

# GUIDE TO THE CONVENTION ON THE USE OF SPACE

The “Convention on the Use of Space” is a legal instrument drafted between March and May 2015 in the Netherlands as a response to the housing crisis: the lack of affordable homes, absence of provisions for those without legal right to stay, rising rents, and the criminalization of squatting. The writing process entailed a series of public drafting meetings with a diverse range of participants: lawyers, activists, academics, squatters, researchers, and cultural workers. Future public reviews will be held in different European countries with the hope of producing a “European Convention on the Use of Space.”

## **What is a convention?**

A convention acts as a contract, the parties that sign it—organizations, housing cooperatives and associations, municipalities, individuals, movements, collectives, among others—are bound to its principles and to following its agreed upon guidelines.

## **What does the “Convention on the Use of Space” say?**

The Convention considers space as a “good” that should not be privatized for profit. It states that certain uses of space create values that cannot be quantified by the market, and that “empty” spaces (abandoned or used for speculation), should be occupied to produce non-marketable uses.

Non-marketable uses cover a wide range of activities: living, sharing knowledge and skills, occupying in protest, running cooperative systems of wealth and labour distribution, providing mental and physical support, or the taking of space in order to protect it from environmental destruction.

## **How can the Convention be used?**

While this document alone cannot protect those who use space under its premises, it can provide an explanation of the motives behind an action and unite the struggles against the marketability of space and housing.

The “Convention on the Use of Space” is an unconventional legal instrument, in that it uses a legitimate legal form to make claims that are currently not legal. For example the Convention claims rights for migrants without legal status, and states that occupation of space cannot be considered criminal.

The Convention can be used to make a claim to a space, with the intention that the more people who sign and use the Convention, abiding by its principles and displaying it accordingly, the more a grassroots use of space will be achieved as a result; legitimized by popular support.

### **Is the document fixed?**

While the “spirit” of the document will not change, some parts of the Convention may be revised, challenged, elaborated on with new articles to be added by future reviewers. Every year, signees will receive a new copy of the Convention and decide whether to maintain or withdraw their signature from that revised document.

### **Who wrote this?**

The Convention was initiated through a collaboration between Adelita Husni-Bey and Casco – Office for Art, Design and Theory. Members who participated in the writing process, by being in the room and/or speaking, except those who wished to remain anonymous or otherwise:

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# NOTES ON THE CONVENTION

## Preamble

- The Convention was written by many and will be reviewed annually.
- Space should be considered a “good” which cannot be made scarce for profit by any individual or entity. The “price” of a space, the value of rent or purchase, should not be more important than the value that can be produced through its use.
- The UN High Commissioner for Human Rights, under the “Right to Adequate Housing” (2009), states that:

*The right to adequate housing is broader than the right to own property as it addresses rights not related to ownership and is intended to ensure that everyone has a safe and secure place to live in peace and dignity, including non-owners of property. Security of tenure, the cornerstone of the right to adequate housing, can take a variety of forms, including rental accommodation, cooperative housing, lease, owner-occupation, emergency housing, or informal settlements. As such, it is not limited to the conferral of formal legal titles.*

- Squatting and the occupation of space, temporarily or in the long-term, is a reaction to rising rents, speculation, and the privatisation of social housing that causes people to be displaced from their neighbourhoods. It is a reaction to an unjust system which pushes the less wealthy out of their environments and does not allow for a truly democratic enjoyment of space; therefore, the reclamation of space for use through squatting and occupation cannot be considered “criminal”.
- The “World Charter for the Right to the City” (2004), written via the World Social Forum, states that urban dwellers should be allowed to participate more closely in planning their environments; the process of allocation and sale of space, which inevitably affects neighborhoods, should be transparent. When large transactions happen, information must be readily available for city dwellers to know what their rights are, and in order to be able to contest how the space will be used.
- Real estate speculation (buying a house or space purely in order to profit from its resale or rent) and “anti-squats” (companies that profit from renting out empty buildings) are part of the issue that is making cities less affordable to live in and leaving fewer options for those who do not have the capital or do not want to partake in these systems.
- This Convention can be supported, abided by, and signed by all, without discrimination based on their race, sexual orientation, whether they identify as suffering from a medical condition (physical or mental), how old they are, how

much they earn, where they come from, what faith they practice, and whether they are in the country with or without the legal right to be there.

## **Article 1**

- This Convention has been written for people (groups or individuals) who create value out of the use of a space rather than for economic profit. All those who sign the Convention pledge to respect, spread, and strive towards the realisation of its aims.

## **Article 2**

- In regards to the “right to private and family life”, Article 8, paragraph 2 of the “European Convention of Human Rights” (1950) states:

*There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

Meaning that the right to respect for private and family life can be breached by “an authority” in case a threat to “national security, public safety, the economic well-being of a country” is perceived, or in case those attempting to protect themselves from eviction could provoke “disorderly” or “criminal” conduct, as well as a threat to the “morality” and “health” of others.

The way this Article is used in the “Convention on the Use of Space” highlights that the breach of a property right, for the uses outlined in the Convention, is never a breach of any of the above, as the uses of space supported in this Convention are “social use-values.” Therefore, under no circumstance, can those using this Convention to protect themselves against eviction be removed with force.

- Contestation of a use of space can occur, however, and it will be dealt with according to Article 3, paragraph 4 of the Convention.

## **Article 3**

- Space should be distributed according to its use and the social values created within it. Its uses should be geared toward protecting the availability of space for all, irrespective of ownership, and managed through democratic principles.

- The types of use which are defined as “social” under this Convention are:
  - living
  - occupying or squatting for political reasons or in solidarity with other causes
  - allowing for spaces which do not depend on profit to exist
  - supporting others who identify themselves as in need of support, both physically and mentally
  - protecting the environment
  - getting together, including for worship and cultural reasons
  - sharing knowledge and skills
  - producing things and services in a cooperative way, such as worker-owned and managed spaces, based on local networks of production, in environmentally sustainable ways, that allow those who do not have the legal right to work to be employed, with the intent to offer stable and just ways of working that offer long-term security and rights
  - storing things related to this manner of working
  - by those who are currently under anti-squat contracts, who, by signing this Convention, void their anti-squat contract
  - refurbishment in between the uses mentioned above
  
- None of the uses above can be used for private gain or profit.
  
- Occupied spaces that were not “empty” as defined by the Convention, are subject to “proportionality” and “subsidiarity”—in other words, weighing the benefits of the use against the harm done to the previous occupier.

#### **Article 4**

- Spaces considered empty, are spaces that have no concrete evidence of a future plan to produce use-value, six months after their last use has come to an end. If there is no evidence of a concrete plan to make social use-value of a space, the space is considered empty before the six months is over (for example a space that is to be demolished).
  
- Less than 1 person per 50 square meters is considered an under-used space, unless the space is being used under Article 3, this space is to be considered empty.
  
- Spaces considered empty can be subject to occupation for purposes defined in Article 3.

## **Article 5**

- In case of contestation, a disagreement on how a space is used:

The occupants and those in disagreement are invited to negotiate, where the Local Maintenance Fund (LMF) exists, the LMF should be involved. Uses highlighted in the Convention are considered of a higher value than other uses; this should be taken into account when negotiating.

## **Article 6**

- All those who support and sign this Convention are encouraged to open a LMF, or to become part of an LMF if it exists in the area. The LMF is there to guarantee that spaces do not fall into disrepair there where there is not enough capital to carry out major refurbishment. One can also contribute to membership through lending skills, materials, or time to the LMF.
- Spaces will be maintained to a standard that the occupier sees as fit for living. When this standard falls below what the occupier sees as fitting, the occupier can apply for help through the LMF. Where this standard is hazardous to others (major structural work needed), the LMF and signees to the Convention agree to find temporary housing for those who have to move and to return spaces to those who have had to move, once the repairs are over. A LMF charter, which describes the LMF further, will be drawn up in the future.

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If you would like to get in touch please write to: **c0nventi0n@riseup.net**

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