public space, instead prioritizing other forms of urban development. Data from 2020 of over 1,000 cities in 120 countries found that over 75 per cent of these cities allocated less than 20 per cent of land to open public spaces. This is half the recommended amount (UN-Habitat, 2020).

Threats to urban public spaces can come from legislative, governance and financial decisions regarding the development and management of public space. Effective legislation is necessary to the allocation and protection of public spaces. Effective governance is key in promoting the prioritization of public space, and ensuring spaces are managed in a way which promotes and adapts to community needs. Effective financing ensures adequate and sustainable financial resources for the creation and management of designated public spaces. In essence, legislation provides the overarching framework, while governance determines the specific mechanisms and actors involved. Financial frameworks, in turn, allocate the necessary resources, thereby facilitating effective public space management and development.

Today, public spaces tend to be a product of complex interactions amongst multiple stakeholders from across

the public and private sectors.² Outdated and ambiguous legal frameworks, fragmented governance structures and inadequate financial models hinder the effective development, management and use of public spaces.

This policy brief aligns with the global vision of public spaces and sets out a series of policy recommendations through which national and local government can align their legal, fiscal and governance strategies to meet SDG 11.7, *to provide ‘universal access to safe, inclusive and accessible, green and public spaces, particularly for women and children, older persons and persons with disabilities’*.³ The New Urban Agenda complements the SDGs, providing an action-oriented guideline which calls specifically for an increase in public spaces, champions the role of sustainable urban design and promotes the role of governments at all levels to lead the development and implementation of effective urban rules and regulations, planning and municipal finance.⁴ As cities seek to improve environmental sustainability and enhance economic prosperity, it is crucial that the governance of public space facilitates community infrastructure and supports placemaking for all.

¹ Carmona, M. (2019). Principles for public space design, planning to do better. *Urban Design International*, Volume 24, pages 47–59. <https://doi.org/10.1057/s41289-018-0070-3>

² Zamanifard, H., Alizadeh, T., and Bosman, C. (2018). Towards a framework of public space governance. *Cities*, Volume 78. <https://doi.org/10.1016/j.cities.2018.02.010>.

³ Indicators.report. “Target 11.7 – Provide Universal Access to Safe, Inclusive and Accessible Green and Public Spaces” (n.d.) <https://indicators.report/targets/11-7/>.

⁴ UN-Habitat (2020). *City-Wide Public Space Strategies: a Guidebook for City Leaders*. Nairobi, United Nations Human Settlements Programme. Retrieved from https://unhabitat.org/sites/default/files/2020/03/cwpss_guidebook_20200116.pdf

Relevant Definitions for the Legislation, Governance and Finance of Public Space

Legislation, governance and finance are three intrinsically interconnected concepts which rely on each other's mutual support and policy coherence.

Together, legislation and financing form the backbone of public space governance, providing the legal mandate and financial resources necessary to ensure that public spaces are accessible, sustainable, and inclusive. By aligning these elements with strategic governance principles, cities can create vibrant, robust and equitable public spaces that serve the needs of all.

Legislation

Legislation is defined as the system of laws and legal frameworks established by governing bodies (such as national parliaments, local councils, or other regulatory authorities) to regulate, guide, and manage various aspects of society. In the context of public spaces, legislation provides the legal foundation for defining ownership, access rights, usage regulations, protections, and standards for development and maintenance. Legislation is also responsible for mandating inclusivity, human right standards, setting environmental standards and protecting public resource. In essence, it sets the essential rules and protections which define how public spaces are created, managed, preserved and experienced by current and future generations. Robust legislation on public space is a cornerstone of effective governance and is crucial to ensure equitable and sustainable public spaces.

Legislation for public space can be implemented at several levels but tends to be implemented at the national level, through national laws and policies. Given responsibility for public space is often primarily designated at the local authority level, the positioning of legislation at the national level creates an interest and important interplay between the two administrative levels. National legislation and national decisions intrinsically impact local governments mandates and responsibilities. This can be through allocating budgets to local governments, setting priorities, defining access rights to public spaces through national legislation, or establishing planning principles and frameworks. Political alignment or at least coherence between the two levels is important for effective delivery of public space.

Governance

As defined by UN-Habitat, "Governance refers to the structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation. [...] Governance is about how power is distrib-

*uted and shared, how policies are formulated, priorities set, and stakeholders made accountable. It encompasses a diverse range of actors in decision-making processes as well as the formal and informal structures that have been set in place to arrive at and implement decisions."*⁵

Governing public spaces involves three main aspects:

1. Strategic vision, coordination

People involved in governance (e.g., councils, urban planners, public authorities, community leaders) shape the strategic vision and high-level goals for the development, preservation, and utilization of public spaces. This also requires a multilevel governance approach that emphasizes collaboration and coordination across different levels and actors to address complex public space challenges effectively. This approach recognizes that many issues require solutions that span diverse geographic scales which encompasses the involvement of various actors, extending beyond traditional governmental actors.

2. Performance oversight

Oversight bodies ensure that management actions align with public interests and stakeholder needs.

3. Direction and oversight

Senior leadership including governing boards guide management, ensuring prudence, ethics, and legal compliance in public space development.

Finance

Financing refers to the process of obtaining and managing funds to support the project design, delivery and activities. In the context of public spaces, financing encompasses the methods, mechanisms, and resources used to fund the planning, development, maintenance, and improvement of public spaces to ensure they remain accessible, inclusive, and sustainable. Financing is the lifeline of public space governance, enabling the creation, upkeep, and enhancement of spaces that foster community well-being, inclusivity, and sustainability. Traditionally, public spaces are funded by local government budgets, through central government transfers or local taxation (Arvanitidis, 2008: 8). However, local authorities often struggle in distributing resources adequately due to competing priorities in the budgets.

⁵ UN-Habitat. "Urban Governance" (n.d.) <https://unhabitat.org/topic/urban-governance>.

Key Challenges

In contemporary urban landscapes, the crisis of public spaces is becoming increasingly apparent (UN-Habitat, 2018). Despite their importance, public spaces face significant and complex challenges. These must be addressed through effective governance structures which prioritise public space access and utilise financial and legislative tools to protect and enhance public space for urban residents. The main challenges relevant to the legislation, governance and financing of public space are:

1. **Inadequate allocation of sufficient land for public space**

Cities face the growing challenge of inadequate allocation and integration of public spaces, such as green areas, sidewalks, and communal spaces. This is due to public land being increasingly prioritised for commercial and profit-driven developments. This often gives rise to conflicts between the need for essential infrastructure, such as housing, and the provision of accessible public spaces. It is evident that developers frequently overlook the opportunity to incorporate public spaces as integral components of urban developments. This oversight has the potential to result in diminished livability and community well-being.

2. **Challenges in managing, maintaining and legally safeguarding public spaces**

A crucial challenge for local entities is the limited funding and ineffective management structures, which are leading to the neglect and deterioration of public spaces. Moreover, many public spaces are regulated through multiple complex arrangements, many of them are rarely purely public or private. This mismanagement leads to decline and often to the eventual privatization or co-option of sites for alternative uses. Compounding this issue is the absence of robust urban legislation to regulate land

allocation, enforce planning standards, and guarantee equitable access to public spaces. Without strong legal frameworks, public space remains vulnerable to ad hoc decision-making and inequitable distribution, undermining its role as a shared urban good.

3. **Need to ensure equal participation in public space**

Existing social inequalities and forms of discrimination are often exacerbated in the public sphere, setting informal norms and controls over who has access, the right to enjoy and the right to belong in public spaces. It is evident that legal and administrative restrictions on activities within public spaces are often vague and subjective, with the inevitable result that underprivileged population groups are disproportionately affected, with marginalisation being amplified.

4. **Difficulties in acquiring necessary financial resources for the design and designation of public spaces**

Financial constraints on governments, combined with a prioritisation of urban development, imply that limited financial resources are made available for investment in public spaces. A lack of financial resources limits governance structures' ability to acquire land for public space development, install the necessary infrastructure and maintain public spaces effectively.

An effective legislation to ensure appropriate governance frameworks for public spaces, alongside action to improve and diversify fiscal mechanisms, could easily address many of the aforementioned challenges. This is vital to ensure that authorities can effectively design and develop public spaces to be enjoyed by all as part of an inclusive, thriving and sustainable urban environment.

Figure 2. Participatory planning of public spaces at Kalobeyei, Turkana Kenya. ©UNHabitat/Bernard Heng



Good practices for the Legislation, Governance and Finance of Public Space

This section outlines good practices on how to improve legislation, governance and financing of public space to address the challenges identified.

Reforming Public Space Legislation

Robust urban legislation is vital to regulate the allocation and acquisition of land for public spaces, establish comprehensive planning standards, and ensure enforceable laws – particularly to safeguard rights and ensure equitable access to public space.

Legislation is a crucial component of the governance of public space, setting the framework and parameters through which governance operates. It defines the legal status, usage and protection of public spaces – ensuring they are sustainably managed and remain accessible and equitable. Whilst primary responsibility for public spaces sits with local governments, legislation affecting public space is often set at the national level. Hence, coordination between national and local government is necessary to set legal parameters from which public spaces can thrive.

The key roles of legislation to govern public spaces are:

1. To establish an integrated planning framework

Urban areas need to integrate public space requirements into their urban planning frameworks from the outset. This means not only establishing clear requirements but also creating effective zoning plans that allocate a specific minimum percentage of land for parks, plazas, and recreational spaces. UN-Habitat recommends that sustainable, well-functioning cities should dedicate approximately 50% of their land to a balanced public realm network. Zoning is a powerful tool that ensures public spaces are prioritized and protected as cities grow. By setting clear guidelines in legislation, authorities can mandate minimum public space allocations in new development and prevent the overcrowding of residential and commercial areas and ensure that green spaces are a fundamental component of urban infrastructure.

2. To set processes for land acquisition and allocation

Cities that are successful in creating and maintaining large amounts of public space achieve this success through a combination of effective laws and sufficient resources that allow them to acquire land from private owners, particularly during the processes of urban development

and land subdivision. This can be done through public purchase, land swaps and incentives, or expropriation.

3. To ensure rights and protect people from discrimination

Legislation should mandate equitable access to public spaces through rights-based legislation. Rights-based legislation aims to end all forms of discrimination and violence, ensuring that all individuals and communities are empowered. This should include establishing requirements around access and accessibility for underprivileged groups and should criminalize direct and indirect discrimination against them. Maintaining effective rights-based legislation requires ongoing dialogue and coherence between legislation, policy, and planning to ensure laws remain relevant and are adaptive to changing circumstances.

4. To protect public spaces from encroachment

Clear legal guidelines regarding the ownership of public space are important to protect them from encroachment or co-option for alternative use.

5. To set regulatory standards and quality requirements

Urban planning legislation should establish clear regulatory standards that include minimum space requirements for different types of public areas. For instance, residential neighbourhoods may need a certain amount of park space per capita, while commercial districts might require plazas and pedestrian zones. These regulations should also promote accessibility, safety, environmental sustainability, and aesthetic value.

Regular impact assessments should be conducted to ensure that urban laws achieve the desired outcomes, and mechanisms should be established to correct errors and improve the effectiveness of these laws. In the context of public space, ineffective laws are one of the main reasons for the inadequate provision of streets and public spaces.

In several low-income countries, subdivision regulations and minimum standards barely consider public space requirements. When no minimum public space design requirements exist, the creation of streets, sidewalks, and open and green areas is left to the discretion of urban planners and private developers.

Box 1: Zoning Laws in Kigali, Rwanda

Since 2013, Kigali has implemented a detailed master plan that includes zoning laws designed to guide urban development and land use. This plan, which was updated and is to be implemented from 2020 to 2050, emphasizes mixed-use development, green spaces, and infrastructure improvements to enhance urban living conditions. The master plan's zoning regulations have played a crucial role in transforming Kigali into a well-organized and clean city, promoting sustainable urban growth while addressing the challenges of rapid urbanization. Local governments were actively involved in the planning, implementation, and monitoring of the master plan. The City of Kigali has been instrumental in enforcing these zoning regulations, ensuring compliance through regular inspections and public consultations. Local authorities have also facilitated community engagement, allowing residents to voice their concerns and participate in the planning process. This collaborative approach has led to a more inclusive urban development process, aligning with the community's needs and aspirations while maintaining the city's overall vision for growth and sustainability.

Source: World Bank. (2020). Housing solutions for low-income urban communities in Rwanda (Report No. AUS0001351). World Bank.



Figure 3. An overview of Kigali, Rwanda. © UN-Habitat /Julius Mwelu

Obtaining the Right Governance Model

There are several types of governance methods commonly employed regarding public space. These are: multilevel governance; state-centred governance, participatory governance, and public-private-people partnerships.

Each model offers unique strengths and particular challenges regarding the effective governance of public space. Whilst in practice these models frequently overlap, assessing the effects of each governance model can help policymakers leverage advantages and mitigate limitations to tailor governance structures to meet the acute needs of an urban environment.

Governance Type	Actors	Description	Opportunities	Challenges
Multilevel Governance	Significant involvement from multiple actors at all levels including: National Government; Regional/Provincial/ subnational Government; Metropolitan governments; Local governments; Civil Society; Private sector	Interconnected and collaborative governance structures involving multiple levels of government - approach recognizes the complexity of urban challenges, including public space management, and leverages the strengths of various governance levels to create more resilient and responsive systems.	<ul style="list-style-type: none"> Enhance coordination and coherence among different governance levels. Facilitate the integration of diverse perspectives and expertise. Improve resource allocation and policy implementation through shared responsibilities. Foster innovation and adaptive management practices. 	<ul style="list-style-type: none"> Requires coordination and cohesion between a multitude of stakeholders at both the horizontal and vertical level. Differing priorities and ways of working between agencies.
State-centred governance	Local government	Local authorities take primary responsibility with minimal external involvement	<ul style="list-style-type: none"> Simple with clear and defined roles and responsibilities. 	<ul style="list-style-type: none"> Limited financial and organizational sustainability. Bureaucracy. Lack of adaptability and responsiveness.
Participatory governance	Local government; community groups; the public.	Direct involvement from and leadership by community groups and the public in governance decisions through bottom-up and participatory decision making.	<ul style="list-style-type: none"> Significantly enhanced community engagement and sense of belonging. Strong sense of public ownership which can generate buy-in and compliance. Inclusive decision-making. Strong correlation between end project and community need. 	<ul style="list-style-type: none"> Can be timely and expensive to deliver successfully. High level of coordination between groups is required. Action required to mitigate community hierarchies and ensure not just the loudest voices are heard.
Public-Private-People Partnerships	Local government; national government; private sector; community groups and the public.	Integrates the efforts of public authorities, private companies, and community members in the management and maintenance of public spaces. Emphasis on the importance of community engagement, co-creation, and collaborative governance.	<ul style="list-style-type: none"> Enhanced community engagement. Sustainable solutions to urban challenges. Inclusive decision-making. 	<ul style="list-style-type: none"> Coordination between diverse stakeholders ensuring equal participation in process. Prolonged negotiation due to a misalignment of interests of priorities can mean process is lengthy.

Table 1. Analysis of Governance Models for the Effective Management and Administration of Public Space

Crucial to any model for the effective governance of public space is the ability for it to create coherence between multilevel agencies and coordinate between various stakeholders including local governments, private entities and the community (OEC, 2023; World Bank, 2023). Effective governance must ensure buy-in and engagement from local residents and community members, creating a structure through which they feel involved, invested and able to benefit from public space.

It is also the role of governance structures to establish a clear monitoring framework through which progress against the aims of the public space development can be regularly assessed. It is important that this is done at the project inception stage and is adequately resourced to ensure governance of public spaces can respond adaptively to learnings and address emerging issues which may damage the sustainability and accessibility of the space. Detailed steps on how to develop and monitor against a theory of change for public space projects can be found in this complementary publication.⁶

Each urban context is different, and governance models must be adopted to best suit the acute needs of each locality. Alongside the analysis set out in the table above, urban areas should assess governance strategies using the following criteria to understand the practical implementation which will be most effective.

1. **Stakeholder involvement**

Identifies the key stakeholders involved in each model (e.g., government, private sector, community groups).

2. **Responsiveness**

Measures how efficiently and effectively the governance model can respond to issues and changes in public space management.

3. **Sustainability**

Assesses the long-term viability of the governance model, including financial and organizational stability.

4. **Cost**

Evaluates the overall cost of implementing and maintaining the governance model, including potential cost savings or efficiencies.

5. **Innovation**

Examines the potential for incorporating innovative solutions and technologies within the governance model.

6. **Access and inclusivity**

Considers how the governance model ensures equitable access to public spaces and prevents social exclusion.

7. **Formalization**

Looks at the degree of formal recognition and support by government entities, which can impact the sustainability and legitimacy of the model.

8. **Risk and accountability**

Analyses how risks are managed and how accountability is maintained within the governance model.

9. **Scalability**

Evaluates the potential for the governance model to be scaled up or replicated in different contexts.

10. **Flexibility**

Assesses the ability of the governance model to adapt to changing circumstances and needs.

As cities continue to grow and evolve, adopting flexible and innovative governance approaches will be essential to ensuring that public spaces remain vibrant, accessible, and sustainable for all urban residents.

⁶ UN-Habitat (2025). Legislation, Governance and Finance of Public Spaces .

Box 2: Multilevel governance in Medellín, Colombia

Medellín, Colombia, has transformed from a city plagued by violence and social inequality into a model of urban innovation and social inclusion. This transformation is largely due to a multilevel governance approach that integrates efforts across national, regional, and local governments, alongside non-state actors.

One of the cornerstones of Medellín's transformation is the Integrated Urban Projects (Proyectos Urbanos Integrales, PUIs). These projects focus on improving infrastructure, social services, and public spaces in an underprivileged neighbourhoods. The PUIs include the construction of multifunctional parks, libraries, schools, and sports facilities, designed to serve educational, recreational, and social purposes. A significant transportation link, the Metrocable, connects isolated neighbourhoods to the city centre, improving access to economic opportunities and public services.

Public-private partnerships (PPPs) have been effectively leveraged to fund and manage these public space projects. For instance, Parque Biblioteca España (Spain Library Park), an iconic library park in an underprivileged area, was funded through a mix of public funds and private donations. It provides educational resources, cultural activities, and a safe community gathering space. Public spaces like Parque Biblioteca España (Spain Library Park) foster social cohesion and reduce social tensions, while sports facilities and cultural centres engage youth in constructive activities, diverting them from gang involvement and other criminal activities. Through participatory budgeting, residents decide how a portion of the municipal budget is spent, ensuring that projects reflect local needs. Community-managed spaces foster a sense of ownership and accountability, with local organizations responsible for maintaining these areas.

Medellín has also integrated social and environmental objectives into public space management. Green corridors connect parks and green spaces throughout the city, promoting biodiversity and providing recreational opportunities. Urban agriculture initiatives improve food security and foster community bonds. The creation of safe, inclusive public spaces has significantly reduced violence and crime. Integrating educational and social services with public spaces in Medellín ensures better access for underprivileged communities. Participatory processes and community-managed spaces empower residents, giving them a voice in urban development and fostering a sense of belonging.

Source:

Echeverri, Alejandro & Orsini, Francesco. (2011). Informalidad y urbanismo social en Medellín.

Brand, P. (2013). Governing inequality in the South through the Barcelona model: 'social urbanism' in Medellín, Colombia.

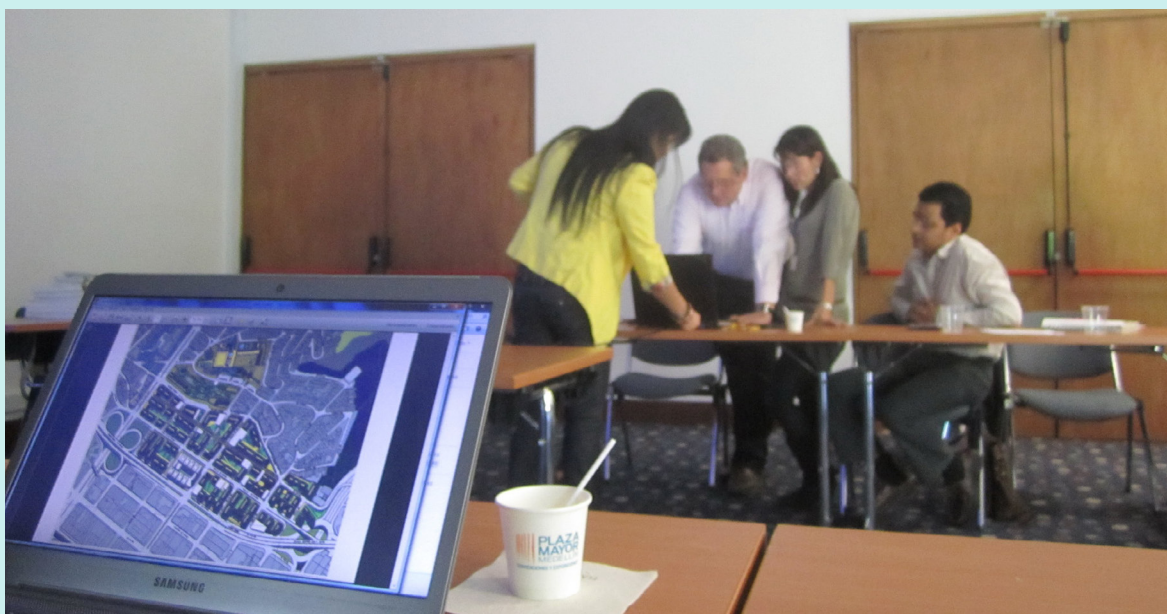


Figure 4.A working session with the City of Medellín, Colombia. © UN-Habitat / A.Padrós

Securing Adequate Financing for Public Space

The sustainability and the quality of public spaces depend on the resources allocated at the local level to create, manage, and maintain public spaces. Local governments are the principal stakeholders investing in public space projects. They have direct effects on the quality of life in urban areas, increase property values, and improve the image and the attractiveness of cities.

Globally, local government budgets have been constrained. Post Covid-19 recovery, the growing need to tackle climate induced risks and environmental challenges and inflation shocks in many parts of the world, have heavily hit local governments financial capacity. Simultaneously, as the cost of infrastructure development and maintenance increases, economic and geopolitical

challenges have heightened the contentious decisions facing local authority budgets. (UN-Habitat, 2024).

Assessments from the World Bank indicate that governments' contribution typically may be relatively small—around 10% of total capital expenses—creating a significant funding gap (Kaw, et al., 2020, p.77). Whilst local governments need to ensure they allocate adequate annual budget for public spaces, it is also important that, as part of the governance process, responsible authorities should explore innovative funding sources to procure additional investment at the local level. This can include harnessing private funding sources such as philanthropic contribution, crowdsourcing, or partnerships. However, it is important to clarify the roles and responsibilities of all the partners involved.

The table shows several strategies through which these funds can be procured:

Financing Mechanism	Description	Actors	Advantages	Challenges
Local government budgets	Budget allocation from overall city budget.	Local government.	Stable funding source; control over funds.	Strain on city budgets; competing priorities; weak legislation for ring-fenced funding.
Land-based financing instruments	Collecting charges or fees from developers or property owners and reinvesting them to improve and maintain urban infrastructures, including public spaces.	Local government; property owners.	Stable funding source; range of available tools; can provide significant upfront investment.	Requires accurate assessments; potential inequity; resistance from property owners.
Crowdsourcing funds	Mobilise community contributions, while ensuring collaboration with public authorities.	Grassroots organizations; community members; collaboration with local governments.	Risk of insufficient funding; no enforcement.	Communities often lack organisational capacity and resources for such initiatives.
Philanthropy contributions	Secure donations and grants for public spaces, while ensuring formal handing over to local governments in combination with government funding.	Private entities; local government; philanthropists; donors.	Opportunity to leverage significant investment; reduces public burden.	Requires clear and formal agreements regarding ownership following completion of the space. Risk of ulterior interests being prioritised in project.
Debt financing (bonds, loans)	Borrow from capital markets to finance public infrastructure.	Local government; markets.	Funds large infrastructure projects: supplements budget.	Requires creditworthiness; risk of debt – requires clear strategy to pay back.

Table 2.Strategies for Securing Innovative and Additional Financing for Public Space Development and Maintenance

When assessing financial models for public space programmes, responsible governance authorities should measure against the following factors:

1. Stability
2. Flexibility
3. Developer involvement
4. Complexity and administrative burden
5. Risk and market dependency

Governance bodies should explore how each of the financial mechanisms listed above will interact with local contexts and ensure balance between the listed factors. By leveraging local government budgets, land-based financing instruments, crowdsourcing, philanthropy, and debt financing, cities can develop resilient financial plans that ensure the continuous improvement and effective management of public spaces. Understanding and implementing these mechanisms can lead to well-maintained, more sustainable public spaces that benefit all community members.

Box 3: Land-based financing of public space in Hargeisa, Somaliland

Hargeisa, the capital of Somaliland, is a relevant example of a city that has used land-based financing to sustain public spaces. As highlighted in UN-Habitat's 2021 report, *Financing Sustainable Urban Development*, the city adopted an 'in-kind' land value capture mechanism to finance urban infrastructure and public amenities. Under this policy, when landowners request the conversion of rural plots into urban land, 30% of the converted land must be transferred to the municipality.

This share is earmarked for public use, such as creating new parks, squares and community facilities, or it can be leased or sold to generate revenue. By directly linking land conversion to the provision of public goods, the city has ensured that the benefits of urban expansion contribute to the sustainability of shared spaces.

This approach demonstrates the potential of land-based financing instruments to address the budgetary constraints of local governments. Rather than relying exclusively on limited annual allocations, Hargeisa has effectively taken advantage of the growing land values created by urbanisation. This strengthened the municipality's fiscal base and guaranteed a dedicated stream of resources for public spaces, thereby reinforcing their role in improving quality of life and long-term sustainability. (UN-Habitat, 2021c)



Figure 5. Aerial view to Hargeisa, biggest city of Somaliland, Somalia. © Shutterstock

Policy Recommendations

Legislation

1. **Simplify and reform** public space legal provisions to ensure they are easily understandable and interpretable. This includes engaging legal experts to review and streamline complex legislation, reducing opportunities for arbitrary interpretation, ambiguity and ensuring transparency. Reviewing inconsistencies and overlap between national and local legislation is also advised.
2. **Regularly update legal frameworks** to reflect current urban challenges, despite the natural disconnect between legislation and the dynamics of urban development such as demographic shifts. Establish periodic reviews as well as impact assessments of urban laws for public space and involve diverse stakeholders in the legislative process to ensure that laws remain relevant and adaptable. Successful updates also require building significant administrative capacity to manage the complexity of legal revisions and to implement them effectively.
3. **Build capacity and expertise** within subnational and local authorities to draft, implement, and enforce effective laws. Provide training programs and create partnerships with academic institutions and legal experts to help enhance legislative capabilities. Additionally, providing training for officials and the public on new legal frameworks can significantly enhance both compliance and consistency in enforcement, reducing the risk of non-compliance with the law.
4. **Strengthen enforcement mechanisms** as part of law-making processes to ensure robust and fair implementation of laws. Allocate sufficient resources for enforcement, adequately train personnel, and establish transparent accountability systems to reduce corruption and enhance the effectiveness of urban legislation.
5. **Establish legal safeguards** that ensure the legislative process remains transparent and objective. Introduce legal provisions that mandate public participation and independent oversight during the drafting and implementation of urban laws to prioritise long-term urban development goals. Enact legislation that sets clear criteria for decision-making processes to reduce the influence of short-term political agendas.
6. **Implement legal mandates** that require property developers to allocate a certain percentage of land for public spaces during the urban development process. This can be achieved by conditioning subdivision or building rights on the provision of dedicated public land.

7. **Reduce reliance on expropriation** as the primary tool for land acquisition, and instead prioritise more collaborative methods, such as land swaps, land readjustment, and offer incentives for private landowners to voluntarily dedicate land for public use. Where expropriation is unavoidable, the process should be streamlined to ensure fair compensation, transparency, and public engagement, but it should be used sparingly and only as a last resort.
8. **Establish robust and clear planning standards.** Legislation should define minimum space requirements for public areas and incorporate comprehensive design guidelines. This includes requirements for accessibility, safety, environmental sustainability, and aesthetic value to ensure public spaces are evolving, diverse, free, delineated, engaging, meaningful, social, balanced, comfortable and robust.

Governance

1. **Enhancing coordination and transparency** within the governance of public spaces is crucial. This can be achieved by creating formalised platforms for stakeholder engagement, establishing clear roles and responsibilities, and promoting regular communication and collaboration. Additionally, conducting institutional audits to identify overlaps and gaps, streamlining processes, and fostering inter-agency collaboration can lead to more efficient service delivery. Promoting open data initiatives and involving stakeholders in monitoring and evaluation processes will further ensure more predictable and coherent urban development plans.
2. **Increasing meaningful and action-focused community participation** in public space management is crucial for their sustainability and success. Developing inclusive engagement and action-focused strategies, building trust and social cohesion through accountability and transparency, and empowering communities with decision-making authority and resources can lead to more robust, vibrant and resilient public spaces. Implementing targeted outreach and engagement initiatives to involve underprivileged groups ensure their voices are heard and their needs addressed.
3. **Developing effective governance frameworks** that ensure the long-term sustainability of public spaces is necessary. Integrating public space management into broader urban planning frameworks, securing stable funding sources, and establishing maintenance and monitoring systems are essential for maintaining momentum and resources over time.

Policy Recommendations

4. **Enhancing decentralization** to enable responsive and efficient urban governance is crucial. Delegating decision-making authority to local governments, providing adequate resources, and building local capacity to address specific community needs can lead to more effective and tailored urban solutions.

Financing

1. **Diversifying funding sources**, including people-public-private partnerships, grants, and community fundraising initiatives, can help ensure the availability of necessary financial resources.
2. **Developing stable and resilient revenue sources** for public space projects is crucial. Implementing land-based financing mechanisms, establishing dedicated funds, and exploring innovative financing options such as green bonds and social impact bonds can help mitigate the impact of market fluctuations and economic downturns.
3. **Streamlining administrative processes** to manage financing mechanisms efficiently is essential. Implementing digital financial management systems, providing training for administrative staff, and establishing clear guidelines for financial management and reporting can reduce the administrative burden on local governments.
4. **Prioritizing equitable distribution and accessibility** of diverse types of public spaces is important for addressing social inequalities. Conducting needs assessments to identify underserved areas, allocating resources to underprivileged communities, and implementing inclusive design principles ensure that investments in public spaces benefit all segments of the population.
5. **Strengthening the financial and human resources** of local governments is necessary for effective urban governance and planning. Providing capacity-building programs, securing adequate funding, and promoting partnerships with private and non-governmental organizations can enhance resource availability and the ability of local governments to engage in meaningful planning and service provision.

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United Nations Human Settlements Programme (UN-Habitat)
P.O. Box 30030 00100
Nairobi GPO Kenya