

# CONVENTION

# ON THE USE OF SPACE

Acknowledging that this legal document is a continuous collective process subject to yearly review,

The adherers to this Convention,

Considering that space insofar as it is a scarce resource in relation to the common good, should be addressed according to use-value principles;

Considering that the use of space for financial accumulation based on its exchange-value cannot interfere with the use-value of space;

Considering that housing, as granted by the UN High Commissioner for Human Rights under the "Right to Adequate Housing" (2009), entails protection from forced eviction irrespective of title;

Recognizing that varying forms of occupation are reactions to the social-economic circumstances that produce inequality, vacancy, gentrification, and displacement and limit access to affordable space, and therefore, should not be criminalized;

Considering that a community's right to use, and a grass-roots management of space should be acknowledged, in accordance with the "World Charter for the Right to the City" (2004);

Considering that the real estate sector and the "Commercial Vacancy Industry" stimulate speculation on the value increase of property with the prospect of financial securitization, effectively sustaining rightlessness and reproducing the social-economic circumstances that lead to inequality, vacancy, gentrification, displacement, and limiting access to affordable space;

Considering that detailed knowledge of public and private real estate development, including plans, urban impact assessments, and transparency in contract awarding, should be publicly accessible to provide for accountability and effective tools for arbitration, allowing for local communities to utilize their right to challenge, agree to the following:

## Article 1

### Parties to the Convention

1. This Convention addresses the position of a multitude of groups, individuals and practices that produce an alternative to the notion of property, appropriation, accumulation, exploitation, and individualization in contemporary societies; hereby referred to as "use-value of space" and defined in Article 3 of this Convention;
2. Parties to this Convention are the addressees as defined in paragraph one, without discrimination on grounds of race, color, gender, sexual orientation, ability, religion, age, nationality, employment, income, social origin, or migration status;
3. Each party shall actively take measures to respect, promote, and realize the right to use of space within the scope of this Convention.

## Article 2

### Rightful Claimant

1. Those who, within the scope and spirit of this Convention, infringe on property rights intended as the exclusive rights of use over tangible and intangible assets, for uses a-j mentioned in Article 3, do not pose a threat to national security, the economic wellbeing of a country, provoke disorder and crime as related in Article 8 of the "European Convention of Human Rights" (1950), and therefore should not be subject to criminalization;
2. The "rightful claimant" is hereby defined as they who utilize/occupy a vacant space as defined in Article 3, independently of how such space is obtained: through climbing in, the use of false keys, or a false costume, with or without knowledge of the title holder as referred to in Article 138 of the Dutch Criminal Code. This practice is encouraged in groups, in accordance with the spirit of the Convention;
3. By no means and under no circumstance shall an officer of the law forcibly remove the rightful claimant as defined under paragraph 2 above, or material objects found in the space, as referred to in Article 551a of the Dutch Code of Criminal Procedure. Contested occupation will be addressed in accordance with Article 3, paragraph 4.

## Article 3

### Use-value of Space

1. For the distribution of space according to use-value principles in view of creating and/or protecting the commons, defined as the cultural, habitable, and natural resources accessible to all members of a society, held in common, without discrimination, irrespective of title, through radical democracy.

The types of use-value production, within the scope of this Convention, are defined as for:

- a. Residential living, as the centre of one's existence;
- b. Occupation for the purposes of political pressure, social responsibility, and solidarity;
- c. The production of spaces of experimentation, in relationship to commoning, decision-making processes, and organization;
- d. Activities engaging in expanding access, in relationship to health, ability, and with the intent to offer support;
- e. Purposes of ecological and environmental sustainability, including the preservation of resources, flora, and fauna;

- f. Production of community and common practices, including spirituality, art, and culture;
  - g. Production and sharing of knowledge and skills in a pedagogical environment;
  - h. Production of goods and services following cooperative, local, not-for-profit, socially, and environmentally sustainable principles, engaging workers regardless of legal status or the legal right to work to ensure the means for unalienated reproductive labour, with the intent to reduce precarity, and for the temporary storage of goods related to these services;
  - i. Spaces used for purposes of "Commercial Vacancy Industry," where the user adheres to the Convention, relinquishing the contractual basis for its previous use;
  - j. Spaces in preparation and realization of refurbishment, insofar as reasonably necessary in duration;
2. Uses mentioned under a-j, in accordance with the principles of this Convention, cannot be subject to eviction but may be subject to contestation, as mentioned in paragraph 5;
  3. Uses under paragraph 1, a-j will not be recognized under this Convention if employed for purposes of personal financial accumulation;
  4. Acknowledging that the right of use is a collective endeavour, aimed at producing a collective use-value ("social use values"); these values need to be collectively decided upon following transparent decision-making processes as defined in Article 5;
  5. Uses under a-j that have been established in spaces that are not vacant according to Article 4, are subject to principles of proportionality and subsidiarity. Contestation of the application of these principles will be subject to arbitration under Article 5.

## Article 4

### Vacant Space

1. The spaces defined as "vacant" under the terms of this Convention, are:  
  
Terminated use, 6 months after use has come to an end, unless the owner or rightful claimant (of uses mentioned under Article 3, paragraph 1, a-j), can provide evidence of a concrete prospect of imminent production of use-value, in which case contestation can be arbitrated under Article 5;
2. Terminated use, less than 6 months after it has come to an end, in the absence of a prospect of use-value production, e.g., demolition;
3. Underused space defined as less than 1 person per 50 square metres where use-value production will not negatively impact uses under Article 3, paragraph 1, a-j;
4. Spaces defined as vacant under this article can be subject to occupation under Article 3, paragraph 1, a-j.

## Article 5

### Arbitration

1. In the event of contested use of space, "rightful claimants" and the Local Maintenance Fund (see Article 6), where applicable, will negotiate the use that is most relevant to the vacant space;

2. Parties enter negotiations without distinction between the value of their interest;
3. The negotiation process must engage one or more members that are not parties to the contestation;
4. Use-values or "social use values" produced in accordance with Article 3 have preeminence over other use-values.

## Article 6

### Local Maintenance Fund

1. Parties to this Convention are encouraged to create or adhere through membership to a Local Maintenance Fund intended to guarantee long-term usability of space in absence of title;
2. Spaces will be maintained to a standard that the user finds acceptable, hereby referred to as the "living-condition"; if the user ceases to find the living-condition acceptable they may apply to a collective fund, hereby referred to as the Local Maintenance Fund;
3. The Local Maintenance Fund is managed by the parties to this Convention, as defined in Article 5, through a transparent decision-making process;
4. The Local Maintenance Fund is administered and capped by the parties according to need and urgency of request, and is secured without discrimination on grounds of race, colour, gender, sexual orientation, ability, religion, age, nationality, employment, income, social origin, or migration status;
5. All users contribute to the fund according to a sliding-scale user fee;
6. In case of the necessity to vacate a space the Local Maintenance Fund will offer temporary housing, with the intent to uphold the "right to return." In case the right to return cannot be upheld parties to the Convention will provide alternative space in accordance with the spirit of the Convention;
7. Participation in the Local Maintenance Fund can be refused if the user intends to and is able to carry out repairs autonomously, or offer time, materials, or skills;
8. In case of major refurbishment work the Local Maintenance Fund, and consequent work, can be delivered in order to guarantee long-term usability of space;
9. The objectives of the Local Maintenance Fund are to be further described in a Local Maintenance Fund Charter.

*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."*