**UN Cultural Rights questionnaire**

I am in my 3rd year of a PhD exploring the intersection of spatial justice and public space. Due to the timing of this questionnaire in the midst of my data analysis, my answers to some questions are absent/thin.

1. **What are the various existing definitions of “public spaces” used in national legislation or proposed by international mechanisms, experts and civil society organizations? Are other terms used such as “civic space” and “public domain”? What is the scope of the concept of such public spaces?**

There is a disconnect between normative understandings/visions of “public space”, and a language to holistically describe actually existing public places that almost exclusively cannot match up with normative ideals for public space. The narrative in academic literature about “the end of public space” obscures the fact that throughout history and across the globe, almost all public places have been subject to some form or other of exclusion. Many continue to suffer from forms of exclusion; often in academic literature new forms of exclusion are blamed (often but not always correctly) on privatisation of public space.

In my PhD research on public space in Johannesburg, South Africa, it is apparent to me that there is no consensus in terms of defining public space. While terms such as ‘open space’, ‘civic space’ or the ‘public realm’ are deployed in various contexts, there is not a consistent distinction between the meanings of these concepts. On a city level, lack of cooperation between different city departments (e.g. the parks agency and the roads agency) undermine the ability of the local state to provide and maintain adequate and good quality public space. Related to this is the lack of a holistic understanding and language relating to public space: public space needs to be situated conceptually and practically as *the nexus* of urban processes.

Right to the city *could* be a usefully holistic concept and language for approaching public space. However, the concept again lacks a consensus around its meaning. Also, in my research, the concept is not widely used nor understood, and so would require particular interventions for it to gain traction in practice.

A definition of public space offered by an architect and urban designer in Johannesburg that I find important includes a notion of reciprocity. As well as using public space, it is important to contribute towards it in a way that benefits the collective. If this kind of understanding of public space can take hold widely, the kinds of partnerships necessary for successful public space can emerge and consolidate.

**2. What are the diverse legal frameworks, trends and practices at the national level that either promote or impede actors from across the cultural ecosystem, including women and persons with disabilities, from accessing and using public spaces? What strategies are most useful in overcoming such challenges?**

Answering this question requires some careful thinking about the relationship between different levels of government, as well as the disconnect between national policies and local practices.

In Johannesburg, the legacies of colonial and apartheid spatial planning still exclude (to a large degree) many poor people from accessing central public space. Beyond this, at more local levels, access or non-access seems to be more closely related to the particular management model (along with the history and design) and use patterns of a space more than a legal framework. At least rhetorically, inclusion and integration are at the forefront of both law and policy in spatial planning. However, historical trends and repressive management practices complicate the ability of planners, developers and officials to manifest these policies. For example, in the City of Johannesburg there is currently an inter-departmental task-team that has been set up to try and deal with homelessness more holistically. However, at the same time as this task-team develops its ideas and strategies, officials continue to fence off open spaces, displace homeless people without providing alternatives, and implement other short-term measures that neither address causes of homelessness nor sustainably improve public places. Reducing the gaps between policy and practices, as well as more holistic thinking and acting around public space are crucially important in enhancing access to quality spaces.

It is also important to recognise that because public space is the nexus of urban processes, broader processes will always and necessarily impact on public space. For example, another trend that relates to accessibility for women is the domination of certain public places by men, which generally undermines access for women. However, the roots of such an issue are neither simple to disentangle nor solve. Huge unemployment is one issue that contributes to the nature of public space usage; patriarchal values mean that this unemployment is displayed more in some public places by men than by women. As such, Pieter Roos Park in central Johannesburg feels unsafe to many women most basically due to the proportion of men that occupy the space. Statistics of violence against women in South Africa and elsewhere show that this fear is well founded. This gets at a key paradox of public space: the space cannot be expected on its own to solve the web of inter-related problems that impact the space. At the same time, the nature, management and use of the space – to be considered truly public – must do *something* to address these issues. For better public space, societies must simultaneously deal with sexism and violence on very broad levels as well as dealing with the impacts of these in particular spaces by designing spaces in accordance with the reality of experience of those in question.

**3. What are the specific characteristics of public spaces that either are conducive to the realization of cultural rights, including of women and persons with disabilities, or are an impediment to them, including in relation to issues of discrimination, equal access, accessibility, availability, and adequacy?**

Safety, openness/accessibility and multiple available uses are some of the foundational characteristics of public space in this regard. At least in South Africa, where there are multiple, divided publics, it is difficult to move to finer levels of detail, as the promotion of one group right may begin to infringe upon another. Although I mention safety as a key characteristic, it is an example of how perception (and the differences between perceptions of different groups) complicates the value of public space. While uniformed security may bring a feeling of comfort to some, it may represent a threat or deterrent to others.

Co-production and maintenance of space is a strategy of urban development that is more conducive to realising cultural rights than strategies that under-perform on user-/community-involvement and ownership.

**4. What could be the contents and contours of a possible “right to public spaces”, and of legitimate restrictions that could be made to it, in accordance with international standards? Is this concept employed in your country or in your work? Is it helpful?**

As with the concept of right to the city, a possible right to public spaces is attractive, though I am concerned about the utility of both. South Africa’s constitution, by some readings, guarantees many of the rights that one might argue to fall under an instituted version of the right to the city. And yet, millions of South African citizens still struggle to access some of these rights in a positive, substantive manner. As such, I argue that reducing the gaps between policy and practice will do more (at least in the short to medium terms) than reframing our approach in terms of rights to the city or public spaces. That said, the concepts are useful in shifting our thinking in certain particular ways. In the context of massive displacement of people globally, and increasing urbanisation, the issue of rights for people who are not national citizens is increasingly important, and frameworks (such as right to the city) may be useful in manifesting this.

**6. What is the impact on the enjoyment of cultural rights of trends regarding privatization, which may affect a variety of public spaces?**

The longer I have studied public space, the more I have held a dialectical view on the privatisation of public spaces. While the trend of privatisation is dangerous, insidious, and has already gone to problematic lengths in some places, private involvement (through investment or management or a public-private-partnership) in public space has helped (re)generate some spaces for public use. CIDs (or BIDs), as one of the key models for private involvement, are important to interrogate, as is the potential set of differences and/or similarities of these models in different contexts. I now argue that the critiques of BIDs applied in the global north (e.g. too much focus on clean-and-safe which becomes a basis for exclusion) are not relevant in the same ways in the global south. One interviewee lambastes these critiques poignantly: “The people making those critiques already live in clean and safe places”. The people I have spoken to throughout central Johannesburg collectively agree that safety and cleanliness are desperately needed in our public places. As such, Gandhi Square, an open square and bus terminus in Johannesburg, while leased to a private property company and privately managed, is in some ways an intensely public space. There are almost certainly forms of exclusion at play, but by providing a safe, clean, relatively open and accessible space in the city, there are also important forms of inclusion at play. It is also a space where one can witness social integration over class, race and gender; this openness is important for grounding cultural rights in diverse places.

Public private partnerships can create valuable places. It is the nature of agreements made with the public sector which must be scrutinised. It is the body corporates of CIDs and the way they manage spaces that must be held to account. However, denying the possibility of private sector involvement in public spaces *at all* can be equally as dangerous, especially in cities where local governments are over-worked, under-capacitated and –resourced, and/or corrupt. Rather, it is important to allow partnerships to get off the ground, and *then* hold them to account through strong civic action (potentially under the framework of a right to the city/ public space).

**7. What recommendations should be made to States and other stakeholders concerning these topics?**

A much wider view of, and stronger emphasis on, public space is required. This is both in terms of a more holistic and comprehensive understanding of what public spaces should be (management, design, use) and in terms of what impacts upon these spaces (directly in terms of public or private investment, development, intervention; and indirectly in terms of how broader processes impact on the nature, perception and use of public space).