

# The Role of Public Space in the Territorial Planning Instruments: the Case of Medellín

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This article addresses the notion of public space from two intertwined approaches: the legal and the sociological. It aims to consider the way these two aspects interact in the Territorial Planning Instruments in Medellín, namely the Territorial Planning Plan and the BIO 2030 Master Plan, to understand how law, power, legal norms and rules shape the city and the expressions of rights therein. A theoretical and descriptive approach will be made in order to understand the way those territorial planning instruments focus on the concept of public space, and give the guidelines to organise the city of Medellín in a certain way. This article will further explore how local authorities become key enablers for the fulfilment of human and socioeconomic rights through the provision of accessible public space.

## Introduction

In recent years, there has been great interest in the subject of public space, and with good reason: it has become one of the principal elements in the study of the ‘right to the city’, and it is recognised as a Sustainable Development Goal set for 2016-2030 by the UN:<sup>1</sup> ‘by 2030, provide universal access to safe, inclusive and accessible, green and public spaces, particularly for women and children, older persons and persons with disabilities’. In this regard, it is important

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<sup>1</sup> United Nations, ‘Sustainable development goals’  
<<http://www.un.org/sustainabledevelopment/sustainable-development-goals/>>  
accessed 3 May 2017.

to make a brief reference to the concept of right to the city in order to understand the role public space has in it and in the territorial planning instruments in Medellín.

In accordance with Lefebvre:

In these difficult conditions, at the heart of a society which cannot completely oppose them and yet obstructs them, rights which define civilization ... find their way. These rights which are not well recognized, progressively become customary before being inscribed into formalized codes. They would change reality if they entered into social practice: right to work, to training and education, to health, housing, leisure, to life. Among these rights in the making features the *right to the city*, not to the ancient city, but to urban life, to renewed centrality, to places of encounter and exchange, to life rhythms and time uses, enabling the full and complete usage of these moments and places, etc.<sup>2</sup>

Similarly, urban sociologist Robert Park claims that the city is ‘man’s most consistent and on the whole, his most successful attempt to remake the world he lives in more after his heart’s desire. But if the city is the world man created, it is the world in which he is henceforth condemned to live. Thus, indirectly, and without any clear sense of the nature of his task, in making the city man has remade himself.’<sup>3</sup>

Given this definition of the right to the city it is suggested that it is a collective right in which encompasses other claims and demands. Also, it should be pointed out that there are mechanisms that allows citizens to shape the city according to the requirements each society has at a certain point, and public space is one of the resources available to have to access the endless possibilities the city embodies.<sup>4</sup> Additionally, David Harvey classifies the right to the city as a human right, and as a common good given the fact that ‘its

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<sup>2</sup> Henri Lefebvre, *La Proclamation de la Commune* (Gallimard 1965) 178.

<sup>3</sup> Robert Park, *On Social Control and Collective Behavior* (Chicago UP 1967).

<sup>4</sup> David Harvey, *Rebel Cities* (2nd edn, Verso 2013).

transformation depends upon the exercise of a collective power to reshape the processes of urbanization'.<sup>5</sup>

Considering public space as one of the constituent elements of the city, it is important to mention that it can be defined according to different but intertwined approaches that gives rise to a notion that considers public space as a mechanism that allows the fulfilment of human and socioeconomic rights. In accordance with the foregoing, it is necessary to develop its multifaceted understanding of public space. Given its multidimensional nature, it can be defined according to the perspective needed in a certain case: for example, according to the physical form in which it develops such as free space or open space; according to its nature, which is usually related to the type of property (public or private); according to the uses that are given to it (collective space, common space, shared space), or with the kinds of relation that are established within it. All of its diverse dimensions are related to one aspect in particular: public space is the space of the expression and the social, civil and collective representation. It is also the democratic space *par excellence*.<sup>6</sup>

Sociologically, public space is a physical, symbolic and political space where relations between the city and its inhabitants are materialised. It must seek to assure social mixture by guaranteeing its use by different social and cultural groups. According to Garriz and Schroder, public space is the place where the collective life expresses itself. As the ground of collective life, public spaces must turn into coexistence scenarios where no one is forced to justify one's presence, origin, or social condition, but rather become a space of social redistribution for the common good. In this way, the citizens are able to appropriate the city and live in society. Hence, it is the place where power, political and social democratisation becomes manifest.<sup>7</sup>

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<sup>5</sup> David Harvey, 'The Right to the City' [2008] 53 NLR 23-40.

<sup>6</sup> Carmen Bellet-Sanfeliu, El espacio público y la nueva urbanidad: Reflexiones sobre el caso de las ciudades intermedias, in JM Llop (ed), *Ciudades en re-construcción: Necesidades sociales, transformación y mejora de barrios* (2008) 207-230G.

<sup>7</sup> EJ Garriz and RV Schroeder, 'Dimensiones del espacio público y su importancia en el ámbito urbano' [2014] 12(2) Revista Científica Guillermo de Ockham 25-30.

As can be seen, the concept of public space allows different types of definitions according to the perspective that is used to illustrate its notion. From a conceptual and legal perspective, contrary to the notion existing in common law, civil law countries, such as Colombia, Spain and France, the concept of public space is often formulated as the formal separation that exists between the private and the public property. In Colombia, the main difference between these concepts lies in the function that each one of them fulfils in society. For instance, the role of the private property usually relates to the right to build. Meanwhile, the public property refers to spaces that are publicly owned and its destination is often for social appropriation.<sup>8</sup> In this way, public administration appears as a vital actor in the process of assuring those kind of spaces become mechanisms of integration among the inhabitants of the city.

Legally, the concept of public space is often defined by a law or a territorial planning instrument. In the case of Colombia, Article 93 of the Political Constitution clearly establishes that the state must ensure 'the protection of the integrity of public space, and its destination for common use, which prevails over particular interest'.<sup>9</sup> It is also defined by Decree 1504/1998 in the following terms:

... the set of public buildings and the architectural and natural elements of the private buildings destined by nature, uses or affectation to the satisfaction of collective urban needs that transcend the limits of the individual interests of the inhabitants.

The public space includes, among others, the following aspects: The goods of public use, that is to say those properties of public domain whose use belongs to all the inhabitants of the national territory, destined to the collective use or enjoyment;

The architectural, spatial and natural elements of privately owned buildings which by their nature, use or affectation satisfy public use needs.

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<sup>8</sup> Jordi Borja, *Laberintos urbanos de América Latina* (2000) 9-26.

<sup>9</sup> Constitución Política de Colombia, 1991.

Hence, according to the mentioned norms, public space is a right the citizens have, and that character makes its recognition mandatory by the public administration, which must ensure it is intended for common use, and it is not appropriated by particular interest, and always taking care of the prevalence of the common good over private interest.

Although it is defined with a norm structure that may seem limited, it is important to note that the norm includes an important reference to the sociological aspect of the concept of public space when it mentions that public space ought to be used for *the satisfaction of collective urban needs that transcend the limits of the individual interests of the inhabitants*.

At this point, it is important to note that the link between law and space expresses itself through the territorial planning instruments and therefore it is clear that legal rules matter to the regulation of space, and space matters to nature and form of the rules.

### **Public space in the Territorial Planning Instruments: the case study of Medellín**

Having briefly explained the concept of public space, this second part of the article explores its role in the territorial planning instruments of Medellín, and how these relate to the fulfilment of socioeconomic and human rights.

Broadly, a Territorial Planning Plan is essentially the social pact that citizens have with their territory. It is a technical and normative instrument of long-term planning of the city, where actions and policies of physical planning of the territory are established for coming years. It regulates the use, occupation and development of space within the territory, both rural and urban. The Planning Instrument includes a consultation stage where the citizens are able to make their contributions in order to ensure the final result is aligned with city dwellers and answers the social needs of the population. The policies and actions that are stipulated in the Plan are scheduled to be executed in different stages of urban development—short term (4 years), medium term (8 years) and long

term (12 or more years)—to ensure it is executed through successive periods of public administrations, allowing municipalities to be more productive, equitable and sustainable through time. This mechanism has existed in Colombia for about twenty years and it is expected that each municipality creates one according to the projects they expect to develop in a certain period of time.

It is important to understand the impact that these Territorial Planning Instruments have in the way a city is built, considering that ultimately urban space is a product of consensus between the different actors that intervene in its creation. In the case of Medellín, there has been three Territorial Planning Instruments, from the period comprised between 1998 to 2017, and each one of those instruments has set the legal guidelines to build the city in a certain way.

### **First stage: Municipal Agreement 092/1999**

This first Territorial Planning Instrument clearly states that quality of cities is usually measured by the quality of its public space, therefore, this element becomes one of the basis for the application of the territorial model of occupation established by the Territorial Planning Plan. This particular regulation set the general policies to make public space safe and accessible to the citizens, and its main objectives were to define the guidelines for the location of public health, education, recreation and sport and social security facilities.

Consequently, the instrument creates a *public space system*, which had two intentions: firstly, to protect the already existent public space, and secondly, to create more public space to make it the principal link to urban development. This system was intended to connect the territory of Medellín city, both urban and rural, through a series of collective facilities that covers different basic social needs of the human being, such as health, education, recreation, culture, social welfare and security. In this regulatory instrument, some of the constituent elements of the public space system are defined as parks, squares and green areas that constitute public property. It also mentions the importance of the pedestrian network of the city, as it

allows the connection of the whole territory without requiring another means of transport.<sup>10</sup>

This particular Planning Instrument refrains from establishing concrete measures to create public space in Medellín, lays the foundations for the protection and creation of this element of the city, and emphasises guaranteeing fundamental rights such as education, health and recreation.

### **Second stage: Municipal Agreement 46/2006**

One of the main aspects of the 2006 Instrument was to give priority to the different aspects and facets of public space, mainly to its generation, consolidation, improvement and social appropriation through the fulfilment of fundamental rights.

Unlike the 1999 Instrument, the 2006 Instrument concretises the generation of public space through the creation of a variety of spaces consolidated in macroprojects, such as Medellín River Park, Urban edge parks, Arví Regional Park, Piedras Blancas park, Medellín zoo, Medellín Botanical Garden and Explora park, as well as other minor projects like viewpoints, squares and urban parks targeted to the most vulnerable areas of the city.

This Instrument also includes actions and strategic interventions on the river's edge, aiming to enrich its environmental quality and the existent public space around it for pedestrian appropriation, while improving the image of the city to promote for investors and visitors. It sets the general criteria that must be used for the management of public spaces, that includes protect, improve and expand the existent public space ensuring that common use prevails over particular interest, allowing collective actions that aims towards the maintenance of social, economic, cultural and environmental qualities of public space, as well as recover and

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<sup>10</sup> Acuerdo Municipal 92, Medellín, Colombia, 1999.

consolidate public spaces, giving special importance to its social appropriation.<sup>11</sup>

### **Third stage: Municipal Agreement 48/2014**

This 2014 Instrument aims at the consolidation of the public space system as a mechanism that supports the construction of citizenship in the territory through a series of actions that include the creation of a model of sustainable mobility that gives priority to pedestrians and through the creation of an affordable, coordinated and inclusive housing subsystem.

The public space system intends to protect, improve and expand public space, ensuring social inclusion through the consolidation of a city system in order to improve the quality of already existent public space and help with the reduction of deficit in this element. The main goal is to achieve an indicator of effective public space of 15m<sup>2</sup>/inhabitant, seeking to achieve equity in territorial areas. The aim to consolidate public space as a structuring element of the territory will allow it to turn into a factor of enrichment of daily life and into a meeting place for the population.

This territorial planning instrument sets the criteria for the generation of public spaces, and are follows:

- Analysis of demand for public space in each territory, evaluating the specific requirements of inhabitants;
- Prioritise the sectors with greater deficit of public space. The generation of new public areas should contribute to the balance of the territory.
- Ensure that the system of public space allows to fulfil the provision of basic public services to the citizens.

The goal with the consolidation of the public space system is for the citizens of Medellín to appropriate and make use of it as an open and democratic space that offers the possibility to fulfil social, economic and cultural rights therein, allowing the creation of social

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<sup>11</sup> Acuerdo Municipal 46, Medellín, Colombia, 2006.

networks that promote sustainability and appropriation of public space. This 2014 Instrument creates the figure of ‘public space administration contract’, which is the legal form in which the municipality gives the administration of one or more constituent elements of public space to a particular person or entity, for the purposes of ensuring the conservation, protection and improvement of the space.<sup>12</sup>

## BIO 2030

BIO 2030 is a strategic territorial plan that set the goals for the metropolitan territory by the year 2030. The central purpose of BIO 2030 is to complement the existing planning instruments of Medellín, discussed above, to promote the compact city model; to create a city that is respectful to the environment and reduces territorial imbalances and social segregation. According to BIO 2030, the public space system must be articulated with the environmental system and the mobility system, with the objective of becoming the guiding axes of the growth of the city, under principles of sustainability, equity and efficiency, according to the guidelines set out by the Territorial Planning Instruments.

Regarding the role of public space, this plan recognises the importance of building citizenship through social encounter. In order to do so, it establishes strategies to encourage the fulfilment of this goal, such as the diversification and increase of the space of encounter of the inhabitants through the addition of 7,000 hectares or public parks to the public space system of the city, along with creating mechanisms that will turn public space as the preferential place of public encounter. Additionally, it seeks to shape public space articulating the natural elements of the city, such as the river and the hills and making it compatible with the above mentioned mobility system.<sup>13</sup>

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<sup>12</sup> Acuerdo Municipal 48, Medellín, Colombia, 2014.

<sup>13</sup> Plan BIO 2030, Medellín, Colombia, 2012.

## Conclusions

Cities are constantly evolving, according with the needs the population has in a certain period of time. It is a responsibility of the public administration to fulfil the demands that society has for public space, in order to guarantee the existence of democratic spaces that allow the expression of fundamental and socioeconomic rights.

According to the Territorial Planning Instruments of Medellín, the importance of public space in the context of the right to the city arises from its capacity to turn into a place where fundamental and socioeconomic rights are fulfilled. Public spaces must be created between different actors of a local community: local governments, citizens and private sector, to ensure the collective confluence of all sectors of the society.

On balance, the master plans mentioned above establishes the bases that municipal authorities must take into account regarding public space when they have to make decisions about how the territory of Medellín is going to be organised. The power of Territorial Planning Instruments go beyond structuring the city in a certain physical way, and have impacted the production of social life. Through the consolidation of a public space system in municipal legislation over the past twenty years (and other actions established in these territorial planning plans) the public administration has sought to guarantee, promote and protect human and socioeconomic rights to its citizens by removing obstacles that promote segregation among the inhabitants through the provision of accessible public spaces in order to create a more equal society that provides more opportunities for city dwellers. However, despite the great normative efforts that are made through Territorial Planning Instruments, there is still a long way to go regarding this matter in Medellín. Often, the implementation of the specific projects established in the Instruments is not done in time or is affected by the political will of the the public administration, thus affecting the population as their rights can not be guaranteed.