

Constituting the Interim /

Can the Interim, as a period providing opportunities for unconventional use en exploitation of urban space by a multi-faceted coalition of entrepreneurs, be given an independent status to stimulate its contribution to the city?

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In view of the attractive opportunities that the Interim offers for unconventional uses of urban space by a rainbow coalition of businesspeople, can it be accorded a special status that will help it to benefit the city?

The Constitution for the Interim presented below takes up this challenge, sketching the borderlands between opportunity and neglect, between investment and exploitation, the temporary and the ongoing, law and lawlessness – and everything else that arises in the Interim.

It is modelled after the draft Constitution for the European Union. One of the most recent examples of a constitution, this document has in fact been in an Interim of its own since 2005, when the Netherlands and France voted against it in their national referendums (an event of some significance as a sign of the times). Likewise, the Constitution presented here is not a static document. It seeks out the boundaries of a territory that is still in constant motion, where there are no established rules about should be accepted and what should be condemned.

Preamble /

DRAWING INSPIRATION FROM the many examples showing, firstly, that in the Dutch context the Interim offers space for a bottom-up planning instrument, either complementary or parallel to top-down planning processes, and, secondly, that this Interim offers space for reflection and action, space that must be used and, where necessary, pressed into service;

BELIEVING that the Interim introduces a trial-and-error approach that presents, in a literally constructive way, the opportunity to learn from one's initial steps and adjust one's plans where necessary, and that the Interim can thereby offer space for urban complexity and dynamism;

CONFIDENT that the rich array of opportunities for cultivation (in times of both prosperity and economic difficulty) demonstrates that the Interim offers both time and space for alternative forms of development and for users from outside the dominant planning and ownership frameworks;

FULLY CONVINCED that sufficient experience has now been obtained with the effects of urban entrepreneurship, and that the partners involved not only acknowledge the important contribution that the Interim can make to increasing various types of capital, but also recognize and acknowledge the reality of the unequal distribution of the benefits of this capital, in a context marked by the far-reaching marketization and commercialization of vital aspects of the city and urban culture;

DETERMINED to build on both the uncertainty and the hope, paradoxically held out by the fundamental inequality and non-equivalence of the partners involved in the Interim, of interesting, dynamic, and even-handed development of, and access to, the present and future city and its urban culture;

AWARE that the power and attraction of the Interim lies above all in the fact that so much is not present, *not* regulated, and *not* (or not yet) organized, but that in consequence a great deal is generally *not* accessible, *not* usable (or only with difficulty), *not* lasting, and *not* officially authorized, and that the regime presented in this Constitution therefore aims solely to guarantee the accessibility of the Interim without compromising the freedom that it offers, and to resolve relevant long-running issues in spatial planning;

and APPRECIATIVE of the almost immeasurable quantity of richly illustrated books, publications, and articles on this subject that have now been published;

the following Constitution for the Interim is drafted.

Part I: The Founding Principles /

For whom is this constitution intended?

- I – Definition and Objectives of the Interim /

The Interim is the time period beginning when the original function of a site or building is terminated and continuing until the site or building is redeveloped (whether or not according to plan, and whether or not successfully).

The Interim is therefore an autonomous and finite entity in space and time. The objective of the Interim, within the scope of that autonomy, is to offer time and space for initiatives aimed at opening up prospects for the future.¹

- II – Fundamental Rights and Citizenship of the Interim /

Given the autonomy of the Interim as a spatial and temporal unit, the importance of the Interim in the development of the city and its culture, the relative scarcity of the Interim, and – as a consequence of the foregoing – the pressure under which the Interim must perform, the Interim *itself* is endowed with certain fundamental rights. These rights are specified in part II. They serve to secure the objective of the Interim: to offer time and space for initiatives aimed at opening up prospects for the future. The Interim has no other rights.

Citizenship of the Interim is available to those Interim entrepreneurs who undertake initiatives in the Interim. Citizenship confers one essential right on the citizen: the right of access to the Interim.

¹ This Constitution does not deal with the Interim that deliberately does not aim to change or influence the present or ultimate use of the space, such as the systematically repeating Interim (e.g. the interludes between the opening times of car parks, regularly occurring markets, beach properties in seasonal use, etc.)

- III – Interim Competences /

The specific competences of the Interim depend on the type of Interim.

a. anticipated Interim

This is the period between the termination of a function or a long-term mode of use of an area and the commencement of a new, redeveloped function. The length of this period can be estimated in advance, but in practice, the period can last years longer than expected. In this case, the Interim is a by-product, the transition period preceding a well-defined future situation. The anticipated Interim has the competence to question both the transition period leading up to the future function, and the validity of that function.²

b. unanticipated Interim

This is the period after the decision is made to terminate an earlier function or earlier mode of use for which a new or redeveloped function has been planned, in cases where this new function is no longer certain to come about. Because the status and ownership situation are unclear, the period of time that will pass before there is a new permanent use for the building is indefinite in duration. This unanticipated Interim has the competence to provide time and space for informal developments with the potential to provoke the determination of a new formal purpose and ownership situation.³

c. opportunistic Interim

This is the time after the termination of a function (possibly long-term) or mode of use of an area and before active redevelopment begins (a time in which the area has no new purpose). In some cases, a situation of this kind leads to the decision to designate the area for some temporary use, to generate a minimum of income, to protect the area from decay (or from further decay), or to make the area as attractive as possible for some new purpose not yet determined in detail (gentrification). The indeterminate Interim has the competence to explore its potential by providing time and space for opportunistic use.⁴

² One type of an anticipated Interim is a district in transformation, such as Transvaal in The Hague. A related example of the exercise of the competence in question is Hotel Transvaal, an initiative of OpTrek, Sabrina Lindemann. See www.hoteltransvaal.com.

³ One example of an unanticipated Interim is Amsterdam's Noord-Zuidlijn. A related example of the exercise of the competence in question is the idea presented by H.J.A. Hofland in *NRC Handelsblad* for a competition to find new uses for the metro stops yet to be completed, which will never be used for their originally intended purpose.

⁴ One example of an opportunistic Interim is Amsterdam's NDSM Werf. A related example of the exercise of the competence in question is the temporary use of NDSM Werf by Stichting Kinetisch Noord.

d. strategic Interim

This is a deliberate pause (or trial period) after the termination of a (possibly long-term) function or mode of use of an area, during which experiments are conducted to determine the best new use. Because the status is clear for participants and potential participants, initiatives are encouraged rather than impeded; all parties know what they can expect. Another motivating factor is that a good initiative has an excellent chance of inspiring a long-term follow-up activity or acquiring a permanent status. In such cases, the sooner the planning process focuses on the potential of the Interim, the sooner the area can benefit from the Interim's catalytic effects. The strategic Interim has the competence to offer transformation pioneers opportunities to initiate long-term developments.⁵

- IV – Interim Institutions and Bodies /

As soon as the Interim is activated, a coalition of entrepreneurs takes shape.⁶

The objective of every member of this coalition is, in one way or another, to derive added value from the Interim through its development.

The participants (voluntary or involuntary) may include various levels of government, civil-society organizations (NGOs, neighbourhood and district organizations, etc.), and private parties (housing associations, property developers, investors, businesspeople, and individuals). This coalition can take two essentially different fundamental forms:

⁵ One example of the strategic Interim is the former Eurometaal munitions factory on Zaandam's Hembrug site. A related example of the exercise of the competence in question is the temporary use that has taken place there on a strategic basis since the start of planning for the permanent conversion of the site.

The following stages of redevelopment will also be designed so that decision-makers can take account of the knowledge and experience resulting from temporary use. This is referred to as an incremental planning process. See www.nieuwhembrugterrein.eu and www.nieuwhembrug.nl.

⁶ Entrepreneur: one who sets an activity into motion or initiates something (in other words, shows enterprise). An entrepreneur's goal is profit, broadly defined to include social benefits and other intangible gains, such as gains in time and space.

- a. the reactive coalition, which takes shape when one of the coalition partners unilaterally decides to activate the Interim, thus compelling the other coalition partners to take action;
- b. the pro-active coalition, which takes shape when the broadest possible coalition mutually decides, through a broad participatory process, to activate the Interim, thus inciting a response from the existing coalition partners and other potential partners.

- V - Exercise of Interim Competences /

The competences of the Interim are exercised through provision of access to the Interim by the coalition of entrepreneurs, who are responsible for Interim development.

The owner of the land or structures in question (whose identity is almost always known in the Dutch situation) can play a pivotal role. In some cases a coalition can provide access to the Interim contrary to the wishes of the owner.

- VI – The Democratic Life of the Interim /

The democratic life of the Interim (the operation of its governing institutions) is in the hands of the coalition of entrepreneurs.

Interim entrepreneurs can come together from very different backgrounds to form a coalition.

Accordingly, interim democratic life must necessarily be based on the principle of Interim inequality and non-equivalence (of authority, legal status, investment capacity, available time for investment, pioneering spirit, etc.). This results in unique combinations that make Interim development possible.

In a pro-active coalition, the partners, fully aware of the fact of inequality and non-equivalence, strive toward dialogue and transparent development, in order to define and protect their common interests.

Within the framework of the coalition an external party is often engaged to protect those interests, given that the coalition itself is often unable to perform this task.⁷ This construction is described in greater detail in article III.III (Internal Policies and Action).

A pro-active coalition involves direct participation, with no intermediate layers that can possibly be eliminated. A wide range of representative and participatory structures are available for this purpose.⁸

- VII – Finances of the Interim /

The capital of the Interim consists of the capitalized increase in value or potentially capitalizable increase in value created by Interim development. (Value may be created and capitalization may take place in the Neighbouring Time or in the surrounding area, or both.)

The Interim increase in value is calculated on the basis of the total capital created, including both material and immaterial assets (the latter category includes urban, symbolic, cultural, social,

⁷ At Lab Ebbinghe in Groningen, an external advisor has been appointed to act as an objective guardian of the common interest. In this case, the advisor is an employee of the spatial planning agency De Stad BV. The only way for a coalition to serve the common interest is for all the coalition partners to contribute. In Groningen, the developer provides financial support, the creatives contribute time and ideas, and the city authorities invest in infrastructure in preparation for further development and pay the external advisor. See www.destadv.nl.

⁸ The Government Information (Public Access) Act of 1980 is an example of a democratic means of promoting participation. This act contains rules on access to certain types of government documents and guarantees members of the public access to documents about governmental matters in the keeping of governmental institutions (such as ministries, provinces, and municipalities). (Source: wikipedia.org.)

economic, and cognitive capital, and the like).⁹

In addition to tangible economic capital (land and property), account must also be taken of the creation of productive value (rent and future rental values) associated with land and immovable property, as well as of urban quality and urban activity.

Through the progressive development of capital, value is created gradually and, in the ideal situation, irreversibly (rather than explosively, with the risk of an equally abrupt setback leading to impoverishment), as specified in further detail in art. III.V (The Functioning of the Interim).

In the case of a pro-active coalition, the mechanism of value creation and the conversion rates for the different varieties of capital are to be agreed in the form of exchange rates.¹⁰

In the case of a reactive coalition, capitalization takes place outside the framework of the full coalition of entrepreneurs.¹¹ This may be in conflict with the broader public interest, especially when the means for realizing the increase in value are, in whole or part, public property.

- VIII – Access to the Interim /

Access to the Interim can be divided into two categories.

Areas and buildings gain access to the Interim when their original function has

⁹ There are a number of different kinds of capital, with some overlap between them:

- urban capital: the value of the city and its culture
- symbolic capital: cultural recognition (or 'image')
- cultural capital: knowledge, skills, and training
- social capital: relationships and networking
- economic capital: money and immovable property
- cognitive capital: knowledge.

¹⁰ 'There will be no Interim if you try to cash in on the increase in value. Just stop trying to put a price tag on things.' – Annius Hornstra, director of the housing association Haag Wonen, commenting on the Constitution for the Interim.

¹¹ '[T]he most avid globalizers will support local developments that have the potential to yield monopoly rents even if the effect of such support is to produce a local political climate antagonistic to globalization!' – David Harvey, 'The Art of Rent: Globalization, Monopoly and e Commodification of Culture', 2002, <http://socialistregister.com/recent/2002/harvey2002>.

been terminated and redevelopment does not take place immediately. Areas and buildings in this situation gain immediate access to the Interim. They thus become autonomous and distinct entities in space and time, gaining the special Interim status and thereby entering the scope of the Constitution for the Interim.

Individual coalition partners are guaranteed access to the Interim by the coalition partners as a body, in so far as these individual partners have a valid claim to the enjoyment of the benefits of the Interim, its capital (see VII), and the increase in that capital.¹²

- IX – The Interim and its Neighbouring Time /

As an autonomous entity in space and time, the Interim forms a parallel time zone. Simultaneously, the usual functional and developmental processes take place in what is referred to hereinafter as the Neighbouring Time. The transition from the Neighbouring Time to the Interim has a prior and a subsequent stage.

The prior stage generally involves eagerly looking forward to the termination of the previous use. The subsequent stage is that in which (rightly or wrongly) one looks back wistfully at the Interim.

Should the anticipated subsequent stage fail to materialize, the result may be an overtime situation. Redevelopment may have deliberately been called to a halt, but it is also possible that something has gone wrong. Perhaps there is an economic crisis or the schedule was not discussed in a timely fashion.

If the anticipated subsequent stage fails to materialize, it is advisable to take swift action.¹³

Part II: The Charter of Fundamental Rights of the Interim /

What fundamental rights are guaranteed by this Constitution?

- I – Dignity /

¹² ‘I regret not having the value of the shipyard assessed before we started and setting up a joint ownership and shareholding structure with all 250 participants. In the beginning the site had a negative value of €5 million . . . Now our shell has largely been refurbished and is worth €6 million. As the tenant and end user of the property, we financed the interior building costs ourselves, and they amounted to €10 million – definitely a lot more than 10 years ago.’ – Eva de Klerk, one of the founding members of the Stichting Kinetisch Noord (2000-2007), the organization for users, development, programming, and management of the NDSM Werf in Amsterdam North.

¹³ See also <http://www.rutgersstimezoned.nl/7-overtijd.htm>.

The dignity of the Interim is inviolable. The Interim has the right to the integrity of its unity in time and space and must be respected and protected (though not by fences).

In times when the Interim is scarce, it must not be neglected.

- II – Freedoms /

As an entity in space and time, the Interim has a special status *within* the Neighbouring Time. While physical interventions in the Interim are therefore related to municipal and national secondary legislation, the Interim is exempt from a number of time-consuming bureaucratic inconveniences.¹⁴

a. The Interim is exempt from:

- those parts of the Housing Act,¹⁵ Buildings Decree,¹⁶ and municipal Building Ordinance¹⁷ that do not relate to safety and security;

¹⁴ ‘Legislation leaves little room for experiment. The range of legal instruments is inadequate. . . . It is obviously a good idea to relax legislation so that there is a place within our daily professional practice for phenomena such as temporary use. But there will always be a discrepancy between the desire to develop an area in a flexible way and the need to offer legal certainty to the actors involved. . . . [P]olicymakers and area developers will not opt for something like temporary use if they have not yet seen any good examples of it. They tend to be risk-averse. It would therefore be a good idea to establish legal “free zones” where the results of experiments with innovative modes of spatial development could be displayed to key figures in planning and area development.’
– Matthijs Verbrée, *Tijdelijk Ruimtegebruik als katalysator voor herontwikkeling*, master’s dissertation, Ruimtelijke Regie (Spatial Management), University of Amsterdam, June 2008.

¹⁵ The Housing Act is a Dutch Act dating from 1901, which was intended to prevent people from living in poor-quality housing and to promote the construction of decent housing. New buildings may not be constructed without planning permission, and construction is subject to strict rules. There are three Royal Decrees containing further rules based on the Housing Act: the Buildings Decree, the Planning Application (Submission Requirements) Decree, and the Construction (Planning Permission Exemption and Light Regime Planning Permission) Decree. The Buildings Decree Regulations bring the Buildings Decree into harmony with NEN standards and conditions for quality certificates.

¹⁶ The Buildings Decree contains all national rules on building, including provisions on safety and security, health, usability, energy efficiency, and environmental issues in new and existing buildings. The Buildings Decree is available online (in Dutch only) at <http://bouwbesluitonline.nl>.

¹⁷ Every municipality makes its own rules to supplement the Housing Act and Buildings Decree, on matters such as fire safety in new and existing buildings. These rules reflect

- the applicable land-use plan;¹⁸
- and applicable official criteria for building aesthetics.¹⁹

The purpose of these exemptions is to allow effective and efficient access to an area and to enable Interim development. These freedoms must not cause an insurmountable inconvenience for neighbouring entrepreneurs or the Neighbouring Time. Further rules are to be laid down in the Interim Use Order,²⁰ discussed in further detail in part III.

- b. finally, the Interim has the right to a reduction in the administrative burden of planning permission procedures and the like, specifically
 - application procedures for a variety of permits
 - - and municipal public consultation procedures

as specified in greater detail in part III.

If the Interim makes way for a subsequent stage, the freedoms specified in paragraphs (a) and (b) no longer apply.

- III – Inequality /

The Interim has the right to distinguish itself from the Neighbouring Time on the basis of fundamental differences in development initiative, characteristics, character, nature, and whatever other distinctive features may exist, such as prospects for urban and economic development, applicable primary and secondary legislation, a city's special status, prospects for the future, and so forth. The right of the Interim to distinguish itself from the Neighbouring Time is a crucial element of the Interim's potential to contribute to vibrant urban development.

the specific situation in the municipality in question and include additional requirements, e.g. for electrical and mechanical systems not dealt with in the Building Decree.

¹⁸ A land-use plan, or zoning plan, is a municipal plan containing legally binding specifications of the intended uses of sites and buildings (including structures yet to be built). Continuation of the current use is usually permitted, while alterations deviating from the intended use are usually prohibited in the absence of an official amendment of the plan, which requires a lengthy procedure specified in section 19 of the Spatial Planning Act. Land-use plans are available for inspection at the offices of the municipality.

¹⁹ Every Dutch municipality has a building aesthetics committee that advises the municipality on proposed building plans from an aesthetic point of view; in other words, it is the place where people argue about taste.

²⁰ In the Interim context, 'Interim Use Order' is the short title of the General Order to Make Use of the Interim.

- IV – Solidarity /

The Interim has the right to solidarity on the part of the Neighbouring Time with regard to opportunities and prospects for continuation of activities on a more permanent basis in a subsequent stage.²¹

- V - Citizens' Rights to the Interim /

Whoever enters the Interim in a spirit of enterprise is counted among its citizens.

- VI – Justice /

The Interim has a right to the unequal application of the law relative to the Neighbouring Time, if this is conducive to Interim development (see part III).

Part III: The Policies and Functioning of the Interim /

How are these fundamental rights put into practice?

- I - Provisions of General Application /

The General Decree regarding the use of the Interim ('Interim Use Decree') is to state which provisions of the relevant acts apply to Interim use.

In the Interim, the only rules that apply are those necessary for optimal use of the Interim as swiftly as possible and without compromising the interests of

²¹ One example is the *Freihaus*, a medieval and baroque model that served as a special place for outsiders, in recognition of their contribution to public space and culture more generally. Residents and businesspeople in these 'free houses' were exempt from tax, so that they had an opportunity to build up a life in their new town or city. The *Freehouse* project, designed by Henk Oosterling, Dennis Kaspori, and Jeanne van Heeswijk, is based on this model. It provides a place for a group of social and cultural outsiders who have no access to the usual means of participating in political and social life, but are active within an alternative economy. See: www.freehouse.nl.

neighbouring entrepreneurs, the surrounding area, or the Neighbouring Time.

Building and alteration

Physical development in the Interim is subject to a number of statutory provisions governing the Neighbouring Time. The only rules in the Housing Act, Buildings Decree, and municipal Building Ordinance that apply are those relating to the safety and security of entrepreneurs and to time periods. The only applicable parts of the Planning Application (Submission Requirements) Decree are the requirements relating to short-term assessment of the safety of the plan.

The Construction (Planning Permission Exemption and Light Regime Planning Permission) Decree is to be amended to include further rules applicable to the Interim.

Given the personal responsibility of the entrepreneurs and the experimental nature of the Interim, the Buildings Decree Regulations are to be regarded as entirely superfluous.²² The NEN standards to which the Buildings Decree refers are of course (just as in the Neighbouring Time) non-binding.

Land-use plans

The Interim is automatically exempt from the applicable land-use plan, as long as the interests of neighbouring entrepreneurs are not prejudiced.²³ If

²² A report on the symposium *Broedplaats of Brandhaard*, held in Amsterdam on 27 January 2005, describes a new way of thinking that could conceivably limit the costs of fire safety measures in such initiatives, without endangering anyone's safety. The idea is to 'shift responsibility toward the users and visitors themselves; the authorities would set minimum standards, and a statement for visitors would be posted prominently in every public building, describing the fire safety measures taken there. Similar approaches can certainly be found in other countries.' Think of the visitors to an art exhibition as tourists in the mountains. The local authorities keep them informed with warning signs, such as 'Steep Path Ahead' and 'Black Piste'. It is up to the tourists to pick a path and then decide how to approach it. Assuming the visitors are adults, it can be a good idea to give the necessary information at the entrance about safety and the proper precautions to take. This underscores the importance of fire safety consciousness on the part of the authorities, the organizers, and the visitors. (Quoted almost literally from Henk van Waveren, former council chair in De Baarsjes, a district of Amsterdam.)

²³ Section 3.2 of the Housing Act states that a land-use plan may specify temporary uses and make temporary rules for this purpose. A temporary use decision remains in effect for a specified period of five years at most. Under Section 45 (1) of the Housing Act, temporary planning permission may be granted in such cases, for the same maximum

exemptions are not permitted by the legal and planning regime in force, it is possible to invoke the amendments relaxing sections 17 and 19 of the Spatial Planning Act, amendments that are to be specified in further detail.²⁴

Procedures

An Interim Express Service Desk is to be set up by the municipality to process applications for permission for Interim building and alteration plans, and this service desk is to ensure that such applications are processed within one week, by organizing a meeting of all the parties involved.²⁵ The parties involved include both the coalition partners and officials responsible for fire safety and other safety and security issues in the surrounding area; the latter group is to play an advisory role in this context.²⁶

- II - Citizenship /

Citizenship is a right guaranteed to all those who enter the Interim in a spirit of enterprise. Entering the Interim in a spirit of enterprise should, if possible, be encouraged and facilitated.

If the Interim is situated on or in private property but has the potential to be of exceptional value to the public, the local authorities should play an intermediary role with regard to access to the Interim, thereby promoting Interim citizenship.

period of five years. Christophe de Jong, an initiator of Lab Ebbinge in Groningen, has found in practice that a maximum period of seven and a half years would better suit the demands of feasibility and an adequate return on investment.

²⁴ Section 17 of the Spatial Planning Act provides for temporary exemptions from land-use plans, and section 19 provides for permanent exemptions.

²⁵ One real-world example was Einfach-Mehrfach in Vienna. To speed up the process and generate enthusiasm among the parties involved, the city authorities appointed a project coordinator for temporary use with the authority to deal efficiently with common obstacles. The money that the city saved by not having to fence off the area was used for this support desk. See: www.wien.gv.at/stadtentwicklung/06/22/01.htm.

²⁶ One example from real life was the small-scale conversion of two buildings scheduled for demolition into a workspace and little theatre for the OpTrek artists' association in the urban regeneration district of Transvaal in The Hague. Planning permission was required for the design by the architecture firm of In Situ. Because of the change in use, an exemption from the land-use plan was required and the application was found to be 'irregular' and therefore not subject to the usual maximum processing time of twelve weeks. After about six months permission was granted, and this was followed by the usual period of six weeks for input from local residents – even though all the residents had moved out of the area long before. By the end of this process, there was only one year left for the new temporary use of these spaces.

One situation worthy of special attention is that in which the Interim is situated in whole or part on or in public property. In such a situation, the local authorities are responsible for facilitating access to the Interim and promoting Interim citizenship.

Local authorities can promote access to the Interim in a number of ways:²⁷

- by financially supporting the development of the Interim or acting as guarantor in negotiations with coalition partners;
- through mediation, assistance in finding suitable locations for Interim development (a database of available sites and buildings), assistance with conflict management, or streamlining and simplification of procedures;²⁸
- by adapting urban planning instruments and models to increase the potential

²⁷ The stance adopted by the local authorities can essentially make or break a project, according to Klaus Overmeyer (ed.), *Urban Pioneers, Temporary Use and Urban Development in Berlin*, Senatsverwaltung für Stadtentwicklung Berlin, 2007, p. 159.

²⁸ In Berlin, a municipal desk was opened to gather ideas for the many undeveloped sites in the district of Marzahn-Hellersdorf. Because many social services such as schools are being built in other locations, more and more empty spaces are opening up in the middle of the district. Residents and associations with creative ideas are invited by the city authorities to use these spaces for their pilot projects. The municipal coordination centre has indicated the areas in question on a map and created a database of undeveloped sites that lists characteristics such as surface area, accessibility, and period of availability. See: <http://www.neuland-berlin.org/>.

Zwischennutzungsagentur is one example of a comparable private initiative. It was founded in Berlin by a group of architects, urban designers, and cultural historians, with the goal of encouraging participatory urban development. The agency offers to locate a building or site for temporary use within three months, at rates of €4-7 and €2-2.50/m², respectively. See: <http://www.zwischennutzungsagentur.de/>

for Interim development and citizenship;

- by taking an active role as the initiator or organizer of Interim development or by assigning other parties to do so;²⁹

- by treating the Interim entrepreneurs as fully-fledged partners in a cooperative working relationship;³⁰

- by actively marketing the Interim, by presenting strategies for soliciting innovative proposals and generating interest in Interim development possibilities;³¹

- by tolerating Interim development when the required permission has not (or not yet) been granted;

- by setting out clear guidelines on which forms of Interim development are and are not allowed in which types of Interim;

- by seeing to it that the coalition draws up a statement regarding liability in the event of accidents or damage in the Interim, rather than holding a single party liable, such as the owner of the land or structures.³²

- III - Internal Policies and Action /

In its internal policies, the coalition of Interim entrepreneurs begins by determining the ground rules. The fewer rules, the better.^{33, 34} In the case of a

²⁹ These may include entrepreneurs, independent organizations, and public bodies.

³⁰ This may, for example, include entering into public-private partnerships (as long as they are mutually beneficial) in which Interim entrepreneurs are given an opportunity to use a building or site for free in exchange for its upkeep throughout the Interim.

³¹ Possible methods include a call or competition for ideas for Interim use (as in the case of the NDSM Werf), modified tendering procedures, and more clearly announcing the availability of Interim buildings and sites, as in the case of Neuland.

³² On the model of Vienna's city support desk for Einfach-Mehrfach. See www.wien.gv.at/stadtentwicklung/06/22/05.htm.

³³ 'I believe that the objective should be a minimum of rules in the Interim, even if the rules are mutually agreed by the participants. The point of forming a coalition, as we see it, is to seek the maximum degree of freedom (divergence). . . . So how do you make the coalition pro-active under those conditions? By making it clear what you are doing, and above all (or consequently) by building trust. That's essential, because there's a lot of uncertainty. The process manager can be assigned responsibility for this. He or she has to continually remind parties of the common interest. There's always a common interest; otherwise, there's no coalition. But the larger the discrepancies between the common

pro-active coalition, these rules can be set out in binding agreements between the entrepreneurs involved. Of course, these binding agreements do not have to be written in a pompous, bureaucratic style.

In addition, a coalition of Interim entrepreneurs may make use of a number of management instruments for better coordination of their cooperative and supervisory efforts. For instance, they may appoint an external advisor (see also note 8).

One of the management instruments available to the coalition for protecting its members' collective interests is an impact monitoring system. Such a system can be used to evaluate the effects of Interim use and to determine whether it is necessary to adjust the plans. This method can be used as part of an incremental development strategy.³⁵

To build public support – for instance, by encouraging people to spend time in the area so that it becomes livelier – the coalition can make use of a programmatic management instrument: namely, an area director.³⁶

Because the coalition unites a range of parties with a range of roles and strengths, it can operate on both the strategic and on the tactical level. This enables it to adopt a tactical urban development model, both defining long-term goals and taking the practical steps required to achieve them.³⁷

interest and individual interests, the more complicated the situation becomes.’ – Simon van Dommelen, in an e-mail to the authors.

³⁴ ‘As a user of the Interim, you have at least have a guaranteed minimum period of use. That’s the only thing that absolutely has to be worked out.’ – Jan Jongert of 2012 architecten, an experienced Interim user, at a pilot presentation of the Constitution for the Interim.

³⁵ Incremental planning is a model developed by Lindblom (1959) that incorporates risk management. In this model, the development of an area proceeds step by step, adapting over the long term to changing factors and actors. New developments grow, as it were, out of existing uses, on the basis of place-specific characteristics. Within this approach, temporary reuse can play a role as a catalyst within the development process. Source: Matthijs Verbree, *Tijdelijk ruimtegebruik als katalysator voor herontwikkeling*, master’s dissertation, Ruimtelijke Regie (Spatial Management), University of Amsterdam, June 2008.

³⁶ Source: Matthijs Verbree, *Tijdelijk ruimtegebruik als katalysator voor herontwikkeling*, master’s dissertation, Ruimtelijke Regie (Spatial Management), University of Amsterdam, June 2008.

³⁷ ‘Strategy’ – a term borrowed from the military world – stands for a long-term approach taken by officials at their desks from a position of power, without much sensitivity to local circumstances. The urban development equivalent is the master plan. In contrast, ‘tactics’ – another originally military term – refers to short-term planning, to direct, flexible action from a position of weakness. The urban planning equivalent is ‘temporary

- IV - The Functioning of the Interim /

The challenge for temporary entrepreneurs is to add a new layer of development to the many already present in the area subject to Interim development. When, in accordance with art. I.VII (Finances of the Interim), the increase in value in the Interim takes place gradually, the existing features of the setting serve as the basis for further development.

From the perspective of financial capital, this type of investment can have much faster returns than local development (and redevelopment) that starts from square one. From the perspective of urban capital, recouping the initial investment is less important than strengthening the fabric of the city.³⁸

- V - Association of Times and Sites /

In the Interim, past results *are* a guarantee of future performance. The Association of Times and Sites makes it possible for successful Interim business activities to continue in the subsequent stage or make the leap to related Interim areas.³⁹

- VI - The Interim's External Action /

use'. 'Tactical urban development' is the form that unites these two features. (Based on Peter Arlt, 'Urban planning and interim use', in Florian Haydn et al., *Temporary Urban Spaces*, Birkhäuser 2006.)

³⁸ 'If the main theme in urban development through most of the twentieth century was the economy – with a noteworthy phase in the 1960s and 70s in which a great deal of attention was devoted to the social quality of the city – the debate may now come to be dominated by cultural quality. The emphasis is steadily shifting toward issues of ambience, identity, creativity, and the importance of beauty. If this trend continues, then the dominant issue in any given project will not be what it contributes to the city's economic capital, but how it affects the city's cultural quality. The focus will be on the city's cultural capital, its capacity to inspire. . . . In anticipation of this shift, I propose a 'cultural monitor' to give concrete form to contributions to cultural quality . . . so that developers, housing associations, government bodies, and other responsible parties can aim to contribute to cultural capital and later be judged for their policies – the same situation that already exists in relation to economic capital.' – Arjo Klamer, Professor of Cultural Economy at Erasmus University, in 'Van publieke naar gemeenschappelijke ruimte', *Stedelijkheid als rendement*, Trancity, with Air/Van der Leeuwkring, 2007.

³⁹ 'In Berlin it is clear to see that people from very diverse backgrounds feel drawn to areas in temporary use. In the 1960s and 70s, the target group was limited mainly to hippies, but these days you see all sorts of people enjoying themselves on improvised urban beaches. Let this be a message to urban planners and municipal spatial planning departments; today's city-dwellers want not just carefully tended parks, but space for eye-opening initiatives.' – from a talk by the 'anarchitect' Mathias Heyden at Stroom, The Hague, 8 October 2008.

The external action of the Interim (outside its area, outside its time period) is conducted by means of its ripple effects, which lead to increases in value in the Neighbouring Time.⁴⁰

Furthermore, the Interim has an external impact whenever it enters into the Neighbouring Time. In such cases, the increase in value that has taken place in the Interim is transferred (at least in part) to the Neighbouring Time. In the case of a pro-active coalition, the mechanism of value creation and the conversion rates for the different varieties of capital (material and non-material) are operative. A valuation decision or provision for this purpose will be incorporated into the Constitution in the near future.

⁴⁰ 'This is what urban growth machines are often all about: the orchestration of investment process dynamics and the provision of key public investments at the right place and time to promote success in inter-urban and inter-regional competition.' – David Harvey, *The Art of Rent: Globalization, Monopoly and the Commodification of Culture*, 2002, <http://socialistregister.com/recent/2002/harvey2002>.

Part IV: Protocols and Final Provisions /

- Protocols /

Temporary Urban Spaces by Florian Haydn et al., Birkhäuser 2006

Stedelijkheid als rendement by Trancity, with Air/Van der Leeuwkring, 2007.

Tijdelijk ruimtegebruik als katalysator voor herontwikkeling by Matthijs Verbree, master's dissertation, Ruimtelijke Regie (Spatial Management), University of Amsterdam, June 2008

The Art of Rent: Globalization, Monopoly and the Commodification of Culture by David Harvey, 2002, <http://socialistregister.com/recent/2002/harvey2002>

Immaterial Civil War: Prototypes of Conflict Within Cognitive Capitalism by Matteo Pasquinelli, in his collection *Animal Spirits: A Bestiary of the Commons*, NAi Publishers / Institute of Network Cultures 2008

Brandveiligheid in broed- en vrijplaatsen Amsterdam by Hein de Haan, Nicole van Leeuwen, Marieke van Ouwkerk, and Iris de Kievith, *De Vrije Ruimte* 2008.

Urban Pioneers: Temporary Uses and Urban Development in Berlin, publication of the *Senatsverwaltung für Stadtentwicklung (Senate Department for Urban Development)*, Berlin and Jovis Verlag GmbH 2007

- Final Provisions /

The Interim Constitution provides a framework that provides the Interim with autonomy as an instrument of urban development that can make a major contribution to the development of the city and its culture.

This Constitution is not (and will never be) complete – an essential feature in an Interim situation. Yet at the same time, this is an appeal to keep working on it and contributing to our insight into the policies and operation of the Interim.

about the authors /

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Ana Dzokic and Marc Neelen are architects and urban researchers. Interim use of urban space has different occurrences within their work: in experimental 1:1 prototypes (like Cut for Purpose in Museum Boijmans van Beuningen, Rotterdam), international research projects (like Urban Catalyst in Amsterdam North, 2002-2003) or through direct interventions in unutilised urban areas. Besides, Ana Dzokic en Marc Neelen have been active as co-curators of for example the Dutch Pavilion at the Venice Biannual (2008), the Tirana Biannual (2009) and Impakt Festival 2010: Matrix City.

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After her studies at Delft University of Technology Iris de Kievith has been working as an independent architect in the field of re-utilisation and transformation of buildings and their environment, and the re-use of space as well as materials for (socially) sustainable projects. Her work spans the fields of installation/art and buildings – sometimes in a more coordinating and facilitating role. As such, among others, she has been co-editor of a manual for fire-safe use of buildings specifically geared to the interim use of existing buildings, with explanations about regulations and practical advises.