



UNIVERSITÀ DEGLI STUDI DI PALERMO

Dottorato di Ricerca in Architettura, Arti e Pianificazione

Dipartimento di Architettura

ICAR/21

**THE UP-CYCLE BEYOND THE CRIME:
THE PRODUCTIVE RE-ACTIVATION OF
CONFISCATED CRIMINAL ASSETS**

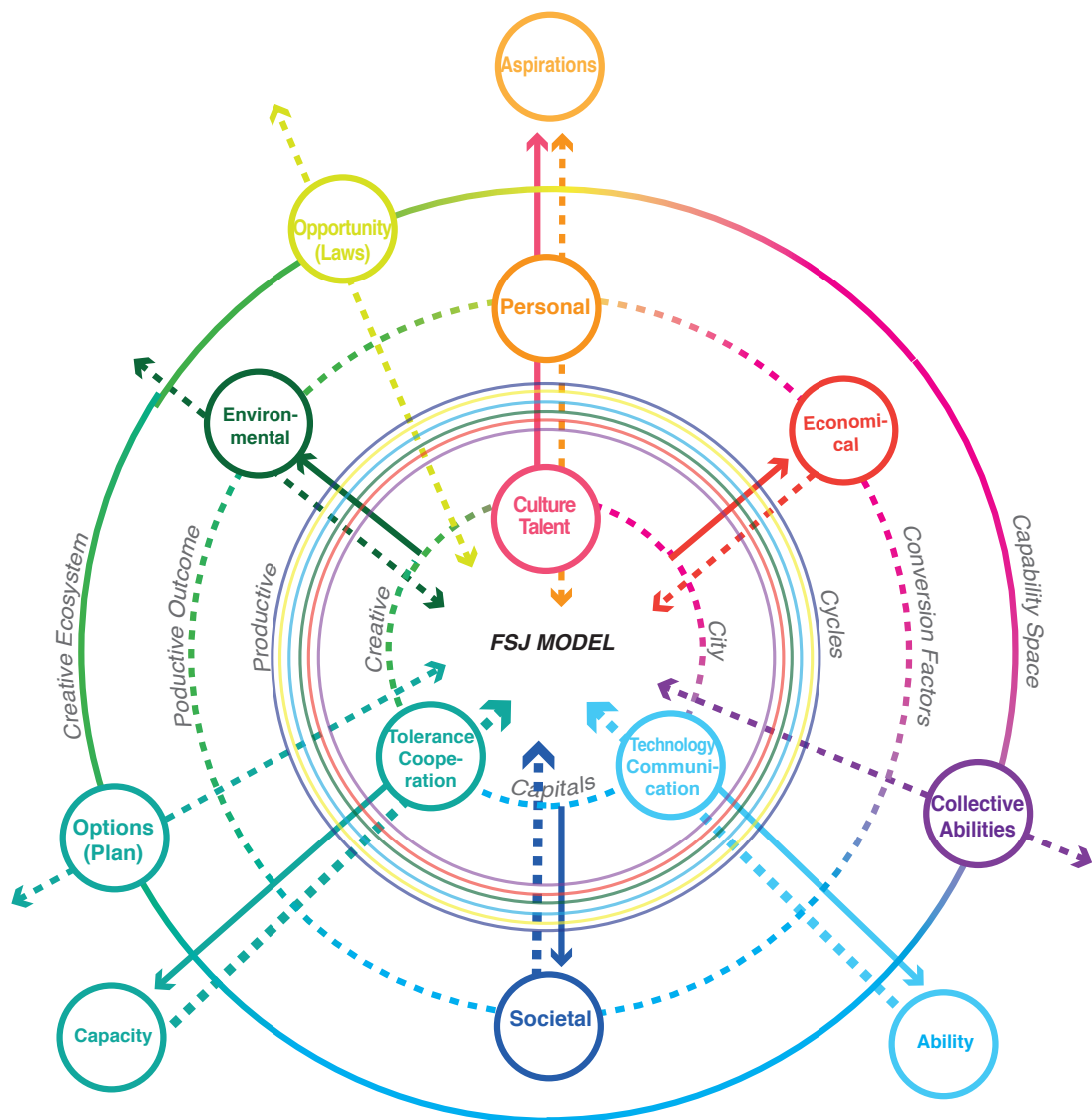
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1. Introduction

DESIGN FOR THE RESEARCH

Context, Theme, Objectives, Methodology and Expected Results

1.1. Context and Theme

Cities are places of human development. They represent the “ultimate handiwork” of our imagination, generating most of our art, culture, commerce and technology¹. Cities are places that extend human capabilities, enhance freedom, generate new lifestyles and new aspiration, enabling the pursuit of the own idea of well-being. In 2007, for the first time in human history, more than half of the world’s population lives in cities, ushering an era in which the city - in its various settlement manifestations, urban, dense, rarefied, metropolitan, reticular, expanding, shrinking - is the most widely used mode of inhabit as human. In 1950 only 30% of the world’s population was living in cities. Today, in 2015, 54% of world population live in cities. By 2050 the percentage is expected to have risen to 66%. In Europe, today, the population that live in cities will exceed 75%, and in developing countries will reach 50%. Urban settlements are among the most complex systems created by mankind, and are the places where the biggest challenges of our future will happen. In the next decades of our century, the world will develop both around large megalopolis of tens of millions of people, but also around metropolitan cities, conurbations

1. See Joel Kotkin J. (2005), “*The City: A Global History*”, Modern Library Chronicles Book, at XX.

and armatures of micropolises: urban armor of global cities will connect, especially in Europe, armatures of second-tier cities. In the ages of metamorphosis second-tier cities deal the challenge of producing new visions² moving forward the economical, societal, environmental breakdown. From the Economic point of view Europe is slowly emerging from one of the deepest crisis it experienced since the European integration process started in 1957. Regulatory changes have been made to enhance financial market stability, banking supervision, strengthen the surveillance and sustainability of national budget deficits. The European Central Bank has played a strong role in managing the weakness of the European system but if we look at the situation from the point of view of the distribution of wealth or from the point of view of the options of development owned by communities and territories, on the macro-territorial scale, the overall picture describes an European context full of contradictions. In Europe today one out of four EU residents lives in a region with GDP per head below 75% of the EU average, in which wealth is concentrated in an area approximately equal to 20% of the total area of Europe, inhabited by 40% of European citizens that generates 50% of European GDP. This is the area between London, Paris, Milan, Munich, and Hamburg known as the “European Pentagon”. In the next years, the process of creation, development and enforcement of international networks and urban environments that concentrate international commercial and financial function will enforce the role of this area as international economic integration zone. In this area, Knowledge Economy will act as a driver for development through urban ecosystems that create, exploit knowledge

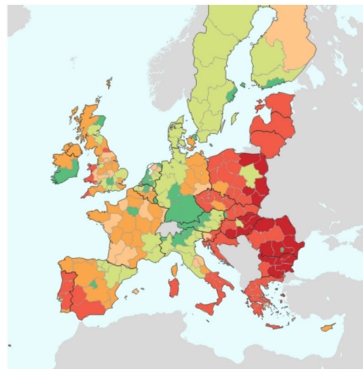
2. See Maurizio Carta (2009), *“Creative City, Dynamics, Innovations, Actions”*, List, Barcelona, at page 7.

and support and enable innovation, generating research, networks, technological transfer of results of research into the market, changes in conceiving and implementation of new process and products. A recent study on the positioning of European Cities in corporate and research network, which prefigures their potential during the first half of this century, confirms quite well this hypothesis. On the basis of a composite index made by financial indicators (finance, insurance, real estate), indicators on advanced technologies (including converging technologies), indicators on advanced services to enterprises, on cultural industries and on transportation and logistics, a hierarchy of European cities was developed. London and Paris dominate by far a set of six other European cities (Madrid, Stockholm, Brussels, Munich, Amsterdam and Zurich). At the third level a set of 16 cities is found, participating significantly in corporate and research networks, including among other, Frankfurt, Milan, Copenhagen, Helsinki, Dublin, Rome, Vienna, Cologne, Barcelona, Oslo, Hamburg, and Berlin. Three-quarters of European cities (200 out of 271) involved in business and research networks struggle to pursue the path of development based on the knowledge economy. With few exception - such as urban networks of the Baltic Coast, that materialize in a specific geographical areas significant function of international importance - the emergence in Europe of other “international economic integration zones” as advocated by the European Spatial Development Perspective (ESDP) in 1999, or the development of multiple global integration zones as envisaged by the ESPON project in 2005, seems to have stalled and the impacts of the economic crisis are not in favour of such a process. Despite this hotspots of emerging new economies are growing across the Europe, also outside the international economic integration zone of the European Pentagon, driven by forward-looking policies aimed at building innovative

urban ecosystems in cities. From the point of view of social changes, if on one side the immigration flows of young and highly qualified people feed the lifestream of main urban ecosystems of knowledge and innovation, on the other side the countries of central and Eastern Europe are affected by a dramatic population decline and simultaneously reduction of per capita GDP. In East Germany, but also in Czech Republic, Hungary and Romania, entire cities have already been subject to population decline.

FIG. 1: EUROPE, DYNAMICS IN GDP PER CAPITA AND POPULATION

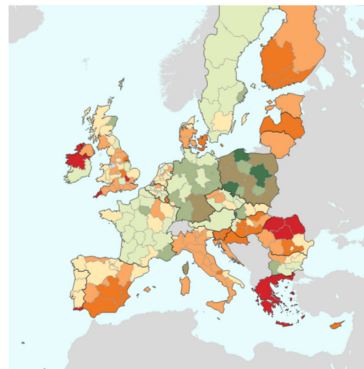
GDP per capita
(2014)



GDP per Head (PPS) Index EU-28 = 100

- No data
- < 50
- 50 – 75
- 75 – 90
- 90 – 100
- 100 – 125
- > 125

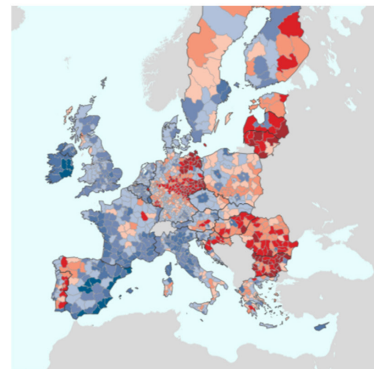
Growth GDP per capita
(2008-2014)



Growth of GDP per head (average annual change in %)

- No data
- < -3
- 3 – -2
- 2 – -1
- 1 – 0
- 0 – 1
- 1 – 2
- 2 – 3
- 3 – 5
- > 5

Change in population
(2001- 2014)



Total change in %

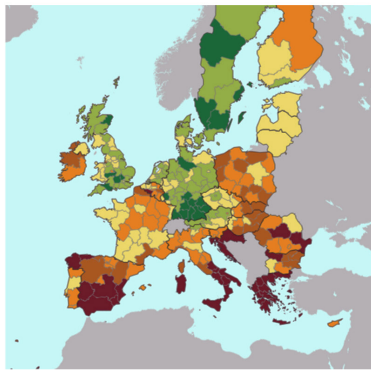
- No data
- < -10
- 10 – -5
- 5 – -2
- 2 – 0
- 0 – 5
- 5 – 10
- 10 – 20
- > 20

According to data from the Department of Regional Policy of European Commission, the main reasons are very low birth rates over long periods, sustained emigration especially of young adults and population ageing. Many local authorities in these countries will have to design new sustainable processes embedded in policies for maintaining public services

and infrastructure in a context of falling tax revenues and erosion of the economy. Cities in a context of population decline will become new field where to apply the planning and managing lessons of the American Rust Belt. On the other side the Mediterranean Europe, the area of the States as Portugal, Italy, Greece, Spain, population is stable or continue to grow slowly according to the ageing process. In these contexts, ageing process will be strong and the demand for culturally vibrant, age-friendly and

FIG. 2: EUROPEAN DYNAMICS IN EMPLOYMENT AND UNEMPLOYMENT

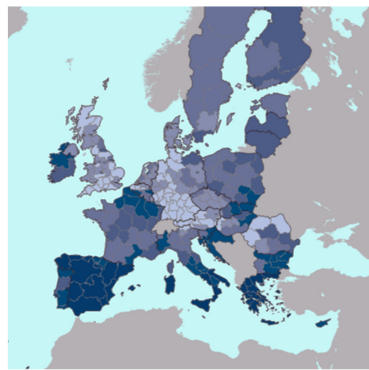
Employment
(2014)



% of population, aged 20-64

- No data
- < 60%
- 60 – 65%
- 65 – 70%
- 70 – 75%
- 75 – 80%
- > 80%

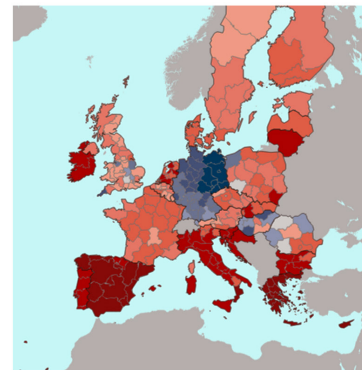
Unemployment
(2014)



% of labour force

- No data
- < 5%
- 5 – 7%
- 7 – 9%
- 9 – 11%
- 11 – 18%
- > 18%

Change in Unemployment
(2008- 2014)



Total change in %

- No data
- < -4%
- 4 – -2%
- 2 – -1%
- 1 – 0%
- 0 – 1%
- 1 – 2%
- 2 – 4%
- 4 – 10%
- > 10%

human centered services and environments will become more pressing than the mere demand for real estate. These Countries are actually affected by high stock of public debit that comes from public-spending-driven policies made in the second half of XX century and from structural critical issues still present. According to data from the Department of

Regional Policy of European Commission, the period of crisis from 2008 to 2015 caused negative changes in unemployment and in GDP pro capita and affected especially in these Mediterranean European Countries that already had low level of employment and GDP pro capita. This contraction of employment opportunities, combined with a slow but present population growth and with ageing process, due to a reduction in disposable income per capita. In these contexts the transformation of the economic crisis in social crisis generated new forms of adaptation: if on one side new poverty - based not only on the reduction of income per capita but also on the contraction of capacity to being able to realize well being aspirations - is emerging, on the other side civic networks and self-organization raise collective abilities and claim the management of urban resources as urban commons. Due to falling tax revenues and contraction of local economies, local governments fail to enforce existing regulatory controls on urban resources and/or tolerate widespread noncompliance with them by users. This phenomenon, known in the scientific literature as Regulatory Slippage is not without issues: regulatory slippage can lead to congestion and/or rivalry as users, who may have been previously excluded from, or constrained in their use, are able to more freely access and exploit the resource for their own use. The overuse, or overconsumption of the type of urban resources, can lead to “tragedy” in the sense that overuse or overexploitation increases the cost for all users of the resource while providing a benefit only to a limited class of users, creating congestion and/or rivalry and leading to the Tragedy of Common. In order to avoid the issues related to congestion, rivalry, overuse, asymmetric exploitation or redistribution of costs between different users, most cohesive cities are involved in re-design the leading role of civic communities in the management of urban common pools as a result of a completely rational

choice³. From the point of view of Environments, cities gathered and materialized all of these economic and social contradictory impacts. The main manifestation of this economic crisis (breakdown of traditional engines of local development and poverty as reduction of employment opportunities and disposable income) and social crisis (regulatory slippage and “poverty” as contraction of the capability of individuals to pursue their aspirations) in the anthropized environments is the dismissal of buildings, infrastructure and landscapes that have been depleted of value both in economic and social term: urban assets have lost the economies that sustain these places and lost meaning in the relational fabric of the city. Whole factories that in the past were powered by the traditional engines of the development of the Twentieth Century are now reduced to brownfield or widely subject to dismissal. Whole railway infrastructures have lost the task of satisfy needs of mobility of goods and people of a certain territory and are now at the same time disposed and able to receive other vectors and other forms of mobility. In this context of economic and societal changes, the reboot of these anthropized, abandoned and lost environments in cities, can be achieved by imagining renewed developed tools and models for the intervention. To give new life to these spaces, buildings, infrastructures and lost environments it is necessary to define new practices more complex than adaptive reuse as defined in the past century. Models of intervention that do not focus only on the prefiguration of spatial product but especially on the trigger of renewed sustainable processes driven by renewed social actors. Using the traditional

3. Katherine Beckett, Steve Herbert (2008), *Post-Industrial City*, 12 Theoretical Criminology, 5-30 mentioned on Sheila R. Foster (2011), *Collective action and the urban commons*. Notre Dame Law Review, 87:1 p.84.

“loci argumentorum” to provide an interpretation of this renewed human action: the redefinition of the “formal cause” have to be preceded by the emergence of new efficient causes (social agents), able to generate renewed final causes (purposes) for urban materials in abandonment (material cause). In this context of tumultuous transformation, “re-making the places” can be achieved only re-designing causes and processes that generate economical, societal, environmental value and that are sustainable through the time. Urban Design⁴ as a process that prefigures processes (forces and decisions that go into the shaping of space) and spatial products (as the tangible outcome of those processes), have to challenge this emerging challenge: re-cycle these anthropized environments (as spatial product) and re-active renewed productive lifecycles (as processes) for this places that have lost meaning, uses and care. On the basis of these arguments its defined the urban Re-Cycling. In 2010, the Italian Ministry of Education, University and Research⁵ funded the research program “Re-Cycle Italy, New Life Cycles for Buildings and Infrastructure of the City and Landscape”, as “Scientific Research Programs of National Interest”, PRIN 2010-2011, involving scholars of architecture, urban and landscape planning in the “exploration and development of new cycles of life for those spaces, those elements, those pieces of city and territory that have

4. Madanipour, A. (1997) *Ambiguities of Urban Design*. M. Carmona and S. Tiesdell, eds. 2007. *Urban Design Reader*. Oxford: Architectural Press, p.17. According to the scientific literature Urban Design is intended as “a process which deals with shaping urban space and as such is interested in both the process of shaping and the spaces it helps shape.”; at the same time, process is defined as the forces and decisions that go into the shaping of space, and spacial product as the tangible outcome of those processes;

5. MIUR, the Italian Ministry of Education, University and Research.

lost sense, use and care". Eleven Italian Universities⁶ inside this research program has been involved in reconceiving different types of dismissed environments as Brownfields, GreenFields, Grayfields as an opportunity for urban development and for design renewed landscapes gathering best practices, defining new models, processes and regulatory improvements useful for a cyclical re-activation of these environments in the awareness of the deep context of economical, societal, and environmental breakdown. Present research as doctoral thesis in City, Regional and Landscape Planning of Department of Architecture of Palermo, is elaborated inside the research program Re-Cycle Italy under the supervision of prof. arch. M. Carta and explore the theoretical implications and the existing practices that are relevant for re-designing new productive life cycles for a specific class of urban assets that have finished a cycle of life and need to be reinserted into a new cycle of life with higher economic, social and environmental value: those assets confiscated from organized crime.

1.2. Objective

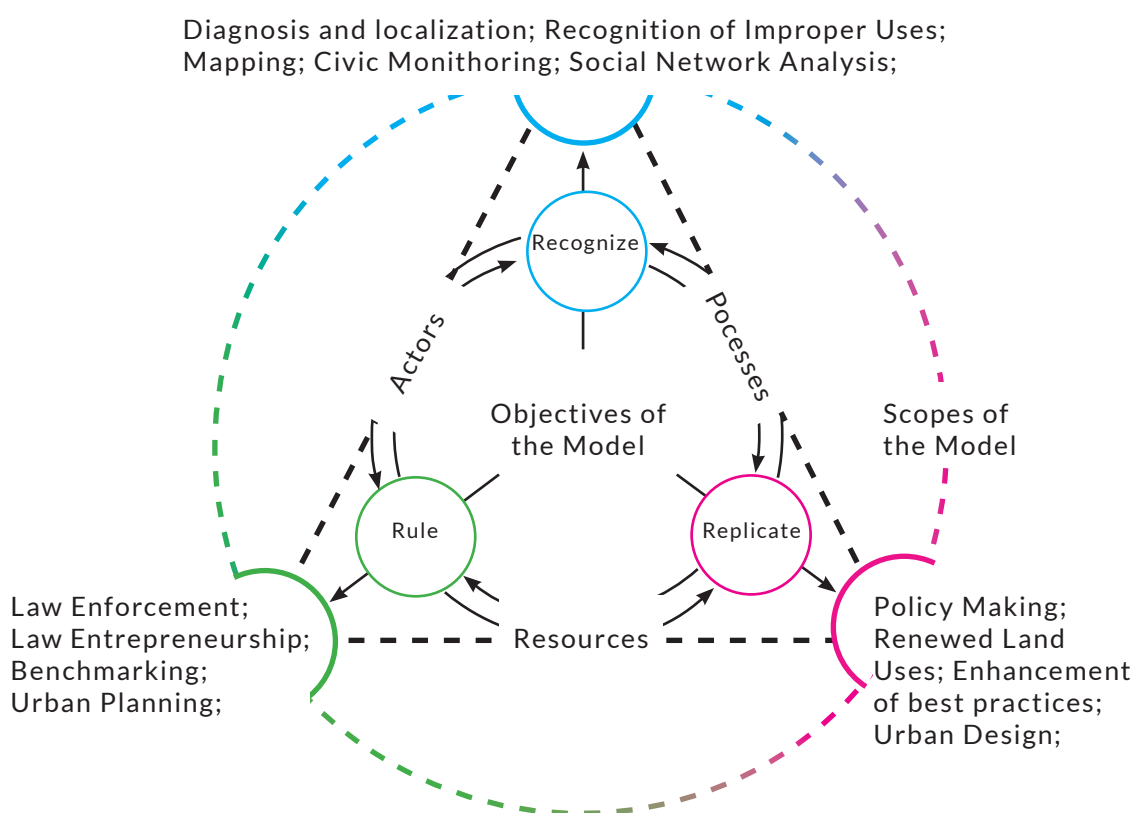
The phenomenon of Organized Crime was analysed by previous studies through the lenses of the Economical, Criminal Law and Social Sciences. At the European level, lawmakers have made great efforts to enforce the Europe as a space for Freedom, Security and Justice, setting common definitions and instruments against criminal organizations: suffice it to recall the reception of the United Nations Convention Against Transnational

6. The studies involved in the exploration of Urban Re-cycle at the Department of Architecture of University of Palermo are coordinated by prof. M. Carta; this research takes place within the author's Ph.D. thesis in City, Regional and Landscape Planning.

Organised Crime know as “The Palermo Convention”, the adoption of the Stockholm Program in 2009, the Eu Internal Security Strategy in 2010 and the definition of operational networks, such as the EU Platform of National Asset Recovery Offices (AROs). One of the cornerstones of this legislative framework is the confiscation of organized crime assets. The terms “Criminal Assets” identify “any possession and/or acquisition of any type of asset in the legal economy (e.g. movable goods, registered assets, real estate properties, companies or their shares) by individuals belonging to a criminal group, acting on its behalf and/or involved in one of the criminal activities”. Criminal assets are the materialization into legitimate business and urban environments of illicit market revenues achieved by criminal organizations. This materialization is instrumental and essentially aimed at the strengthening of the influence on the society, at the generation of profit under the colour of the legitimate market and at the achieving of control over anthropized environments. The seizure and the confiscation of criminal assets provided by judicial authorities across the Europe, transfer such spatial products into the hands of the State interrupting this circular process. Italy is a pioneering Country in this field, for reasons related to the rooted presence of territorialized criminal organizations as Mafia and Camorra: since 1991, Italy has a peculiar legislative framework that enable the social reuse of confiscated criminal assets. Specific norms inside this legislative framework enable the reactivation of this confiscated criminal assets for public interest or social purposes activities. Different kind of destinations for confiscated criminal assets identify public and private actors involved in the transformation. Today, in 2014 - for the first time since the integration process started in 1957 - the European Parliament encourages the implementation of the Reuse of confiscated criminal assets for public utility or social

purpose through the art.3 of the Directive of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union 2014/42/EU. Otherwise the process is not without issues: in Italy since the first adoption of the law, Confiscated Criminal Assets have been labelled as class of objects for which social and/or public actions have taken place

FIG. 3: OBJECTIVES AND SCOPE OF THE URBAN PLANNING MODEL



without a priori model of intervention, in which the settlement of activities has not taken place through the prefiguration of scenarios by the planners or through the definition of objectives, methods and benchmarks by the lawmakers or policymakers. The settlement of activities has been carried forward by social and/or civic public and/or public actors “case by case”. If on one side this “case by case” action has generated new practices, case

studies and interesting experiments on the living societal economical and environmental fabric of urban, periurban or rural areas, on the other side these fragmented actions are exceptions on the margins of the palimpsest of urban policies. In many cases this action are driven more by rhetorical and instrumental (symbolic) aspects embedded in the meaning of reuse of confiscated criminal assets than by the real purpose to counter the social influence, the economical profit and environmental control of organized crime. In other cases many of this assets were powered by the injections of EU funds and questions can be placed on the sustainability of the activities that are established for each case in the awareness in a period of economic crisis the effective and efficient use of resources is a moral duty. Yet in other cases there is an unexpected emergence of spatial production processes that generate new meanings, economies and environments pursuing long-term results in terms of extension of individual freedom and sustainable development. In the face of these issues contextually the scientific literature that deal with the Social Reuse of confiscated criminal assets from the point of view of Urban Planning or Urban Design has not defined a model for intervention useful for land uses policies, for the redefinition of the spatial product and for the prefiguration of the processes that can sustain the metamorphosis of this confiscated criminal assets. The replicability of the cases from the social reuse “practitioner” is uncertain. As mentioned previously from 3 April 2014 EU encourages the implementation of the Reuse of confiscated criminal assets for public utility or social purpose across the Member States: despite this when evaluating the option to replicate the social reuse in other countries we should consider that different ideas of social purposes exist across countries, but also in Italy, the Country that has pioneered the social reuse, there is no a single model for the intervention

and the declination of the final cause “social purpose” changes case by case. According to these arguments, the objective of the present research is the development of a renewed Urban Re-Cycle Model (theoretical and operative) for confiscated criminal assets.

1.3. Methodology

In the early stage of the research I dealt with three main subsets of questions that concern methodological issues:

What is a Scientific Model? Why Urban Planning scholars develop models? How develop a scientific model? What's the goal of a modelling process? What shape of model fits better with the observed phenomenon?

What is a logical inferential argument? How can I reach certain, probable or reasonable conclusions in the field of urban planning?

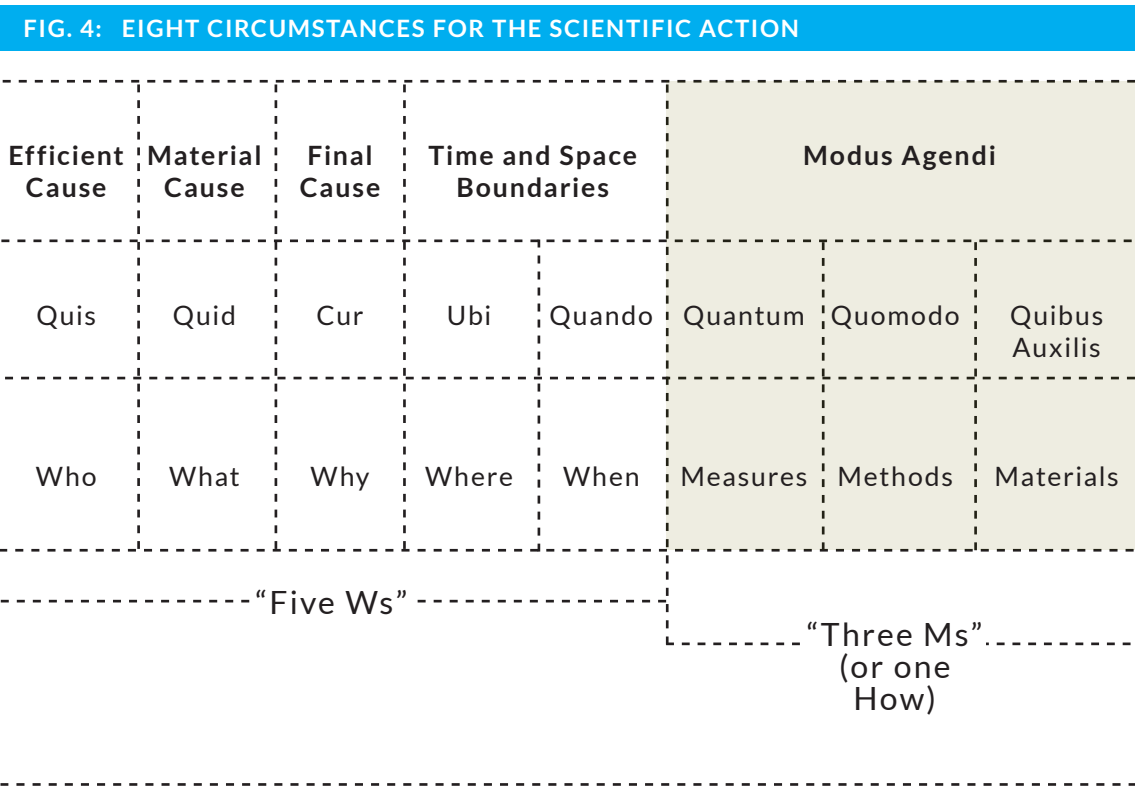
What is the most suitable logical strategy for modelling an emergent phenomenon as the productive reactivation of confiscated criminal assets? What's the design of the research of present research?

The first subset of questions is about the model, the second one concerns the logical arguments that can shape the expected model, the third is about the strategy, the way in which the research articulates logical arguments. These methodological issues are connected: if on one side the logical arguments we have to use to “craft” the model affect the shape of the model on the other side the expected shape of the model affects the logical arguments and the strategies adopted. In any case, the logical

process can not be accomplished if there is no a clear definition of the meaning of the word “modelling” in general terms and in the research that concerns City, Regional and Landscape Planning.

1.3.1. Modelling , Objectives and Scope

Modelling is the cognitive process that leads to the construction of a model. A model is a mental representation or a theory containing the essential



structure of objects or events or behaviours in the real world. In Science, the modelling enables the selection of particular aspects of reality and describes them with logical arguments, establishing relationships between these aspects. The main objectives of the modelling are two: to find out the causes of the phenomenon (knowledge “in itself”) and/or find out the causes of the phenomenon to be able to recognize, replicate, and/or rule it (instrumental knowledge). In many pieces of research that concern City,

Regional and Landscape Planning it is not different. If in the past the Plan was the “semiotic” tool to materialize “types” in “tokens” through the deterministic modelling of economical, societal and environmental aspects of the city, in the years after the Second World War, the Plan was a tool for the localization of functions of general interest and for the regulation of the buildings activities through the land uses indexes. Today we see a widening gap between the planning of land uses and the actual development of the city: between what-the-plan-governs and what-citizens-practice. This Urban Planning Slippage - accelerated by macro-territorial dynamics previously described - is enhanced by the emergence of new lifestyles, new entrepreneurial forces linked to social, cultural, creative, civic, technological disruptive innovations and new issues related to the reuse of the existing underused, dismissed places in the city. The affirmation of the primacy of making on the prefiguration of the plan is also favoured by the emergence of the vital world of the Urban Makers, the new producers of urbanity. Associations, startups, enterprises, civic actors, different declinations of the weavers of social networks, triggers of processes of spatial production and producers of renewed economies. In this context of conflict between practice and rules, one of the possible role (not the only one) of the scientific action is the extraction of best practices from the Urban Makers’ spatial production (often confused, contradictory, conflicting, sometimes rhetorical) generating renewed models based on these real unexpected and emerging practices. The implementation of the previous mentioned general definition allows the definition of the model in the field of urban planning as a mental representation or a theory containing the essential structure of land uses, processes of spatial production and spatial products of the real world. The general definition also allows the identification of the objectives and scopes of application

of the model in our field of scientific investigation.

The main objectives of the modelling in the field of urban planning are two: find out the causes of the practices to better understand it and/or find out the causes of the practices to be able to recognize, replicate or rule it.

Fields of application are manifold: the recognition of the phenomenon enable diagnosis and localization, the identification of improper uses, mapping and geo-localization activities, civic monitoring and analysis of social networks involved in the reactivations; modelling the phenomenon can be useful for rule it through activities that concern Law Enforcement, Law Entrepreneurship, Benchmarking and Urban Planning; also it can be useful for replicate the phenomenon - in its different configurations - through Policy Making, Land Uses, Urban Design, and through the dissemination of best practices. According to this definition, urban planning discipline - driven by a reasonable ecology of thought able to draw and/or discard unnecessary information from the reality - can acts with the scientific role of hinge between the horizontal, vital, unstable, experimental, experiential, performative world of urban makers and the vertical, institutional, accountable, decisional, concerted, negotiated, localizer, regulator world of policymakers finding out the “real” circumstances that enable the emergence of the practice.

1.3.2. **Eight Elements of Circumstance**

Since the Classical Period, across the Patristic Era and Scholastic Period of the Middle Age - philosophers and - later with the emergence of the Scientific Method - scientists have questioned how to describe accurately the “real” circumstances of a phenomenon and obtain knowledge. The

definition of the causes that lead to the manifestation of the phenomenon is crucial both to obtain useful knowledge “per se” (formation of “types” from “tokens”) and for instrumental knowledge (enable the formation of “tokens” from “types”). We can consider reasonably valid the description of a phenomenon provided through Eight Elements of Circumstance: Who, what, when, where, why, measures, methods, materials. These circumstances are the reformulation adapted to the scientific action of the traditional loci argumentorum defined by Thomas Aquinas⁷ in XII century. This learning pattern for the extension of our knowledge is recurrent in many field: the first five terms are widely used in journalism and are known as the “Five Ws”, the other three terms “measures, methods and materials” define the “modus agendi” currently used in science that ensure scientificity, replicability and enable confutation by other scholars. In other terms investigate the circumstances of the phenomenon means dealing with the following questions: Where the phenomenon happens? Who are the agents involved in this phenomenon? Why it happens? When it happens? What happens? In which ways it happens? What are the materials, the methods, and the measures that can bring the emergence of this phenomenon? Otherwise the first observation of the phenomenon often leads to the definition of “raw” circumstances: these early stage circumstances are the well-known certain conditions established for our observation but they are not necessarily the conditions of the phenomenon.

7. Thomas Aquinas (XII); *Summa Theologica*, I-II, 7, 3. Thomas Aquinas in the “Question 7 - Circumstances” defines quis (who), quid (what), quando (when), ubi (where), cur (why), quantum (how much), quomodo (how), quibus auxiliis (by what aids) as eight elements of circumstance of a human act. “Who”, is the efficient cause, “why” is the final cause, “what” is the material cause, “where and when”, are the boundaries, “How much, how and by what aids” are the “modus agendi”.

Successive cycles of formation of knowledge are needed to move forward from the “raw” circumstances in which we observed the phenomenon to the necessary and sufficient conditions without which the phenomenon cannot emerge. For example, if we observe accidentally an unexpected biological form of life in a lake, we can define that this phenomenon happened in the water (raw domain): we don’t know if this circumstance are causes necessary or not (the biological form of life could live also outside the water) and are not sufficient for identify univocally the form of life: the causes identified are not those without which the phenomenon could not take place but are enough to define a raw domain of the phenomenon, the pool from which we can extract rough data for the exploration. The same example can be done for architecture as human habitat. When we analyse the human settlements or the spatial production provided by an architect during his life, first of all we can define the general circumstances, the raw domain: the historical context, the agents involved, the city where this spatial production takes place. None of these causes uniquely identifies the spatial production or concern the processes that shape this spatial production. Otherwise in successive cycles of formation of knowledge, we analyse in deep the cases, identifying the necessary and sufficient conditions that have materialized this spatial product. In the field of urban planning, the identification of the “raw” circumstances and the definition (and refinition) of necessary and sufficient conditions of an emerging phenomenon it is essential for mapping activities, regulatory activities and for the development of established urban policy: find out the conditions in which a recurrent pattern manifests itself, contributes to the definition of a certain knowledge about land uses, spatial production processes and spatial production but also enable practicable new choice for planners, urban designers, policymakers and lawmakers. The research

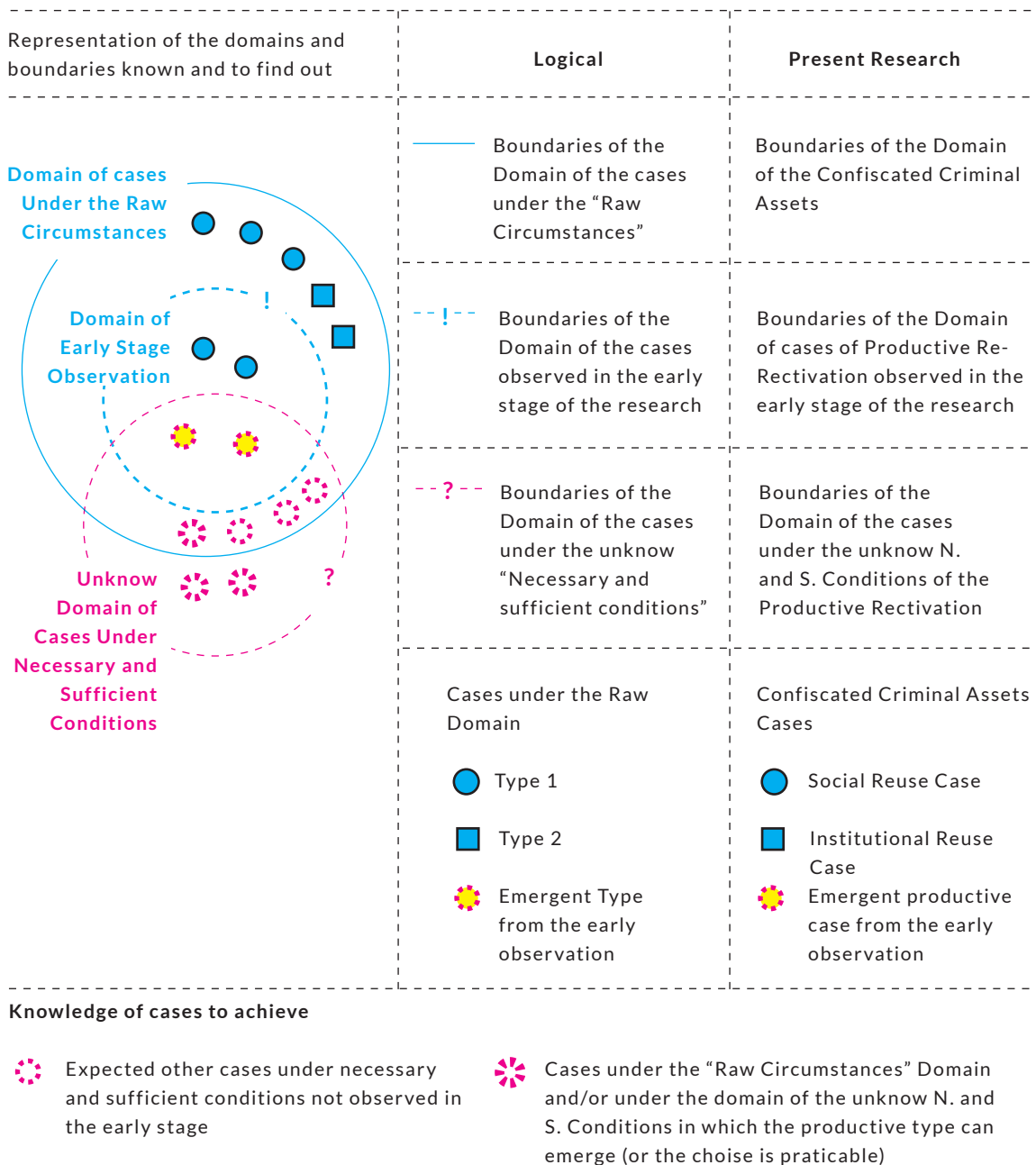
of the necessary and sufficient conditions of the phenomenon can be enhanced by the following syllogism:

All the practices manifest themselves in these circumstances

When these circumstances are present

The practice can emerge (bottom-up emergence from urban maker)

FIG. 5: DOMAINS AND BOUNDARIES OF THE KNOWLEDGE



(Or)

The choice is practicable (top-down implementation from policymakers)

This syllogism allows drawing two conclusions and one consideration. Two conclusions: first, when circumstances are present, the phenomenon can emerge from the bottom (from urban makers) again as a practice; second, when circumstances are present, the choice that concerns the replication of the phenomenon as a policy, from the top (from policymakers), is practicable. One consideration: urban planners, urban designers, policymakers and lawmakers - interested in fostering the emergence from the bottom or in enabling policies from the top - can shape the ecosystemical circumstances to match the conditions necessary and sufficient of the phenomenon. Based on this reasoning we can refine the previous definition of urban planning model arguing that:

The objective of our model is to find out the 8 necessary and sufficient conditions of emerging land uses, spatial production processes and spatial products objects of the present scientific investigation to better understand them (knowledge in itself) and to be able to recognize, replicate or rule it. The Modelling process proceeds from 8 "raw" circumstances in which the emergent practices are observed to 8 necessary and sufficient conditions without which the phenomenon cannot emerge/being replicated/being recognized.

1.3.3. **Deterministic, Stochastic, Heuristic Models**

According to the literature that concerns research methodology and in order to identify the type of model that best fits, we can define three different types of model: deterministic, stochastic and heuristic.

The first type of model taken into account in the present research is the deterministic model. A deterministic model is a representation or a theory applied to a phenomenon for understanding everything that has and will occur in the phenomenon, based on the physical outcomes of causality. In a deterministic model, every action (or cause) produces a reaction (or effect) and every reaction becomes again the cause of subsequent reactions. According to the pure deterministic modelling, the totality of these cascading events can theoretically show exactly how the phenomenon will exist at any moment across the time. In the deterministic model no randomness is involved in the development of future states of the phenomenon, input variables assume fixed values and the system always produce the same output from a given starting condition or initial state. If on one side the results (output) generated by these models may consider the effect of the variability and of the case within certain limits (for example, with appropriate statistical methods the confidence intervals or deviation can be calculated) on the other side these probabilistic methods are elaborations of the deterministic type because they do not take into account the uncertainty associated with the input variables.

The deterministic model can be developed only if we can define the phenomenon observed as a System. After the first pioneering introduction of the concept of system as working substance provided by Nicolas Léonard Sadi Carnot and surroundings provided by Rudolf Clausius in 1850, the definition of System was developed by the biologist Ludwing von Bertalanffy (1901-1972) inside the General System Theory⁸, in mathematic

8. Bertalanffy L. von (1950), *"An Outline of General System Theory"*. British Journal

science by Norbert Wiener (1894-1964) and Ross Ashby(1903-1972)⁹, and in recent years by John H. Holland¹⁰ and by the physicist Muray Gell-Mann Nobel Prize in physic in 1969 (complex adaptive systems). The Systems Theory views the world as a complex system of interconnected parts. We scope a system by defining its boundary; this means choosing which entities are inside the system and which are outside part of the environment. We then make simplified representations (models) of the system in order to understand it and/or to predict impact and/or behaviour. We can classify systems that exchange matter and energy with the environment as open systems or exchange energy and not matter with the environment as closed systems and that exchanges neither matter nor energy with the environment as isolated systems. In the filed of urban planning, this approach would be only practicable by assuming that the observed phenomenon can be described as a system, in other words separated from the environment in which it is located, or that the only exchange with the context in which it takes place happens in terms of energy and/or matter. This would lead us to model the settlement on the confiscated criminal assets as a Settlement System, provided by the same inputs and able of generate interaction with the context only in terms of production (variation) in energy and/or matter and /or information. This could be an interesting point of view, however, it could to mislead the research for two reasons: first, describing the phenomenon as a system

for the Philosophy of Science 1: pp. 139-164.

9. Norbert Wiener (1948), *Cybernetics: Or the Control and Communication in the Animal and the Machine*. Paris, France: Librairie Hermann & Cie, and Cambridge, MA: MIT Press.

10. John H. Holland (1999), *Emergence: From Chaos to Order*, Helix Books.

that produce variations in energy and/or matter and/or information, could generate forms of reductive representation of the phenomenon, neglecting the nature of a form of spatial production - the productive reactivation of confiscated propriety - that emerges from different social economic and environmental contexts (input) and generates economical, societal and environmental outputs; second, even assuming to represent the phenomenon as a system, describe it deterministically is unreasonable because the outputs of the system / settlement, could change depending on random variables of the environment (input). For this reason, in the early stages of research, the definition of a deterministic model for urban planning was discarded.

The second type of model taken into account in the present research is the stochastic model. The term stochastic ("stochastic", from the greek στόχος, stokhos, "aim" stochastikòs conjecture, due to chance, aleatory) occurs in a wide variety of academic fields and describes systems that are unpredictable due to the influence of a random variable. The use of the term stochastic is based on the theory of probability goes back to a 1917 publication by Ladislaus Bortkiewicz (1868–1931). Bortkiewicz used it in the ancient Greek sense of making conjectures. The term has acquired scientific value mainly after the *Ars Conjectandi* of Jakob Bernoulli (1713) on probability theory. In probability theory, a purely stochastic system is one whose state is randomly determined, having a random probability distribution or pattern that may be analysed statistically but may not be predicted precisely. Unlike deterministic models, stochastic models take into account the variability of the input variables and then provide results in terms of "probability". The modelling process is the probabilistic counterpart to a deterministic modelling process. Instead of describing

a process that can only evolve in one way, in a stochastic process there is some indeterminacy: even if the initial condition (or starting point) is known, there are several (often infinitely) directions in which the process may evolve. Researchers refer to stochastic physical systems in which values of parameters, measurements, expected input and disturbance are uncertain. Stochastic modelling is practicable if we analyse the probability that a phenomenon manifests itself in different ways (output) from random input, in environments and circumstances known. For example, we can extract the chances of winning on the toss of two coins both thrown in the same environment with outcomes known. It's possible to draw the probability of winning of two rolls of dice where one is opposed to the other. Otherwise the environment and the circumstances in which the game is developed have to be known. The existence of a space "known" is essential for the definition of a stochastic model. Stochastic modelling needs the definition of a probability space formed by:

A sample space that is the set of all possible outcomes;

A set of events in which each event is formed by a set with zero or more outcomes;

The function that assign probabilities to the events;

Based on this definition of the mathematical construct, the implementation of a stochastic modelling in the present research appears not reasonable in the early stage of the research: if on one side stochastic modelling fits well for describe a phenomenon - the productive reactivation of confiscated criminal assets - in which inputs are random, on the other side at the early stage of the research it's not possible to define a sample space which contain all possible outcomes because all the possible outcomes are not known. For this reason, in the early stages of the research, the definition of a stochastic model was discarded.

The third and last type of model taken into account in the present research is the heuristic model. An heuristic (/hɨʃ'ɪstɪk/; Ancient Greek: εὕρισκω, “find” or “discover”) is a form of cognitive strategy that can be implemented in any approach to problem solving, learning, or discovery that employs a practical method not guaranteed to be optimal or perfect, but sufficient for the immediate goals. A Heuristic is called “ecologically rational” to the degree that it is adapted to the structure of an environment. Nobel laureate Herbert A. Simon originally introduced the concept¹¹. Simon’s original, primary object of research was problem solving which showed that we operate within what he calls “bounded rationality”. He coined the term “satisficing” (Simon 1957), which denotes the situation where people seek solutions or accept choices or judgments that are “good enough” for their purposes, but could be optimized¹².

Israeli psychologists Amos Tversky and Daniel Kahneman developed the study of heuristics in human decision-making¹³. The German psychologist Gerd Gigerenzer and the American cognitive psychologist Daniel Goldstein has studied the use of bounded rationality and heuristics in decision making asking how humans make inferences about their world with limited time and knowledge¹⁴. Gigerenzer answers that in an uncertain

11. Simon Herbert A. (1957), *Models of man - Social and Rational*, John Wiley and Sons.

12. Interaction Design Foundation (N/A), *Heuristics and heuristic evaluation*. Retrieved 5 may 2015 from www.interaction-design.org/literature/book/the-glossary-of-human-computer-interaction/heuristics-and-heuristic-evaluation.

13. Daniel Kahneman, Amos Tversky and Paul Slovic, eds. (1982). *Judgment under Uncertainty: Heuristics & Biases*. Cambridge, UK, Cambridge University Press.

14. Gerd Gigerenzer, Daniel G. Goldstein (1996), *Reasoning the fast and frugal way: Models of bounded rationality*. Psychological Review 103 (4): 650–669.

world, probability theory is not sufficient¹⁵; Gigerenzer and Wolfgang Gaissmaier found that both individuals and organizations rely on heuristics in an adaptive way¹⁶. They also found that the decision of ignoring part of the information, rather than weighing all the options, could actually lead to more accurate decisions¹⁷. He conceptualizes rational decisions in terms of the “adaptive toolbox” (the repertoire of heuristics an individual or institution has) and the ability to choose a good heuristics for the task at hand¹⁸. His and associated researchers’ studies have identified “less is more” situations: the situations where heuristics make more accurate decisions with less effort. Less-is-more effects have been shown experimentally, analytically, and by computer simulations. These fast and frugal heuristics had an impact in medicine, law and politics, and other areas outside psychology¹⁹. While the deterministic model requires the definition of a system (working substance in the word of Carnot) separable from the environment (surroundings in the world of Clausius) with input not variable and while the stochastic modeling requires the definition of a probability space with all probable outcomes, heuristic

15. Gerd Gigerenzer, Peter M. Todd (1999), *“Ecological rationality: the normative study of heuristics”*. In Gigerenzer G., Todd P. M.; The ABC Research Group. *Ecological Rationality: Intelligence in the World*. New York: Oxford University Press. pp. 487–497.

16. Gerd Gigerenzer (2008), *“Why Heuristics Work”*. *Perspectives on Psychological Science* 3: 20–281.

17. Gerd Gigerenzer, Wolfgang Gaissmaier (2011), *“Heuristic Decision Making”*. *Annual Review of Psychology* 62: 451–482.

18. Gerd Gigerenzer, Reinhard Selten. (2001). *“Bounded rationality: The adaptive toolbox”*. Cambridge/MA: MIT Press.

19. Bruce Bower (1999), *“Simple Minds, Smart Choices”*. *Science News* 155 (22): 348; Menand, Louis (2004), *“The Unpolitical Animal”*. *The New Yorker*; Barbara Kiviat (2007), *“Why We Buy the Products We Buy”*. *Time Magazine*.

modelling allows the definition and redefinition of the model on the basis of a reasonable ecology of thought, extracting and discarding pieces of information from practices.

Based on these definitions, the objective of our modelling is refined as follows:

The objective of the model is to find out the 8 necessary and sufficient conditions of emerging land uses, spatial production processes and spatial products objects of the present scientific investigation to better understand them (knowledge in itself) and to be able to recognize, replicate or rule the phenomenon. The heuristic modelling defines and refines the model through the extraction of recurrent patterns from a reasonable number of cases under the domain of the raw circumstances. It discards non necessary pieces of information on the basis of a reasonable ecology of thought in order to proceed from the 8 “raw” circumstances in which the emergent practices happens and are observed, to 8 necessary and sufficient conditions without which the phenomenon can not emerge/being replicated/being recognized.

1.3.4. Deductive, Inductive, Abductive Inferences

Once defined as heuristic the strategy that present research intends to use for the modelling process, we have to explore the ways in which we intend to connect logical pieces of information. According to the second subsets of methodological questions I asked to myself what logical inferential process was best suited for modelling a complex phenomenon as the productive reactivation of confiscated criminal assets. According to the American Heritage Dictionary of the English Language, the meaning of the word “Inference” is the act or process of deriving logical conclusions

from premises known or assumed to be true²⁰. Alternatively, inference may be defined as the act of reasoning from factual knowledge or evidence through observation of patterns of facts, to indirectly see new meanings and contexts for understanding. The three main forms of logical inference to achieve logical conclusions are: deductive, inductive and abductive reasoning.

Deductive reasoning (from the Latin “de” translatable as preposition indicating the origin or the motion of descent from the top to down and “ducere”, “lead”, from the ancient greek “sullogismos”) is the inferential reasoning that proceeds from one or more statements (premises) to reach a logically certain conclusion. This conclusion proceeds from the general theory to the particular case. However the choice of contribute to the extension of the knowledge from the experiences without generating tautologies, has excluded - in the first steps of the research - the pure deductive reasoning, shifting my attention towards inductive and abductive reasoning.

Inductive reasoning (“induction” from Latin, from the verb “induco”, present “inducer”, from the from ancient greek epagoghé ἐπαγωγή) is a reasoning in which the premises are viewed as supplying strong evidence for the truth of the conclusion. Inductive inferential arguments lead to the universal from the particular²¹. Inductive reasoning draws common rules from cases analysis. The common rules are extended to all the domain

20. American Heritage Dictionary of the English Language, Fifth Edition. Copyright © 2011 by Houghton Mifflin Harcourt Publishing Company. Published by Houghton Mifflin Harcourt Publishing Company.

21. Aristotle (IV BC), *Topica*, I, 12, 105, translated by E. S. Forster (1989). Loeb Classical Library. Cambridge: Harvard University Press;

of the cases based on the experiences. Otherwise the experiences on which we base our knowledge are limited and while the conclusion of a deductive argument is certain, intrinsic in the definition of the premises and confutable by a single case not covered by the assumptions, the truth of the conclusion that came from an inductive argument is probable based on the evidences given. According to previous studies, the conclusions of an inductive inferential process are not certain but only credible²². Otherwise according to heuristic modelling, drawing common proprieties from cases can be useful to obtain a credible indications of recurrent patterns: if we intend this process of “drawing” both in the meaning of “extraction” of common rules from the experiences but also as “sketching” recurring patterns, we can consider reasonable valid the option of using inductive arguments for shaping a draft of the model of the phenomenon. This minimum account of knowledge can be considered credible on the basis of a reasonable account of observations. However if on one hand the argument can be included in the toolbox for crafting the model, arguing only through induction is not exhaustive and the previous defined “draft of the model” is not enough for the formation of the knowledge able to recognize, replicate and rule the phenomenon: it have to be enforced and validated through successive inferential moments.

The third argument concerns the abductive inference. Abduction (from the Latin “ab ducere”, lead by in greek apagōghé) was used for the first time by Aristotle that distinguished it both by the induction that the deduction²³.

22. Karl R. Popper; David W. Miller (1983), “A proof of the impossibility of inductive probability”. Nature 302.

23. Aristotle (IV BC), “Prior Analytics”, II, 25 sgg, in Gisela Striker (2009), Review of Prior Analytics, Oxford UP, 2009.

The philosopher Charles Sanders Peirce (1839–1914) introduced abduction into modern logic. He considered it a process for the formation of the knowledge not only in purely formal or mathematical logic but also in the normative field, in philosophy, in economy and in research. The term abduction indicates a syllogism that leads to a probable conclusion from a general rule, in other terms in which the major premise is certain and the smaller one is only probable. The explanation is a reasonable cause of the effect we are observing. We can claim to have done a correct abduction if the rule we have chosen to explain our results, receive so many confirmations that the probability that it's right is equivalent to a reasonable certainty, and if there aren't other rules that explain the facts as well the phenomenon observed. Given a theory that explain recurring faults and a set of observed effects, abduction can be used to derive sets of faults that are likely to be the cause of the problem. Abduction can be useful to derive reasonable causes from recurring patterns.

1.3.5. **Undermining Practices - Referential and Inferential Cycles**

Based on the arguments showed previously, the design of the research organize the reasoning according to the heuristic modelling using at certain times of the formation of knowledge all three logical arguments. The heuristic modelling of the present research is articulated in two cycle of formation of the knowledge: referential circle and inferential circle. In the first step an Intuition or a Raw Observation collides with the Raw Circumstances. The results of this collision can be identified as the moment in which we can recognize an emerging case, the moment in which we have the emergence of unexpected recurrent evidences on the basis of the knowledge or know-how available. This is the early stage of the discovery and in the research coincides with the description of few

cases of the emerging productive reactivation of confiscated criminal assets that have raised the issue of the definition of the model. Otherwise the discovery from an unexpected observation is only the premise of the knowledge and the conclusions at this step are uncertain. At the next step we collect pieces of information about the circumstances in which the phenomenon happens. These first circumstances are wide and raw but are useful to identify the context to undermine. The extraction process designed for this research is articulated in cycles of formation of knowledge that can define and refine these circumstances until they coincide with the real necessary and sufficient conditions that identify univocally the phenomenon: the definition of the raw circumstances provides an useful framework to identify the data pool; the knowledge of the real circumstances without which the phenomenon could not take place is necessary to design contexts that enable the emergence of the phenomenon and for the other main purposes of the research previous described. The identification of all cases characterized by the presence of the previous mentioned “raw” circumstances, allows the identification of a dataset. This dataset is divided arbitrarily in two subsets: learning set and training set: the learning set is used for the definition of the draft of the model in the early stage of the inferential circle; the training set is used for validation, improvement or confutation in the last stage of the inferential circle. The next step for the formation of knowledge is related to the use of the learning set. The learning set is used for the definition - through the inductive reasoning - of the practices in which it is manifested the emergent behaviour. According to the heuristic modelling, pieces of information about unproductive cases are discarded because they do not contribute to the definition of the productive model. If another different emergent behaviour is detected in the learning set, the investigation

turns back within the referential circle, again with the analysis of the raw circumstances in which the exception is observed. The analysis of the learning sets enable in the next step the drawing of recurrent patterns from the practices. According to the inductive definition previous mentioned, “drawing” is intended both in the meaning of “extraction” of common rules from the experiences but also as “sketching” recurring patterns. This recurrent pattern is formed by the common conditions

TABLE 1: TABLE OF INFERENCES

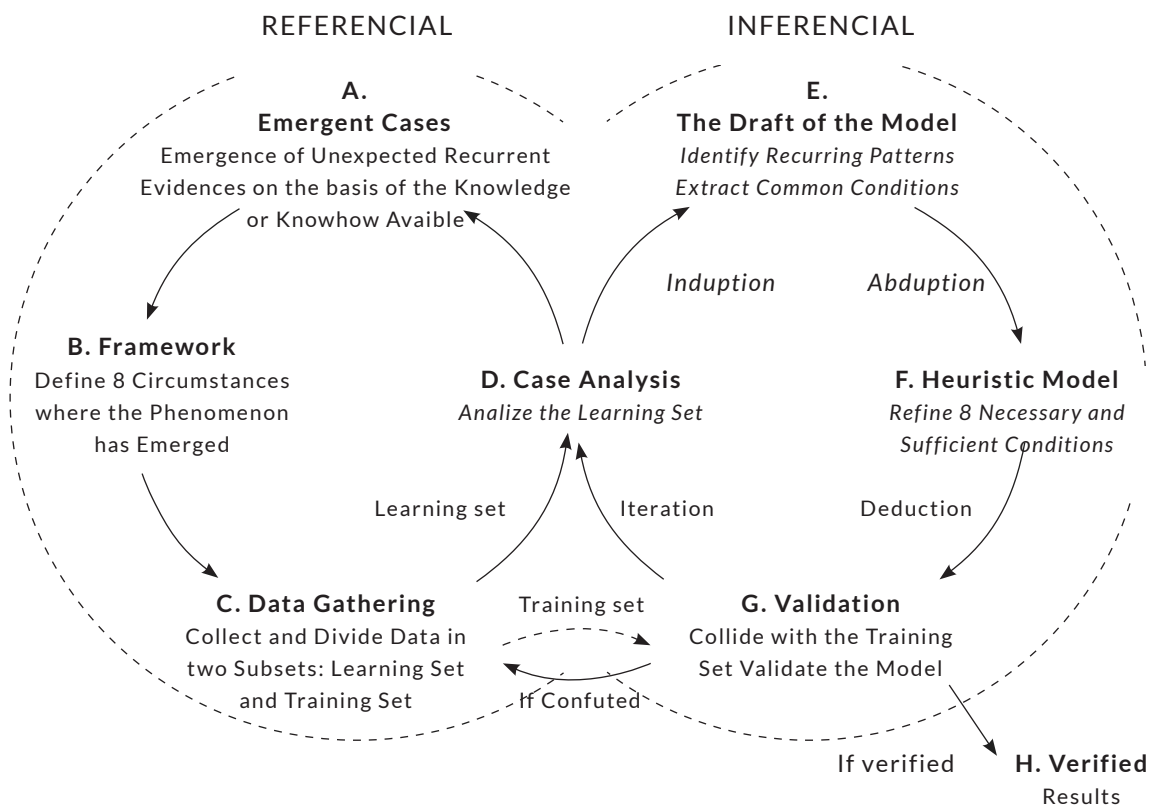
Steps	1° Therm		Inference	Process	Value of the Conclusions
0 (A,B)	Intuition, Raw observation	Certain Circumstances	Emergence of Unexpected Evidences	Counter Intuition	Uncertain
1 (B,C)	Certain Circumstances	Data Gathering	Dataset Learning and Training Set	Collection	Reasonable Amount of Certain Cases
2 (D,E)	Learning Set	Recurring Pattern	Draft of the Model	Induction	Credible
3 (E,F)	Draft of the Model	Probable & Refined Circumstances	Credible Model	Abduction	Probable
4 (F,G)	Credible Model	Training set	Certain Model	Deduction	Certain

————— Logical process —————→

of the cases and all the outcomes of the cases. Otherwise the fact that conditions are common does not mean that they are the necessary and sufficient conditions. The only credible information that we can extract is the definition of all the different forms of productivity in every case

(outcomes): the space of all possible outcomes of the phenomenon. On the basis of the draft of the model (common conditions and outcome) abductive arguments allow the derivation of probable necessary and sufficient conditions. Once the reasonable and hypothetical necessary and sufficient conditions have been derived, these new conditions are made to collide with the training set. If the hypothetical necessary and sufficient conditions generate all the possible outcomes in the recurrent pattern,

FIG. 6: PROCESS FOR MODELLING OF AN EMERGENT PHENOMENON



the model is verified and the conditions allows us to rule, recognize and replicate the phenomenon. The results are showed. If the model does not add or detract nothing from what we already knew about the phenomenon under the raw circumstances, the research continues with a new analysis

of the whole learning set and reiterates the inferential circle. If the model is confuted, the research turn back to the referential cycle to collect new cases. This methodological framework is not to be conceived as an algorithm, but as a circular process of knowledge formation. The final matching with the training set is necessary to allow a possible pivoting of the model.

On the basis of this methodology for the extraction of the knowledge from the practices, the research is divided in three main parts: the first part defines the Theoretical and Legislative Framework introducing the question of confiscated criminal assets in Europe. It provides a synthetic overview of the transnational and urban manifestations of the phenomenon of organized crime through the eight “raw” elements of circumstance, Who, what, when, where, why, measures, methods, materials, describes the international ecosystem of justice involved in asset recovery and explores the european cases of productive reactivation of confiscated criminal assets. The second part analyse the Italian declination of the phenomenon through the same eight elements of circumstance: it defines the identity and the evolution of the legislative framework, the actors, the funds and the critical issues that concern the social reuse of criminal assets. The part describes the italian ecosystem involved in social reuse. The third part develop the model: data are collected on the basis of the methodology previous described and the results are framed in a theoretical logical framework. The conclusion shows results, implications, considerations, recommendations and suggested further works.

1.3.6. Scientific, Syntactic and Semantic Diagramming

According to the heuristic modelling, present research makes extensive use of diagrams as a mechanism to discern linkage, in particular to explore how , first criminal organizations and after public and private agents involved in social reuse, activate cycles of production of meanings, economies and environments through confiscated criminal assets. Diagrams are conceptual tools that help to explore questions that are difficult to conceptualise and encourage new ways of thinking about known issues. They are recognised as an important tool and method in many fields of scientific investigation due to their helpfulness in exploring complex or unknown phenomena and in communicating ideas. Diagramming can be a useful tool for unpacking socio-spatial products and processes and explore what is hypothesised. While diagramming as a tool has been picked up frequently in the urban design field, it has tended to focus on representing various forms of “hard” data or social networks analysis, or dynamics networks analysis. The diagrams drawn in present research instead explore the interaction of theories, norms, processes, agents that might shed new knowledge on how criminal organizations materialize revenues from illicit market in the urban environments, how they impact in economical, societal, environmental dimension of the city, and how urban planning can design new life cycles for confiscated criminal assets. In urban planning, diagrams can uncover new pathways for thought, foster the change in the conceiving of urban pools, and support the identification of new urban resources, creating new option of development for communities and changes in the shaping dynamics of cities. According to the Open University (2012), diagrams “allow us to think in new ways and approach problems differently” and are helpful in “exploring areas we normally aren’t able to think about.” “Scientific” diagrams attempt to determine relationships and elements to

arrive at a correct answer or analysis; “Syntactic” or “Semantic” diagrams are not related with the answer for a problem but are more related with inventing new problems or framing problems differently (Lueder, 2012). Scientific and Syntactic (or Semantic) are useful for think differently and arrive at otherwise unattainable conclusions. Complex and conceptual ideas are rendered much simpler through diagram and they can be useful for both concrete and abstract themes that otherwise would be more time consuming or difficult to explain. The previous diagram about cycles of production of knowledge from practices demonstrates how diagrams can uncover new pathways for thought. Cognitively, diagrams are more related to meaning than other forms of communication, and thus are easier to understand. “[Diagrams] may be incomplete, ambiguous, difficult to interpret, yet on the whole, they are more directly related to meaning than, say, language” (Shah & Miyake, 2005, p.22). While the diagram may appear confusing without a textual explanation, it lends an interesting point of view: “Diagrams are both the instrument of thought and its mirror” (Vidler, 2006 cited in Lueder, 2012, p.215), they reflect thought, help the writer to reflect and reflect the context in which the writer has developed his thoughts. Otherwise from the point of the view of the replicability of the arguments in the present research, the question of how diagrams can be influenced by the context of a foreign reader must be dealt. Foucault’s claim that prevailing discourses impose ways of thinking and acting, producing the world as we see it (1980 cited in Rose, 2001), would suggest that our ability to think and act is mainly influenced by our way of articulating discourses in our historical and geographical context. This argument is particularly relevant when diagrams, seek to interpret processes that exist in contexts foreign to the author. Nevertheless, Rose (2001) points out that it would be a mistake to interpret diagrams simply

as reflections of their context; while they do exist within and because of certain discourses, they also have their own effects, and the power to create new discourses.

1.4. Questions and Expected Results

According to the objective of the present research (the definition and validation of a renewed Urban Re-Cycle Model for confiscated criminal assets), the research answer to this questions:

Research question A - After 19 years since the first law that concerns the social reuse in Italy, how many productive cases are emerging? How? Why? What are the settlement strategies? Are there recurring patterns of output, outcome and impact?

Research question B - Is It possible to draw a model for productive reactivation of confiscated criminal assets from settlement practices? Is this model replicable across the European Members States? Under what conditions this model is replicable?

Research question C - What are the necessary and sufficient conditions that allow the emergence of productive reactivation of confiscated criminal assets? In which conditions the productive reactivation is a practicable public choice in urban policy?

According to present questions establishes the following expected results:

- Expected Result A: Validate or Confutate the methodology described in the previous chapter as a methodology for modelling emergent phenomenon in urban planning and urban design;

- Expected Result B: Find out a reasonable number of evidences of confiscated criminal asset productive reactivation among social reuse practices;
- Expected Result C: Find Out Societal, Economical and Environmental common patterns among the cases of productive reactivation of confiscated criminal assets;
- Expected Results D: Find out recurring outputs, outcomes and impacts of analysed cases and define benchmarks for societal, economical and environmental outputs, outcomes and impacts;
- Expected result-E: Find out the necessary and sufficient conditions that ensure replicability or the emergence of the productive reactivation;
- According to the Decision 2007/845/JHA concerning the co-operation between Asset Recovery Offices of the Member States in the field of tracing and identifying proceeds from, or other property related to, crime that provides the enhance of the exchange of training and best practices in confiscated criminal asset recovery for each Member State: foster the exchange of best practice;
- According to the art.3 of the Directive of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union 2014/42/EU, that encourages the implementation of the Reuse of confiscated criminal assets for public utility or social purpose across Europe: define a replicable model;

2. CONFISCATED CRIMINAL ASSETS IN EUROPE

Who, What, Where, When, Why

2.1. Circumstances

The synthetic overview of the European dynamics shows a macro-territorial context in tumultuous evolution. As explained in the previous chapter, the materialization of the crisis in cities, territories and communities has generated forms of contraction of meanings, economies and environments. At the same time the crisis accelerated the grounding of new emerging economies, new processes led by communities and renewed remarks about unused and abandoned assets in cities. Present chapter introduces the question of confiscated criminal assets providing a synthetic overview of the transnational and urban manifestations of the phenomenon of organized crime. The phenomenon is described through five elements of circumstance: Who, what, when, where, why. According to the method described in previous chapter, the remaining 3 circumstances related to the confiscation as an “action” are described in the next chapter.

Previous studies analysed the phenomenon of organized crime through the lenses of the economy, criminal law science and sociology. The point of this chapter is not to provide a complete, analytical and exhaustive description of criminal assets but it is to offer to the reader the basic knowledge needed to better understand the class of dismissed assets studied by the present research in order to move forward to the creation

of new knowledge and support the reconceiving of this resource assets in urban policies. The key aspect is related to the definition of confiscated criminal assets as the physical out-come of transnational and territorialized processes in evolution driven by criminal organizations, revealed and interrupted by the application of measures of seizure and confiscation of the judicial authorities. These processes, enforced by social networks of crime that operate across national boundaries materialize revenues from illicit markets in legitimate business and in urban environments. Against these processes judicial authorities across Europe are involved in assets recovery through different Asset Recovery Offices AROs enforced by international Assets Recovery Interagency Networks ARINs. From the scientific point of view, the awareness of the causes that generate confiscated criminal assets is required to describe the Ecosystems of Justice involved in Criminal Assets Recovery, to deal with the issue from the point of view of urban planning and/or urban design and is the basis for the arguments developed in present research.

2.2. Efficient Cause

Today when we speak about confiscated criminal assets we refer to two main different efficient causes: criminal organizations and judicial authorities. When we think about the first efficient cause that leads to the materialization of the phenomenon of confiscated criminal assets, we have to discuss about the organized crime. Italian mafias have for long been considered the paradigm of organised crime and wholly identified with it (Fijnaut & Paoli, 2004; Paoli, 2004a, 2004b). Nonetheless, the term “mafia” denotes a very specific manifestation of the phenomenon of organized crime that seek to maximise profits, is inspired by political

goals, aim at dominating their territory of influence and at gaining control over the economic and political activities (Paoli, 2002, 2004b). Not all criminal organisations can be regarded as mafias (Finckenauer, 2005). Mafia, camorra, 'ndrangheta, Russian, Chinese mafia, narcos, armed gangs, subversive groups are all different declinations of organized crime phenomenon, a mutable concept, constantly evolving and changing faster than academia and legislation. The mutable nature of this organized crime phenomenon can create taxonomies to define it (Finckenauer, 2005; Hagan, 2006). Due to this mutable nature and in order not to exclude any emerging phenomena, present research keep the definition as broad as possible and in accordance with the criminal law science state of art, adopting the definition of serious and organized crime introduced by Europol SOCTA 2013 (Europol, 2013a, p. 41): this report studies the economic activity of any criminal actor (large organisations, a smaller gangs, or a loose network of individuals) which:

- Can be profiled as a criminal organisation falling under the definition provided by the EU Framework Decision 2008/841/JHA;
- Involved in serious crimes as identified by the Treaty on the Functioning of the European Union (TFEU) and in other criminal activities (illicit trade in tobacco products, counterfeiting, illegal gambling and match-fixing, extortion racketeering, usury, fraud and organised property crime) which are not listed in the TFEU but are considered relevant in many scientific articles (as Organized Crime Portfolio OCP, Transcrime, 2015) that analyse the organized crime phenomenon from the economic and criminal law points of view.

In particular the EU Framework Decision 2008/841/JHA defines “*criminal organisation any structured association, established over a period of time, of more than two persons acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, to obtain, directly or indirectly, a financial or other material benefit*”²⁴.

The Treaty on the Functioning of the European Union (TFEU), often referred in the literature as “Euro Crime”, in the art. 83 defines as serious crime “*terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime*”²⁵. Every time present research uses the terms “criminal organizations” or “organized crime” it refers to the definitions gathered in present chapter. This definitions is particular useful and used in previous studies that analyse the phenomenon of organized crime because:

- Substantial differences exist across EU MS in terms of organised crime legislation, for example with regard to defining criminal organisation offences, the types and number of related offences, penalties and sanctions²⁶;
- It includes some emerging criminal activities and illicit markets which do not currently fall under the EU definition of organised

24. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, OJ L 300, 11.11.2008, p. 42;

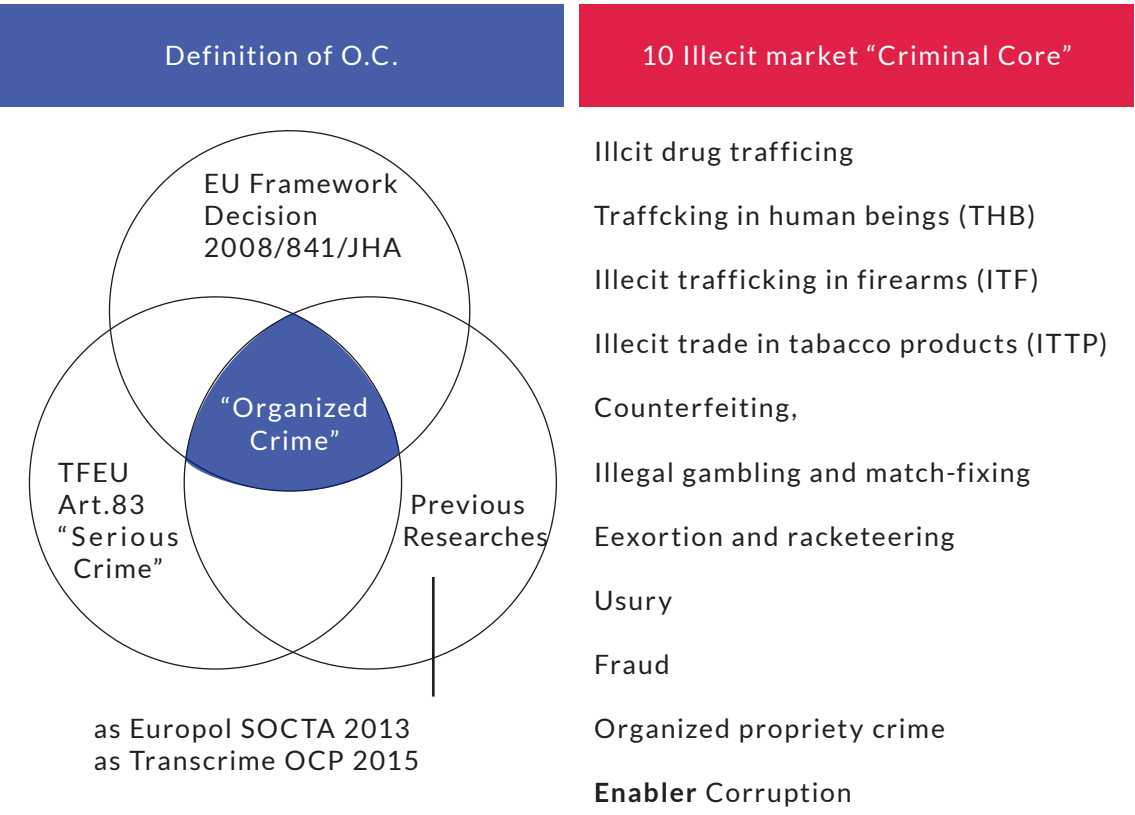
25. Official Journal C 326, 26/10/2012 P. 0001 – 0390, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>

26. Calderoni, 2010, p. 55-121

or serious crimes but are increasing their organised nature and gaining prominence in the business cycle of criminal groups because of their low risk and high profitability;

As shown by previous studies (e.g. Kleemans, 2007; Europol, 2013; Paoli, 2014), a plurality of criminal actors (from large organisations to occasional networks), with an increasing multi-ethnic nature, are active in Europe. According to Europol SOCTA, 70% of the groups identified in

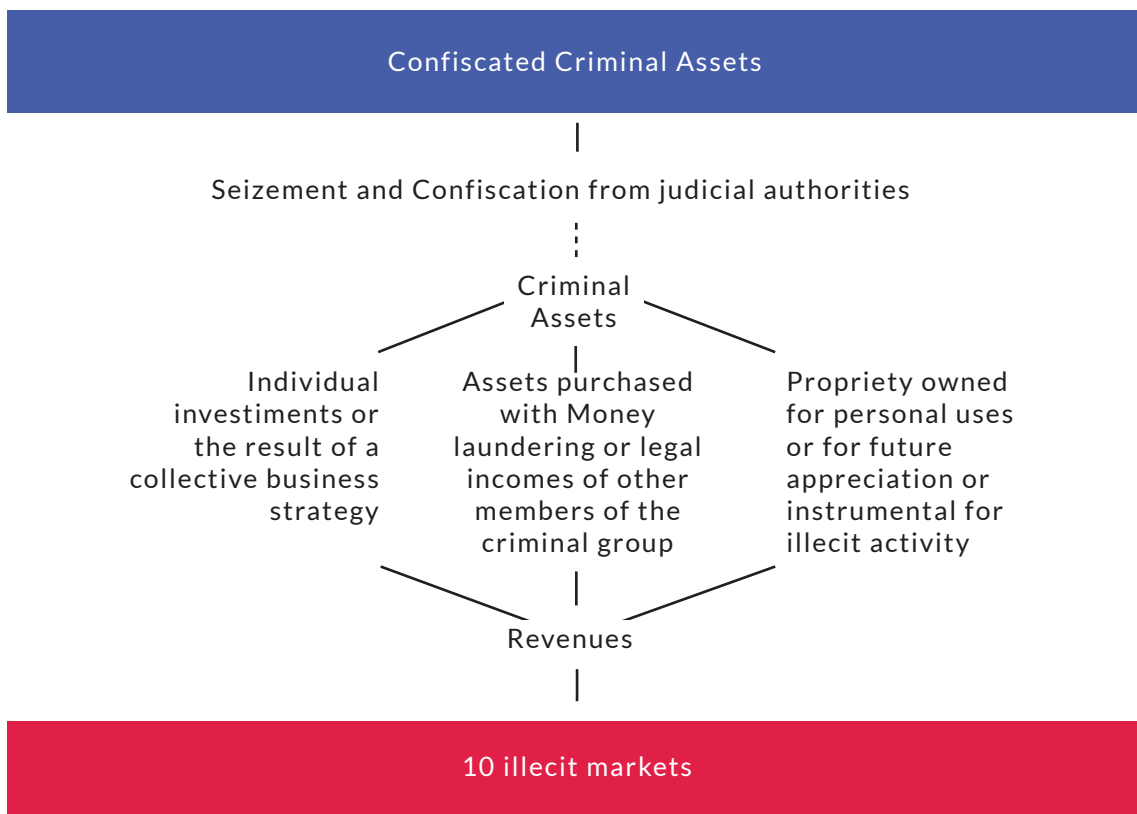
FIG. 7: ORGANIZED CRIME - DEFINITION AND ILLICIT MARKET CORE



Europe are multi-national in their membership (Europol, 2013a, p. 34) especially in countries characterised by a multicultural population, such as France, Netherlands and the UK. If on one hand classifying criminal groups into a limited number of clearly identifiable categories is very difficult, on the other hand the previous broad definition of organized

crime help us to frame the main ten illicit markets that sustain criminal organization across the countries and in urban environments. Previous studies shows evidences of these ten main illicit markets: Illicit drug trafficking (heroin, cocaine, cannabis, amphetamines, ecstasy) trafficking in human beings (THB), illicit trafficking in firearms (ITF) illicit trade in tobacco products (ITTP), counterfeiting, illegal gambling and match-fixing, extortion and racketeering, usury, fraud, organized propriety

FIG. 8: CRIMINAL ASSETS AS MATERIALIZATION OF REVENUES FROM ILLECIT MARKETS



crime, corruption, computer crime and money laundering. Corruption, cyber crime and money laundering are not illicit market but - according to previous researches - these activities are closely related to organized crime in relation to the generation of revenues under the colours of the legitimate market: corruption have to be considered not an illicit market

per se, but rather as an enabler (Europol, 2013a; Riccardi & Sarno, 2013) used horizontally by criminal groups across illicit markets to infiltrate the legitimate economy; computer crime is not a market, but rather a facilitator of certain other illegal activities (e.g. identity theft and/or computer crime related to Money Service Businesses “MSB” to ease the cross-border transfer of illicit funds); money laundering is an activity through which revenues from illicit markets of criminal organizations are integrated and invested in the legitimate economy. The second **efficient cause** that leads to the materialization of the phenomenon of confiscated criminal assets are the judicial authorities. According to different national regulatory frameworks, judicial authorities fight criminal organizations in many ways including - but not limited to - the application of measures of seizure and confiscation. These measures freeze and interrupt processes driven by criminal organizations that inject revenues from illicit markets in legitimate business and in urban environments.

2.3. Material Cause

According to these arguments, revenues from illicit market are the main material cause of the phenomenon. If on one hand criminal assets are the materialization of criminal organizations revenues generated from illicit markets on the other side confiscated criminal assets are the material cause of the unveiling, the freezing and the interruption of these processes. The terms “Criminal Assets” identify any possession and/or acquisition of any type of asset in the legal economy (e.g. movable goods, registered assets, real estate properties, companies or their shares) by individuals belonging to a criminal group, acting on its behalf and/or involved in one of the criminal activities previously identified, Criminal Assets is referred to:

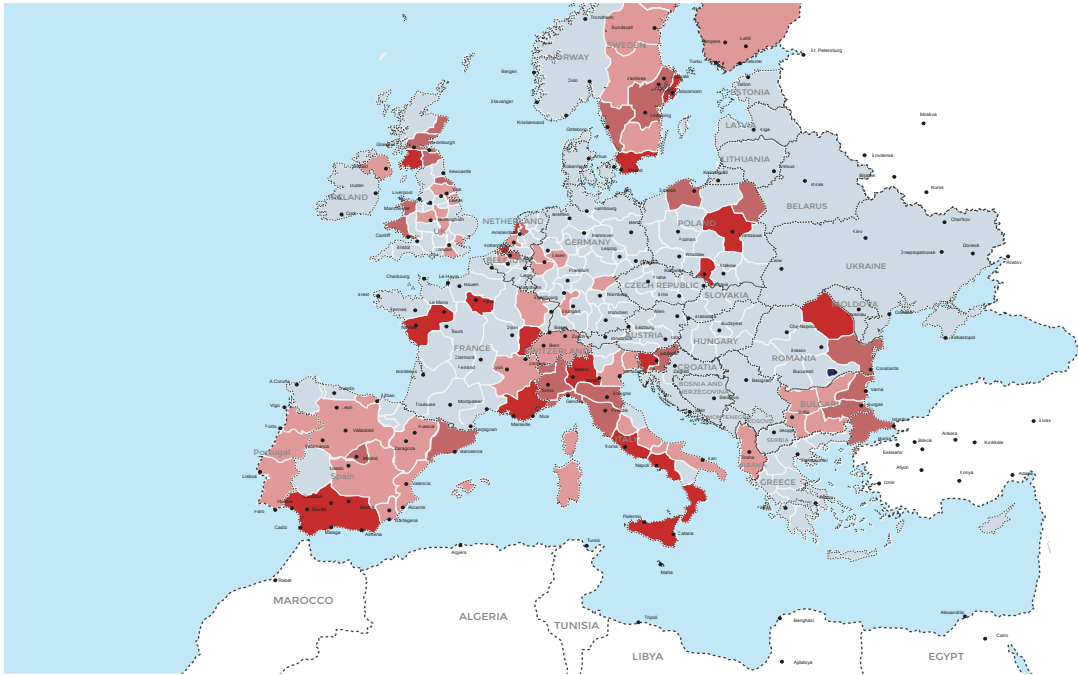
- Investments made by individual members of the criminal organisation or as a result of a business strategy of the whole group;
- Assets purchased directly with the proceeds of crime, with already-laundered money or even with legal incomes (e.g. salaries or inheritances) of the members of the criminal group;
- Assets acquired for personal use/consumption (e.g. a personal house) or with the expectation of future appreciation (e.g. real estate investments) or instrumental for illicit activity (e.g. trucks used to transport illicit drugs).

2.4. Time and Space Boundaries

If we analyse the organized crime across the **time and the space**, we can find the emergence of different manifestations transnational/territorialized: during the second half of twentieth century, in the historical period of physical expansion of the cities, organized crime has found in housing and building activities the way to take root in the legal economy and in the urban environments, infiltrating and expanding influence on the local politics, public administration and business community. Today organized crime, in its different manifestations, is a phenomenon that shape and that is enforced by illicit economies, transnational social networks of crime, urban environments that act as a hinge between the transnational dimension and the territorial dimension of crime. The economical, societal and environmental crisis consolidated and accelerated the emergence of new dynamics and new enabling factors. From the **economic** point of view criminal organizations acquire corporate structure

of companies in liquidation wearing the appearance of economies in dismission; intercept centres of public spending (e.g. public health care supplies) preventing the public cost containment; parasitically enter inside the food production and distribution activities, multiplying the chain-supply length and costs and using scale economy of food transport for enhance illicit market revenues; constrain the economic actors and

FIG. 9: CONFISCATED CRIMINAL ASSETS - SPATIAL DISTRIBUTIOIN IN EUROPE



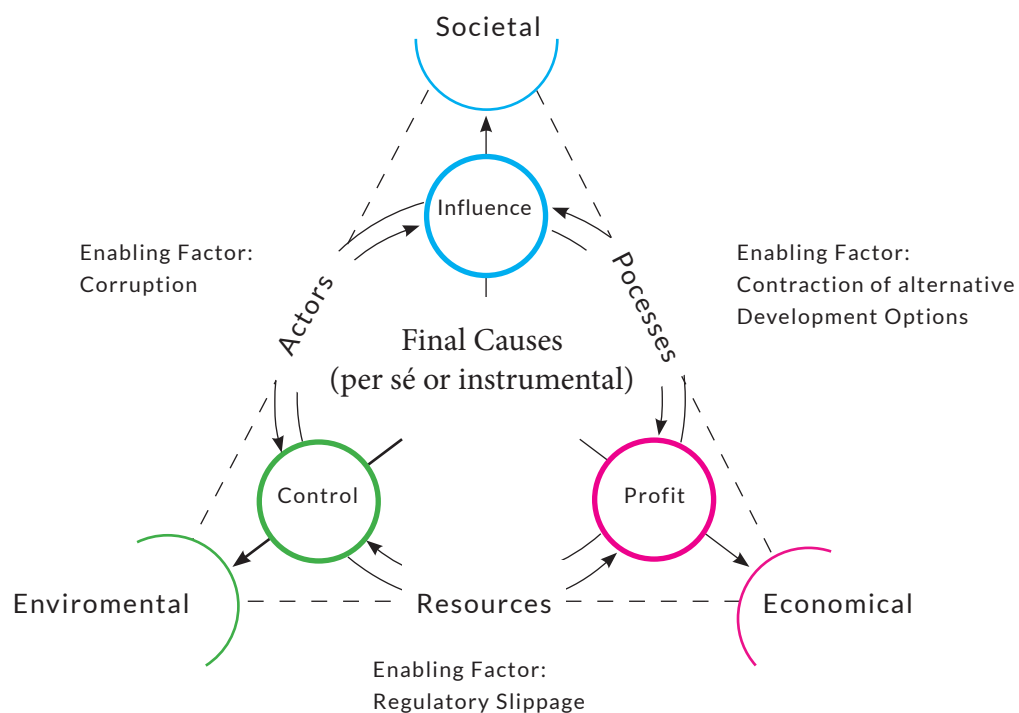
The choropleth map is a redraw and shows the evidences of organized crime investment across EU gathered by Organized Crime Portfolio (Transcrime, 2015); the collection of cases can be considered accurate only for Finland, France, Ireland, Italy, the Netherlands, Spain and the United Kingdom.

Percentage of the Total in the Country

- High
- Medium-High
- Medium-Low
- Low

entrepreneurship through racket and at the same time creates new company under the colour of the legitimate market. From the **societal** point of view organized crime gains social acceptance using legitimate company for creating job opportunities for unemployed; penetrate government and public administrations, orienting or distracting law enforcement, law entrepreneurship or policymaking and exacerbating

FIG. 10: CONFISCATED CRIMINAL ASSETS - FINAL CAUSES



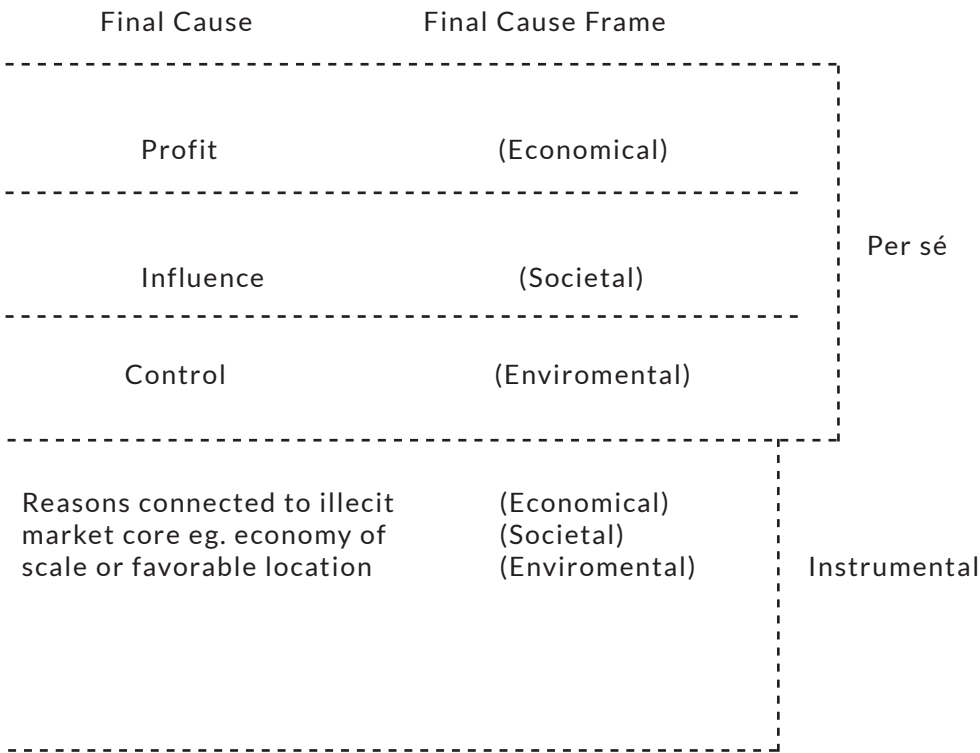
The Graph show the final causes that generate criminal assets: confiscated criminal assets is a process that materialize revenues from illicit market in the antropized enviroments with the propuse to rise social influence, economical profit under the color of the lecit market, and

enviromental control. The process impacts in societal, economical and enviromental aspects of the human settlements also trough enabling factors as Corruption, Regulatory slippage, and contraction of alternative development options.

regulatory slippage; manage the transnational immigration flows, reducing in slavery people searching for freedom, opportunities and environments in which shape their own project of life. From the **environmental** point of view criminal organizations materializes the revenues of illicit market in urban environments and shape urban environments in such way that they can be controllable and can act as a hinge between the transnational dimension and the territorial dimension of organized crime; infiltrate the

FIG. 11: FOUR CAUSES OF THE MATERIALIZATION OF REVENUES FROM ILLECIT MARKETS

Four Final Causes of the Materialization process



waste collection and facilities management, contaminate the ecology of urban, rural, water and marine contexts, assuming the characteristics of Eco-mafias; inquiries of 2014 in Sicily show that even the field of renewable energy (wind and solar) is not excluded by the interest criminal: this last

evidence highlights also a possible hinge role of organized crime between actors of the global economy and technological innovation and the local context. The economic, social and environmental impact of organized crime in the economical, social and environmental context of the city generates an eco-systemic phenomenon also due to enabling factors. If on one side corruption is considered an **enabling factor** of crime (Europol, 2013; Riccardi & Sarno, 2013) acting on the manipulation of the public and private actors, on the other side the regulatory slippage - the failure of local governments to enforce existing regulatory controls on urban resources - can be considered also another enabling factor increased after the crisis, enabling the manipulation of the resources of public and private interest.

From the **spatial** point of view, in contrast to the suggestions driven by the commonplace that describes organized crime as local phenomenon that influence underdeveloped rural or urban context, criminal organizations act in whole Europe and across the World. When approaching the problem of organized crime the awareness of the dual aspects, transnational and territorialized, is mandatory in order to avoid a trivialization of the phenomenon. A recent study about the criminal organizations in Europe, the first one that adopt a transnational prospective, shows that criminal organization invests revenues from illicit markets in almost all EU MS (24 out of 28), and in a large number of non-EU neighbouring countries as well. A concentration of investments was found in specific regions:

- In Italy: the southern regions, Lazio and north-western regions (especially Lombardy);
- In France: PACA - Provence-Alpes-Côte d'Azur, Île-de- France

and eastern border regions;

- In Spain: Andalusia, Madrid and, to a lesser extent, south eastern regions;
- In UK: the London area and south-western Scotland;
- In the Netherlands: Amsterdam and Rotterdam and their neighbouring areas;
- In other countries²⁷: some areas like Berlin, the Düsseldorf-Köln area, Bucharest and the Romanian border with Moldavia.

According to this exploration, criminal investments tend to be larger in areas with a historically strong presence of criminal organizations (e.g. southern Italy), in border regions, or in gateway cities which may play a crucial role in illicit trafficking (e.g. Andalusia, or Rotterdam and Marseille with their harbours), large urban areas (e.g. London, Amsterdam, Madrid, Berlin) and tourist or coastal areas (e.g. Côte d’Azur, Murcia, Malaga or European capitals) which can provide investment opportunities, for example in the real estate or hotel sector.

2.5. Final Cause

The organised crimes investments’ **final cause** responds not only to money laundering needs but also serve a wider variety of purposes:

27. Savona Ernesto U. & Riccardi Michele (Eds.), From illegal markets to legitimate businesses: the portfolio of organised crime in Europe. Final Report of Project OCP, Transcrime – Università degli Studi di Trento, 2015: p. 12; the collection of cases on the research was systematic only in the 7 OCP countries, the evidence collected in other EU MS should be interpreted cautiously and only as a preliminary picture of the situation;

- First of all, investments in the legitimate economy, either in companies or other assets, may facilitate the commission of illicit activities, for example:
 - Criminal groups can use transportation companies, import/export and wholesale trade firms (especially of food products) as fronts to conceal the trafficking of illicit drugs or the smuggling of illicit, counterfeit or stolen goods;
 - They manage bars and restaurants, clubs and hotels (Hotel, Restaurants, Café identifiable as Ho.Re.Ca.) as covers for prostitution rings or marketplaces for illicit drugs;
 - They buy real estate properties and use them to accommodate victims of sexual exploitation, stock illicit goods, or as laboratories to produce synthetic drugs;
 - They control Money Service Businesses (MSB) to ease the cross-border transfer of illicit funds;
 - They exploit oil and gas firms or petrol stations to commit fraud (e.g. excise fraud, fuel laundering, product fraud, etc.).
- Second, profit: although the correlation with profitability is not clear, there is evidence that criminal groups invest in very profitable sectors (e.g. renewable energy) or in areas (e.g. PACA, Costa del Sol, etc.) characterised by a sustained real estate

market.

- Third, control of the territory: investments in territorial- specific business activities such as construction, hotels, bars and the acquisition of real estate properties make it possible to monitor a certain area constantly.
- Fourth, investments in legal assets are also crucial for infiltrating and expanding influence on the local politics, public administration and business community. This has historically been a feature of Italian mafias, especially in their areas of origin, but it has started to characterize – according to the evidence collected and analysed – mafia investments outside the country of origin, and also the investment activity of foreign criminal organizations, which, in a sense, seem to have increased their mafia infiltration behaviour.

It is evident that criminal groups use investments in the legitimate economy not only to launder money or to exercise power and influence and but also to exploit economies of scale of legitimate business in order to reduce costs and increase revenues of illegal activities in which they are involved.

3.

CONFISCATIONS IN EUROPE

MEASURES, METHODS, MATERIALS

3.1. Measures

Measuring the phenomenon is not simple. Every country in Europe have different legislative framework related to the seizure and confiscation of criminal assets. Certain types of assets are collected in custody in different ways and all related pieces of information are not collected in the same dataset. To clarify the issue, it is possible to make an example: In some countries it is provided by law the sale of assets and the reuse of the proceeds. The data related to confiscated assets are then recorded in terms of aggregate economic value or price generated after the sale. In these cases there is no database available with data and pieces of information about the quantities and types of confiscated assets, but only the sale proceeds. This heterogeneity of the laws and data makes it not possible the establishment of a homogeneous single database to carry out the sampling for research in the entire European context. Otherwise according to previous studies (in particular Transcrime, 2013a; but also Schneider, 2004; van Duyne & Soudijn, 2009; Riccardi, 2014a; Soriani, 2013; Kruisbergen, Kleemans, & Kouwenberg, 2014), the data related to assets confiscated from criminal groups can be used as a proxy to define quality and quantity of criminal investments in legal economy. Data on confiscation across Europe can be used considering that the information:

- may lead to underestimations or overestimations of certain types

of assets depending on the focus of law enforcement on certain crimes, the ease of taking certain types of assets into custody, and the legal instruments at the disposal of prosecutors;

- may furnish an outdated picture of criminal investments, because sometimes very long periods can elapse between the investigation, seizure and final confiscation of assets, resulting in a representation of the state of criminal investments many years prior to the confiscation;
- makes it difficult to compare data across countries, since country regulations on asset recovery may vary widely.

In order to establish an overall picture and clarify the dynamics of growth of the phenomenon, according to previous researches, illicit markets in the European Union produce 110 billion euro each year²⁸, the 1% of European GDP. Finland, France, Ireland, Italy, the Netherlands, Spain and the United Kingdom produce about 60% of this amount (64 billion). We must consider that since 2010 the number and value of the confiscated assets in Europe (according to different national legislative frameworks) has increased over past ten years in most of the countries for which data are available. On the basis of this evidences (state and dynamics), in Europe, the awareness of the crucial role of the confiscation of criminal proceeds

28. Estimate of the annual revenues only from those illicit markets for which estimates were available or have been produced for all the 28 EU MS: trafficking of illicit drugs (heroin, cocaine, cannabis, amphetamines, ecstasy), illicit trafficking in firearms, illicit trade in tobacco products, counterfeiting, MTIC fraud and cargo theft. It does not include trafficking in human beings, illegal gambling and match fixing, extortion racketeering and usury, for which quantifications exist only in few countries. Estimates refer to different years, but most to 2010.

and criminal assets is growing especially in order to fight organised crime, interrupt its business cycle, protect the legal economy against infiltration and return criminal profits to European citizens (European Commission, 2008²⁹; European Commission, 2012³⁰).

3.2. Methods

The methods used for seizure and confiscation of criminal assets is not only one across Europe. At European Union level, the adoption in 1999 of Tampere Conclusions represent the first milestone toward the definition of a common strategy aimed at the recovery of the proceeds of crime identified in Europe. The European Council on 15 and 16 October 1999 in Tampere, through the exchange of views conducted by the President of the European Parliament, Mrs Nicole Fontaine, defined as a common objective to develop the Union as an Area of Freedom, Security and Justice.

- *Art.1: "From its very beginning European integration has been firmly rooted in a shared commitment to freedom based on human rights, democratic institutions and the rule of law. These common values have proved necessary for securing peace and developing prosperity in the European Union. They will also serve as a cornerstone for the enlarging Union";*

29. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime

30. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1) and European commission proposal COM(2012) 85 final, 2012/0036 (COD) proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union 12/3/2012

- *Art.2: “The European Union has already put in place for its citizens the major ingredients of a shared area of prosperity and peace: a single market, economic and monetary union, and the capacity to take on global political and economic challenges. The challenge of the Amsterdam Treaty is now to ensure that freedom, which includes the right to move freely throughout the Union, can be enjoyed in conditions of security and justice accessible to all. It is a project which responds to the frequently expressed concerns of citizens and has a direct bearing on their daily lives;*
- *Art.6: “People have the right to expect the Union to address the threat to their freedom and legal rights posed by serious crime. To counter these threats a common effort is needed to prevent and fight crime and criminal organisations throughout the Union. The joint mobilisation of police and judicial resources is needed to guarantee that there is no hiding place for criminals or the proceeds of crime within the Union”;*
- *Art.7: “The area of freedom, security and justice should be based on the principles of transparency and democratic control. We must develop an open dialogue with civil society on the aims and principles of this area in order to strengthen citizens’ acceptance and support. In order to maintain confidence in authorities, common standards on the integrity of authorities should be developed”.*

If on one side the first two articles introduce the Design for Freedom, Security and Justice in Europe on the other side art. 6 set the pillars for a joint action against organized crime and criminal assets recovery. Otherwise the words used in the art.7 of the conclusion of Tampere,

highlight a conflictive relationship with the civil society, not intended as a an agent of change (efficient cause) able to play an active part in the construction of the area of Freedom, Security and Justice in Europe, but as an external “foreign” agent with which the States establish instrumental relations aimed at promoting the acceptance and support inside the social fabric. This approach is peculiar considering that some of the important changes such as the Fall of the Berlin Wall, which have contributed to the creation of spaces of freedom, justice and equality in Europe, were led by forms of active citizenship.

On the basis of the Tampere Conclusion a first legislative text on money laundering, identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime was adopted on July 2001: the Framework Decision 2001/500/JHA³¹. After that the Council Framework Decision 2003/577/JHA of 22 July 2003 explained the execution in the European Union of orders freezing property or evidence³². Contextually the issue of confiscation of assets of organized crime became a political priority at international level: through Council Decision of 29 April 2004 2004/579/EC, the MS approved the United Nations Convention Against Transnational Organised Crime know as “The Palermo Convention”. However, the Framework Decision 2001/500/JHA appeared ineffective and

31. Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1); Information retrieved from eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001F0500:EN:HTML

32. Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, Official Journal L 196, 02/08/2003 P. 0045 - 0055. Information retrieved from eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32003F0577

was replaced by the Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property³³ and by the Framework Decision 2006/783/JHA on mutual recognition to confiscation orders³⁴. These texts didn't reach their objective because of the persisting substantial differences among the MS' legislations, so that, there were a high number of decisions opposing to the confiscation orders issued by another EU MS. To overcome these problems, on 6 December 2007 Europe adopted the Decision 2007/845/JHA concerning co-operation between Asset Recovery Offices of the Member States in the field of tracing and identifying proceeds from, or other property related to crime: this decision provides that each Member State must to set up at least one Asset Recovery Office (ARO) on its territory and enhance the exchange of training and best practices in confiscated criminal asset recovery³⁵. After this milestone in 2008 the Commission proposed a more ambitious strategy with its Communication from the Commission to the European Parliament and the Council - Proceeds of

33. Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property (OJ L 68, 15.3.2005, p. 49); Information retrieved from eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32005F0212

34. Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p. 59); Information retrieved from eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2006.328.01.0059.01.ENG&toc=OJ:L:2006:328:TOC

35. Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime; art.6: Member States shall ensure that the Asset Recovery Offices shall exchange best practices concerning ways to improve the effectiveness of Member States' efforts in tracing and identifying proceeds from, and other property related to, crime which may become the object of a freezing, seizure or confiscation order by a competent judicial authority. Information retrieved from eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32007D0845

organised crime: ensuring that “crime does not pay” COM/2008/0766 final³⁶. However, it was only after the entry into force of the Lisbon Treaty and the adoption of the Stockholm Program³⁷ by the European Council on 10 December 2009 that it was possible to adopt qualified measures useful to ensure more ambitious common standards³⁸. The new strategy was introduced by the 2010 Council Conclusions on Confiscation and Asset Recovery³⁹ and by the 2010 Commission Communication The EU Internal Security Strategy in Action⁴⁰. The European Internal Security Strategy in action tries to enforce the EU legal framework on confiscation, as an effective tool to disrupt international crime networks⁴¹.

36. Communication from the Commission to the European Parliament and the Council - Proceeds of organised crime: ensuring that “crime does not pay” COM/2008/0766 final. Information retrieved from eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52008DC0766

37. European Council - The Stockholm programme - an Open and Secure Europe Serving and Protecting Citizens. Information retrieved from [eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010XG0504\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010XG0504(01)) Official Journal C 115 of 4.5.2010].

38. Damato A., De Pasquale P. Parisi N. (2014), *Confisca e Sequestro*. In: *Argomenti di diritto penale europeo*, p. 244. Giappichelli. The study contains an analysis of the EU legislation with a referral to the Italian case law.

39. Previous researches show that the CARIN Network - an informal network of English speaking judicial and law enforcement practitioners, who are experts in the field of asset tracing, freezing, seizure and confiscation - gave an important contribution to the Stockholm Program: CARIN proposed the creation of centralized bank account registers and the mutual recognition of non-conviction-based orders as best practices;

40. European Commission, Communication to the European Parliament and the Council, The EU Internal Security Strategy in Action: Five steps towards a more secure Europe, COM(2010)673, Brussels, 22 November 2010, announcing the proposal legislation on confiscated criminal asset recovery

41. European Commission, The EU Internal Security Strategy in Action: Five steps towards a more secure Europe, COM(2010)673, Brussels, 22 November 2010, sets as objective 1 the Disruption of international crime networks through three actions: action 1, identify and dismantle criminal networks, action 2, protect the economy against criminal infiltration, action 3, Confiscate criminal assets.

In recent years, confiscation has been the topic of a number of new legislative measures and framework decisions as a strategic priority of the EU Internal Security Strategy (ISS). In 2014 a new EU Directive focuses on the freezing and confiscation of instrumentalities and proceeds of crime (Directive 2014/42/EU); this last one directive has been adopted with the aim of making it easier for Member States to confiscate and recover the proceeds of serious and organised crime. For the first time at European level, the legislative framework, extend the seizure and confiscation of “proceeds” to “instrumentalities” and “property”⁴² and promotes at the art. 3 the confiscated criminal assets reuse for public utility or social purposes⁴³. There is no mandatory obligation, but there is the injunction (recital 35) to carry out a legal analysis or an examination of advantages and disadvantages of these measures. The States will have at the time of transposition of the directive, that is to say from now on, within a maximum period of 3 years, the possibility to implement these measures.

3.3. Matrix of Destinations

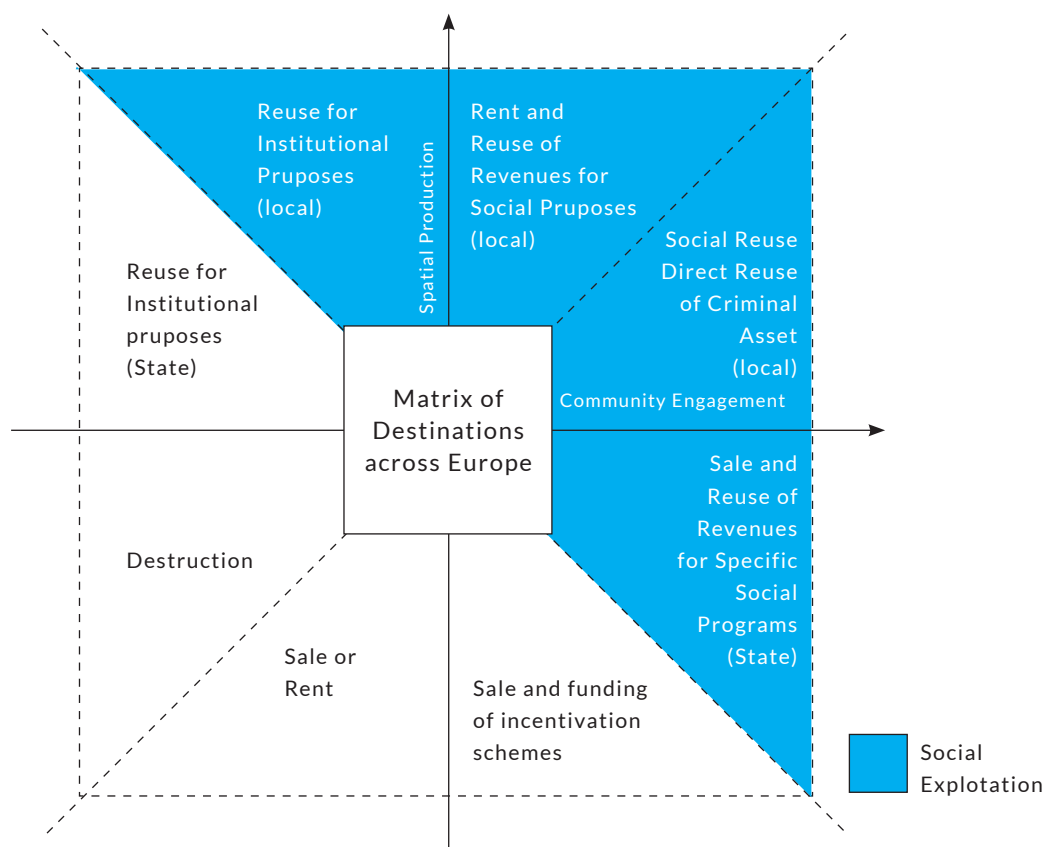
According to the analysis of the norms in every European Member State and to the research “Disposal of Confiscated Assets in the European Member States - Law and Practices” related to the research project “Reuse of Confiscated Assets for Social Purposes Toward Common EU Standards - RECAST” promoted by the Department of European Study and

42. Gabriella Arcifa (2014), *“The New Eu Directive On Confiscation”*: A Good (Even if Still Prudent) Starting Point for the Post-Lisbon Eu Strategy on TRacking and Confiscating Illicit Money, I quaderni europei, n.64. Retrieved From www.cde.unict.it/sites/default/files/Quaderno%20europeo_64_2014.pdf.

43. “Member States shall consider taking measures allowing confiscated property to be used for public interest or social purposes”.

by University of Palermo, in Partnership with FLARE Network e with the Center for the Study of Democracy (Bulgaria) and with the collaboration of ANBSC and UNICR (United Nations Interregional Crime and Justice Research Institute) the destinations of confiscated criminal assets across Europe are: Destruction, Sale by public auction, Sale and funding of incentivisation schemes, Reuse of Revenues for Social Purposes in relation

FIG. 12: MATRIX OF DESTINATIONS ACROSS EUROPE



The Graph shows all praticable destinations of confiscated criminal assets across Europe: destinations are organized by spatial production and community engagement processes; The graph highlight also the destinations that enable social exploitation of confiscated criminal assets.

Matrix of Destinations - Method

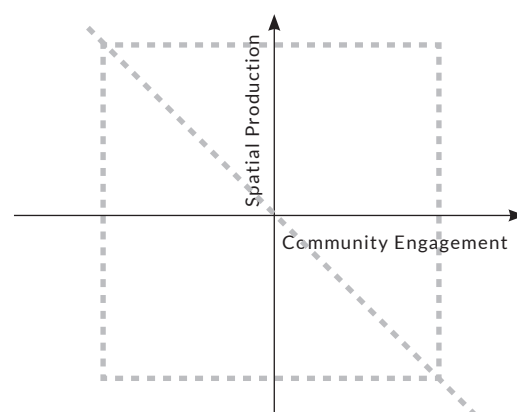


TABLE 2: LEGISLATIVE FRAMEWORK IN EUROPE (1999-2015)

Toward the definition of common instruments aimed at the recovery of the proceeds of crime identified in Europe (from 1999 to 2005)

Year	Description	Legislative Reference
1999	Tampere Conclusions	
2001	Council Framework Decision of 26 June 2001 on Money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime	2001/500/JHA
2003	Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence	OJ L 196 , 02/08/2003 P. 0045 - 0055
2004	Council Decision of 29 April 2004 approve the United Nations Convention Against Transnational Organised Crime "The Palermo Convention"	2004/579/EC
2005	Framework Decision of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property	2005/212/JHA
2006	Framework Decision on mutual recognition to confiscation orders	2006/783/JHA
2007	Council decision of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime;	2007/845/JHA
2008	Communication from the Commission to the European Parliament and the Council, Proceeds of Organised Crime: ensuring that "crime does not pay"	COM/2008/0766 final
2010	European Council Decision of 4.5.2010, The Stockholm Programme - an Open and Secure Europe Serving and Protecting Citizens	2010/C 115/01
2010	Communication from the Commission to the Parliament and the Council of 22.11.2010, The EU Internal Security Strategy in Action: Five Steps Towards a More Secure Europe	COM/2010/673 final
2011	"Anticorruptionpackage" submitted to the European Parliament and the Council in 2011	
2014	Directive of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union	2014/42/EU

TABLE 3: DESTINATIONS, METHODS, REVENUES, STAKEHOLDERS AND SHAREHOLDER

Table of Destinations - extended on the basis of Ex Studios De Paolis case analysis

Destinations	Methods of Execution	Destinations of Revenues	Stakeholder	Shareholder
Destruction	Destruction	/	/	/
Sale or Rent	Sale by Public Auction or Rent	State Budget Compensations for Victims	State Public Entities Victims	/
Sale and Funding of Incentivation Schemes	Sale by Public auction	Specific Incentivation schemes (e.g. Uk Incentivation Scheme)	Public Authorities involved in Asset Recovery	/
Sale and Reuse of Revenues for Social Purposes (State)	Sale by Public Auction	Specific Programs (e.g. anti drugs)	Target Communities (e.g. Cashback programme)	Public Entities according to the national law that concern social reuse
Social Reuse - Direct Reuse of Criminal Assets (Local)	Transferred to Local Administrations	Renting or Concession at no Charge for activities with social purposes	Local communities, citizens at risk social exclusion	Associations, Social Coop., ONG, Cultural institutions according to national law
Rent and Reuse of Revenues for Social Purposes	Transferred to Local Administrations	Renting for productive activities, revenues finance national or urban funds for social policies	All economical actors, Local and target communities, Municipality or State	Enterprises, Venture Capital Associations Social coop. ONG, Cultural Institutions
Reuse for Institutional Purposes (Local)	Transferred to Local Administrations	Concession at no charge	Municipality, Province, Region,	Public entities; Public authorities;
Reuse for Institutional Purposes (State)	Keep as State Asset	/	/	/

to specific program (e.g. anti drugs program as in Spain), Direct Social Reuse (e.g. social Reuse of Confiscated Criminal Asset in Italy), Reuse for Institutional Purposes through the transfer to local administration (e.g. institutional Reuse in Italy), Reuse for Institutional purposes of the State. Otherwise according to case analysis of present research (Ex Studios de Paolis in Rome case) there is another option not previous mentioned: the rent of propriety and reuse of revenues for social purposes. It is possible to represent the matrix of all possible practicable destinations in Europe within a Cartesian space in which the X-axis represents the involvement of communities and the Y-axis identifies the production of physical spaces. The first quadrant identifies all the destinations that allow a community involvement and a spatial production. The second quadrant shows all destinations admitting a spatial production but not an involvement of communities; the third quadrant shows all destinations which include the involvement of the community but not a production of space; the fourth shows all destinations that do not involve the community and not produce space: destruction and sale by public auction of assets to a general audience are gathered in this last quadrant. This Matrix of Destinations shows all practicable output of confiscation across Europe. Otherwise it's possible to represent the same matrix of destinations in form of table, connecting the destination to the methods of execution, to the destinations of revenues, to the stakeholder and shareholder involved.

3.4. Materials

The tools (**materials**) used to bring confiscated criminal assets in public hands are different across Europe. Operational networks, such as the EU Platform of National Asset Recovery Offices (AROs), have been

established, with the cooperation of the Europol Criminal Assets Bureau (ECAB), in order to strengthen the cooperation and mutual recognition of seizure/confiscation among EU countries and agencies involved in this field (European Commission, 2008). Today National Assets Recovery Offices (ARO) enable the Criminal Asset Recovery process in Europe. The establishment of national AROs is enforced by the European Council decision 2007/845/JHA that obliges member state to set up or designate at least one national ARO and provides, guidelines and exchange of information rules for cooperation between AROs. In order to define the Transnational Ecosystem of Justice involved in Asset Recovery, the following datasheets describe the established asset recovery offices in Belgium, Bulgaria, Cyprus, Czech Republic, France, Germany, Hungary, Ireland, Italy, Netherland, Poland, Portugal, Spain and United Kingdom (England Wales and North Ireland, United Kingdom Scotland). Data related to European States that do not have an asset management system, or where such a management system is given to procurators, or where the asset recovery agencies are exclusively Financial Intelligence Unit (FIU) were discarded. These Countries are Denmark, Estonia, Finland, Greece, Lithuania, Malta, Romania, Slovak Republic, Slovenia and Sweden.

ARO in Belgium: the Central Office for Seizure and Confiscation (COSC) was established in 2003 following the example of The Netherlands (BOOM) by means of a law dated 26 March 2003 for the establishment of a Central Office for Seizure and Confiscation and containing provisions for the value-safeguarded administration of seized goods and the enforcement of certain financial sanctions (published in Belgian State Gazette on 02-05-2003). The Belgian Central Office for Seizure and Confiscation is a federal institution with a judicial character, since it is established within

the Office of Public Prosecutions and is chaired by a judge. It also has liaison officers from the Justice and Finance departments and the police. According to previous researches, there are currently 37 people working in the COSC: the president and vice-president and 6 liaison officers from Police, the Judiciary and Finance. The other people are divided between the Support, Legal, and Financial departments and the Secretariat. The COSC has the obligation of managing assets in the case of cash seizures and after disposal of seized assets (the price obtained from the sale minus costs). In addition, the COSC can manage other valuable assets through experts. The management is carried out in consultation with the public prosecutor or the investigating judge. The COSC uses SIENA for the exchange of information.

ARO in Bulgaria: pursuant to FD 2007/845/JHA of the Council issued on 6 December 2007, the Bulgarian government designed the Commission for Establishing Property Acquired from Criminal Activity (CEPACA) and Supreme Cassation Prosecutor's Office as National Recovery Offices (AROs). The Commission for Establishing Property Acquired from Criminal Activity (CEPACA) was established with the adoption of Bulgarian Law on Confiscation in the Favour of the State of Property Acquired through Criminal Activity in 2005.

CEPACA is a specialised, independent government body in charge of identifying proceeds of crimes that fall under certain provisions of the Law, namely: *acquisition of property of significant value, for which it could be reasonably presumed that it has been acquired from criminal activity by persons against whom prosecutions have been started, for an exhaustive list of crimes in the Criminal Code, such as terrorism, human and drug trafficking, money laundering or preparations for it, and associations with such aims,*

fraud, bribery, extortion, embezzlement, smuggling etc., and in some specific cases, even if the prosecution has been terminated or suspended.

CEPACA is a collegial body consisting of five members. They are elected and appointed for terms of five years. The Prime Minister of the Republic of Bulgaria appoints the Chairperson, while the National Assembly elects the Deputy Chairman and two of the members. The President of the Republic appoints one of the members. The activity of the Commission is carried out with the help of general and specialised administration. The specialised administration is organised in functional and territorial directorates that are directly subordinated to the Commission. The territorial directorates carry out the activity on identifying property acquired, directly or indirectly, from criminal activity.

The staff is composed of 168 people. The Supreme Cassation Prosecutor's Office is composed of 10 departments. CEPACA has no powers regarding the utilisation, management and disposal of assets. The current law does not regulate this issue that remains under the general powers of the Ministry of Finance. As argued by previous pieces of research, the new draft law includes provisions regulating their management and the re-use and re-distribution of forfeited assets for social, cultural or any other public needs. The creation of the Asset Management Council with the Ministry of Finance is envisaged and the President of the Council will be the Deputy Minister of Finance. The Council submits forfeited assets to the Council of Ministers to manage these assets in order to donate them for humanitarian purposes or to assign their sale. This provision is very general and there is no exact definition for what type of human/social purposes the forfeited assets will be used. The CEPACA uses SIENA, while the Supreme Cassation Prosecutor's Office uses EJNI for information

exchange.

ARO in Cyprus: the Unit for Combating Money Laundering (MOKAS) designated as ARO in Cyprus is the Financial Intelligence Unit (FIU). It is the national centre for receiving, requesting, analysing and disseminating disclosures of suspicious transactions reports and other relevant information concerning suspected money laundering and terrorist financing. The main purposes of MOKAS are: gathering, classification, evaluation and analysis of information relevant to money laundering and financing of terrorism offences submitted by reporting entities in accordance with the legislation and regulations, together with information from international and domestic partners; co-operation and exchange of information with other FIUs; Issuing guidance directives and providing training to financial institutions, the Police, professionals and others; Otherwise MOKAS can issue administrative orders for the postponement of transactions and members of the Unit can apply and obtain court orders (i.e. disclosure orders, freezing orders, confiscation orders). MOKAS uses GoAML system for information exchange. GoAML is an intelligence analysis system developed by UNODC to combat money laundering.

ARO in Czech Republic: the Police Unit for Combating Corruption and Financial Crime Investigation (UCCFC) was established March 15, 2003 through the regulation of the Ministry of the Interior no. 71/2001 as a body with jurisdiction over the Czech Republic, which focuses on the examination and investigation and the most serious crime (economic, financial and corruption). It's the designated ARO for Czech Republic. The aim of origin UCCFC was to create a police force highly skilled, professionally qualified, more flexible, mobile and morally highly resistant to fight the most dangerous forms of corruption, serious economic and

financial crimes. UCCFC undertake to ensure the proceeds of crime and property offenders for damages and possible confiscation of property or possessions. UCCFC cooperate with foreign police forces in joint investigation teams and within the international legal assistance.

ARO in France: the Agency for the Management and Recovery of Seized and Confiscated Assets (“Agence de Gestion et de Recouvrement des Avoirs Saisis et Confisqués” AGRASC) is a public institution under the joint supervision of the Ministries of Justice and of the Economy. Before 2011, management of seized assets was not envisaged in the Legislative Framework. Law No. 2010-768 of 9 July 2010 provides the creation of the agency to facilitate the seizure and confiscation in criminal matters. This law has expanded the range of assets that can be seized and forfeited in order to better understand the profits generated by crime and organized crime and empower the deterrent effect of the criminal sanctions. The organization and the tasks of the Agency were detailed in two circulars from the Ministry of Justice, the circular of 22 December 2010, which covers all the Law of 9 July 2010 and the circular dated 3 February 2010, specific to AGRASC. The role of AGRASC is to improve the judicial treatment of seizures and confiscations in criminal matters, help, provide advice and guidance to judges in terms of seizures and forfeitures, provide centralized management of seized and confiscated, lead all sales of movable, manage, on behalf of justice, all the goods entrusted, or all the goods that require for their conservation or recovery of administrative acts. The agency is also responsible for the confiscation and destruction of property. The agency is responsible for meeting the demands of international judicial assistance or cooperation by a foreign judicial authority, to ensure the necessary preventive information to creditors in the event of a seizure.

AGRASC is led by a magistrate, with a board of directors composed of 11 officials of the Ministries of Justice, Internal Affairs and Economy. Starting with 11 agents on February 4th 2011, the Agency counted 13 agents at the end of 2011. The database, a key element to deal with cases and assets entrusted to the Agency, was operational as of February 2011. The system was developed by the Agency. This database was formally declared to the National Committee for Data Files and Individual Freedoms, which validated the same by a deliberation dated November 10th 2011. Subsequent to this validation, a ministerial order was issued on January 20th 2012 and published by the Ministry of Justice.

ARO in Germany: currently there are two AROs in Germany, one for the police and one for the judiciary. The Police's ARO was designated in July 2009 by an official nomination of the Federal Ministry of Interior. The Judicial ARO was designated in July 2009 by an official nomination of the Federal Ministry of Justice. The Police ARO, as it is established within the Organised Crime Division of the Criminal Federal Police ("Bundeskriminalamt Vermögensabschöpfung SO 35"), has a police nature. The Judicial ARO is within the Federal Office of Justice ("Bundesamt für Justiz") and works as an advisory organ to the police ARO. The formal notification of both AROs to the secretariat of the Council of the European Union was done through document 12080/09 CRIMEORG 116, dated 15 July 2009. Both AROs complement their work collaborating closely and providing mutual support. Currently there are twelve people working in the Police ARO: all police officers except for one civilian. One person, who serves as a contact point, represents the Judicial ARO. The Police ARO uses SIENA, while the Judicial ARO does not have access to it. However, this is not a problem because only the Police's ARO is working operationally.

ARO in Hungary: in order to implement the EU requirements, the Department against Financial Abuse of the Economic Crime Division (“Nemzeti Nyomozó Iroda”, the National Bureau of Investigation at the National Police Headquarters) carries out the tasks of an ARO, according to Subsection 2 of Section 8 of Hungarian Government Resolution 329/2007 (XII.13) on Police organs and the tasks and competences of the same. The Asset Recovery Office is one of the three sub departments within the Department against Financial Abuse and was set up on 1st July 2009. It is a police office formed by 8 members with different professionals: lawyers, police inspectors, translators and economists. The Hungarian ARO does not use SIENA, because the SIENA system is not installed within the Office, although Hungary has a connection with SIENA at the Hungarian International Law Enforcement Co-operation Centre at the Hungarian Police Headquarters. As shown by previous pieces of research Hungary uses e-mail for correspondence and, for case management, its own domestic computer programme (called “ROBOCOP”).

ARO in Ireland: the Criminal Assets Bureau (“An Biúró um Shócmhainní Coiriúla” CAB) was established in August 1996 with Criminal Assets Bureau Act 1996 as an independent statutory body. The Asset Recovery Office is inside the National Bureau of Investigation - Economic Crimes Division - Department against Financial Abuse. It was prompted by the murders of Veronica Guerin and Garda Detective Jerry McCabe, reporter in criminal journalism, which caused a public outcry. The new legislation, including the Criminal Assets Bureau Act 1996 and the Proceeds of Crime Act in 1996, provides statutory powers aimed at dealing with the increasing levels of serious organised crime in Ireland. These powers were extended in 2005 to include the proceeds of corruption and organised crime committed

outside the Republic. The CAB has a multi-agency collaborative approach to tackling serious organised crime and corruption. CAB is composed by officers of the Garda Siochana, commissioners from the Revenue Service and by Customs and civil servants from the Department of Social Protection. There are 6 investigation teams, which are supported by a legal officer and the Bureau Analysis Unit, which incorporates Forensic Accountants, Financial Analysts and also Forensic Computer Analysts. The CAB also has trained divisional asset profilers to identify suitable targets from local criminal groups and it can nominate these individuals to the central unit. The tool used for managing the cases is “CABis”. This tool is not connected to any computer system or Internet in order to achieve the maximum level of security. Requests for information are exchanged directly with the CAB.

ARO in Italy: in order to implement the Council Decision 2007/845/JHA, the Italian government designated the International Police Co-operation Service, established in 2000, as the Italian ARO. This appointment was made through a Designation Act in May 2011. This service comprises 5 divisions and the ARO’s tasks are carried out by the Operations Room which is in Division 2. The ARO has a police nature, since it is established within a police service. The International Police Co-operation Service is a joint forces service: “Carabinieri”, “Polizia di Stato”, “Guardia di Finanza”, “Polizia Penitenziaria” and “Corpo Forestale dello Stato”. 15 people work for the ARO, although people from other groups of the International Police Co-operation Service could work on the ARO depending on the type of request. The Italian ARO has no links with the FIU, since the Financial Intelligence Unit depends on the Bank of Italy. There is no direct link between the ARO and the Asset management office (AMO). The AMO

has only a close link with the judicial and prosecuting authorities. The Police ARO mainly uses e-mail, although SIENA is also used when the ARO receives the request through this system.

ARO in The Netherlands: the “Bureau Ontnemingswetgeving Openbaar Ministerie” BOOM (Criminal Assets Deprivation Bureau) is the Netherlands ARO. It has been established in 1994, and re-structured in 2006. The core structure of the ARO, designated as contact point for Asset Recovery Offices is part of the BOOM that is the Recovery Bureau of the Prosecution Service. The ARO is an administrative office within the BOOM. The ARO contact point is in The Hague Police Station. The members of the ARO are mainly international legal advisors and all the 90 people working at BOOM have the support of and work jointly with the Police Offices. The Centraal Justitieel Incassobureau (CJIB), the Central Fine Collection Agency, an implementing organisation of the Dutch Ministry of Security and Justice. Its tasks include the collection of fines for traffic offences, financial penalties imposed by the Court and proposals for out-of-court settlements of fixed penalties from the police and the Prosecution Service as a means to avoid further criminal proceedings. There is one asset tracers from the Prosecutor Office and Police Agencies, IRCs (International Assistance Centres) and six at regional level. According to previous research. The ARO also participates in this structure. The Netherlands developed a multidisciplinary structure flexible enough to combine the knowledge and support from different experts. The ARO works on a daily basis with the AMO, the above mentioned CJIB. The AMO follows the instructions of the Prosecution Service regarding the assets they manage. They cannot sell the assets without the authorisation of the Prosecutor or the Judge. The rule is that the asset cannot be sold before

judgement; nevertheless, assets can be sold in the case of perishable assets or articles than can suffer depreciation (food and cars). They also need the authorisation of the prosecutor and the adoption of appropriate measures to prevent assets from being returned to offenders. SIENA is not used by this ARO. They use e-mail for communications with other AROs. The ARO in the Netherlands is located within a Police Facility in The Hague and it works together with the IRC in The Hague. On the basis of the information from the police, ARO can provide information about: Real property, Vehicles, Boats, Companies, and Police Registries. There is no Central Bank Registry.

ARO in Poland: the asset recovery Department (Wydział Odzyskiwania Mienia WOM) was established within the National Police Headquarters to serve as Polish Asset Recovery Office on 5 December 2008, prior to being given legal status as the Polish ARO on the basis of the Act of 16 September 2011, on exchanging information with European law enforcement authorities. This act entered into force on 1 January 2012. The Department is situated within the structures of Criminal Investigation Bureau. As it is established within the National Police Headquarters the ARO has a police nature. Currently there are twelve people working in the ARO: the head of the ARO, seven police officers, three civilian staff members and one secretary. With regard to activities performed within the ARO, civilian members have the same powers of police officers. There is currently no AMO in Poland, so the prosecutors and then the court are in charge of this issue until judgement, and then the Ministry of Finance assumes this task. ARO use SIENA since February 2012. For now, fax and email are used for information exchange. In specific situations the support of Liaison Officers is required. On a daily basis, the ARO co-operates with

contact points in the Ministry of Finance, General Prosecutor's Office, Internal Security Agency and Central Anticorruption Bureau.

ARO in Portugal: in Portugal the law no. 45/2011 established the Portuguese ARO, the Gabinete de Recuperação de Activo (GRA) and provides that the management of seized property must be ensured by the Office of Asset Management (GAB). According to previous pieces of research, actually the ARO and the AMO are operative.

ARO in Spain: in order to implement Council Decision 2007/845/JHA, of 6 December 2007, the Organised Crime Intelligence Centre (Centro de Inteligencia contra el Crimen Organizado, CICO) and the Special Anti-Drug Prosecution Office (Fiscalía Especial Antidroga) were designated as the Spanish ARO. This appointment was established in document 7811/09 CRIMORG 42 of 19 March 2009. Today is merged into the CITCO. This organization was created on October 15, 2014, under Royal Decree 873/2014 of 10 October, amending Royal Decree 400/2012 of 17 February, by which develops the basic organizational structure of the Ministry of Interior. It was the result of the union of the National Center for Counter Terrorism Coordination (CNCA) and the Intelligence Centre against Organised Crime (CICO). The CICO, which answers to the Ministry of Home Affairs has an administrative character, while the Special Anti-Drug Prosecution Office is judicial in nature, as it reports to the Ministry of Justice. It is important to clarify that although the CICO is one of the two Spanish contact points in compliance with Council Decision 2007/845/JHA, there are two asset tracing offices to support the CICO in this field: Asset Tracing Office of the National Police Force ("Oficina de Localización de Activos" – OLA) and the Technical Unit of the Civil Guard Judicial Police ("Unidad Técnica de Policía Judicial" – UTPJ). The CICO acts as

an intermediary and redistributes information requests between these two offices in charge of identifying and tracing assets. After obtaining this information the reply is sent to the CICO, which finally sends it on to the requesting country. At the moment there are 3 persons dedicated to the exchange of information. In the Special Anti-Drug Prosecution Office there is only one person dedicated to this issue. In Asset Tracing Office there are 8 police officers (3 Inspectors and 5 police officers), although just two are dedicated to identifying and tracing assets. This is an operational group belonging to section one of the Money Laundering Squad, within the Central Economic Crime Unit of the National Police Force. The Technical Unit of the Judicial Police, the group of Economic Crimes, within the Civil Guard Criminal Analysis Department, comprises 8 people, although they are not dedicated exclusively to asset recovery. The CICO uses SIENA in order to receive/send information requests, whereas the Special Anti-Drug Prosecution Office uses e-mail.

ARO in UK -Wales, England, North Ireland: the Serious Organised Crime Agency (SOCA) is a non-departmental public body of the Government of the United Kingdom under Home Office sponsorship. SOCA is a national law enforcement agency, established as a body corporate under Section 1 of the Serious Organised Crime and Police Act 2005, which operates within the United Kingdom and collaborates (through its network of international offices) with many foreign law enforcement and intelligence agencies. The UK Asset Recovery Office and UK CARIN Office were placed within SOCA in 2008.

The Agency was formed on 1 April 2006 following a merger of the National Crime Squad, the National Criminal Intelligence Service, the National Hi-Tech Crime Unit (NHTCU), the investigative and intelligence sections of

HM Revenue & Customs on serious drug trafficking, and the Immigration Service's responsibilities for organised immigration crime. SOCA operates with greater powers in England and Wales than in Scotland and Northern Ireland and as such works with the Scottish Crime and Drug Enforcement Agency and the Organised Crime Task Force (Northern Ireland), which share some of its functions in their respective jurisdictions. SOCA has around 4,000 officers worldwide. SOCA is a non-departmental public body, led by a Director General (DG). The DG is responsible for SOCA operations and administration. SOCA is governed by a Board comprising the executive team, led by the DG, plus six non-executive members including the Chair. The UKARO is a department within SOCA. It is located within the UKFIU. It has close working relationships with the UKFIU Egmont team, and works alongside many other departments within SOCA. The UKARO uses SIENA for information exchange. There is access to the secure e-mail systems of our SOCA liaison officers, or through Egmont Secure Web.

ARO in Uk-Scotland: the Scottish Crime and Drug Enforcement Agency (SCDEA), specifically the Scottish Money Laundering Unit (SMLU) is the ARO for Scotland. Established in April 2001 as Scottish Drug Enforcement Agency (SDEA), it adopted the name Scottish Crime and Drug Enforcement Agency in May 2006, pursuant to the Police, Public Order and Criminal Justice (Scotland) Act 2006. The SCDEA was designated as ARO in October 2008. There is no UK law. The SCDEA is part of the Scottish Police Services Authority (SPSA), therefore it has a police nature.

The SCDEA delivers a number of specialist services, including the Scottish Witness Liaison Unit (SWLU), the Scottish Money Laundering Unit (SMLU), SCDEA e-Crime and the Technical Surveillance Group (TSG). The main function of the SCDEA is the investigation of Serious Organised Crime

affecting Scotland both nationally and internationally. There are 3 people belonging to the SMLU working on the functions of the ARO. The Scottish Money Laundering Unit acts as an FIU. •There is no need for an AMO in Scotland since the value of the confiscation is placed on the criminal and he is provided with time to meet the value of this confiscation. Crown does not dispose of assets seized and there are no facilities for asset management. The SMLU uses SIENA to receive/send the information requests.

3.5. Recurring Pattern in Europe and seizure across the World

According to informations gathered for every European Member State it's possible to define three types of ARO: Police, Judiciary and Multidisciplinary. Only 11 Member States of UE have a legislation that enable social reuse. Belgium, Czech Republic Estonia, France, Germany Greece, Hungary, Italy, Luxembourg, Poland, Slovak Republic, Slovenia

TABLE 4: RECURRING PATTERNS OF DESTINATIONS ACROSS EUROPE

Country	ARO Typology			Destination						
	Police	Judiciary	Multi-discp.	De-struction	Sell	Rent	Istit. Prup. state	Istit. prup. local	Sell and use revenues	Soc. Re.
Austria										
Belgium										
Bulgaria										
Cyprus										

Country	ARO Typology			Destination						
	Police	Judi- ciary	Multi- discp.	De- struc- tion	Sell	Rent	Istit. Prup. state	Istit. prup. local	Sell and use reve- nues	Soc. Re.
Czech Republic										
Denimark										
Estonia										
Finland										
France										
Germany (X2)										IP
Greece										
Hungary										
Ireland										
Italy										
Lithuania										
Luxembourg										D
Malta										
Netherland										
Poland										
Portugal										
Romania										
Slovak Republic										FF
Slovenia										
Spain (X2)										
Sweden (X2)										

Country	ARO Typology			Destination						
	Police	Judi- ciary	Multi- discp.	De- stru- ction	Sell	Rent	Istit. Prup. state	Istit. prup. local	Sell and use reve- nues	Soc. Re.
Uk England, Wales and North Ireland					IN					
Uk Scotland										
<p>Available options in blue;</p> <p>The folowing notes are related to limitations in destination:</p> <p>IP: only for crime against intellectual propriety;</p> <p>D: only for crime related to drugs;</p> <p>IN: funding of Incentivisation schemes;</p> <p>FF: Trasfer of the ownership for free.</p>										

At the international level since the '90s, in order to hit organized crime, tracking and recovering illicit money has become a political priority^l. The international awareness has grown steadily. Suffice to remember:

- the 1990 Council of Europe *Convention on laundering, search, seizure and confiscation of the proceeds from crime*⁴⁴;
- the 55/25 of 15 November 2000 UN Convention against Transnational Organized Crime⁴⁵ know as the "Palermo

44. <http://www.coe.int/it/web/conventions/full-list/-/conventions/treaty/141>

45. <http://www.unodc.org/unodc/en/treaties/CTOC/#Fulltext>

Convention”⁴⁶;

- the 55/61 of 4 December 2000 *United Nations Convention against Corruption*⁴⁷
- the 2008 Council of Europe *Convention on laundering, search, seizure and confiscation of the proceeds of crime and on the financing of terrorism*⁴⁸;
- the 2010 OECD Financial Action Task Force (FATF)⁴⁹ recommendations on Confiscation and Asset recovery (Recommendations 3, 4 and 38)⁵⁰.

The concept of seizure and confiscation of criminal assets constitutes

46. reciped in Europe by Council Decision of 29 April 2004 on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime (2004/579/EC) <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32004D0579>

47. Information available from www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

48. Information available from www.coe.int/it/web/conventions/full-list/-/conventions/treaty/198

49. The Financial Action Task Force (FATF) is an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. The FATF Recommendations are recognised as the global anti-money laundering (AML) and counter-terrorist financing (CFT) standard. It currently has 36 members: 34 countries and governments and two international organisations; and more than 20 observers: five FATF-style regional bodies and more than 15 other international organisations or bodies. A list of all members and observers can be found on the FATF website at www.fatf-gafi.org.

50. FATF (2012), *“Best practices on Confiscation (recomendations 4 and 38) and a framework for ongoing work on asset recovery”*. Financial Ation Task Force, Best practices paper. From www.fatf-gafi.org/media/fatf/documents/reports/Best%20Practices%20on%20%20Confiscation%20and%20a%20Framework%20for%20Ongoing%20Work%20on%20Asset%20Recovery.pdf

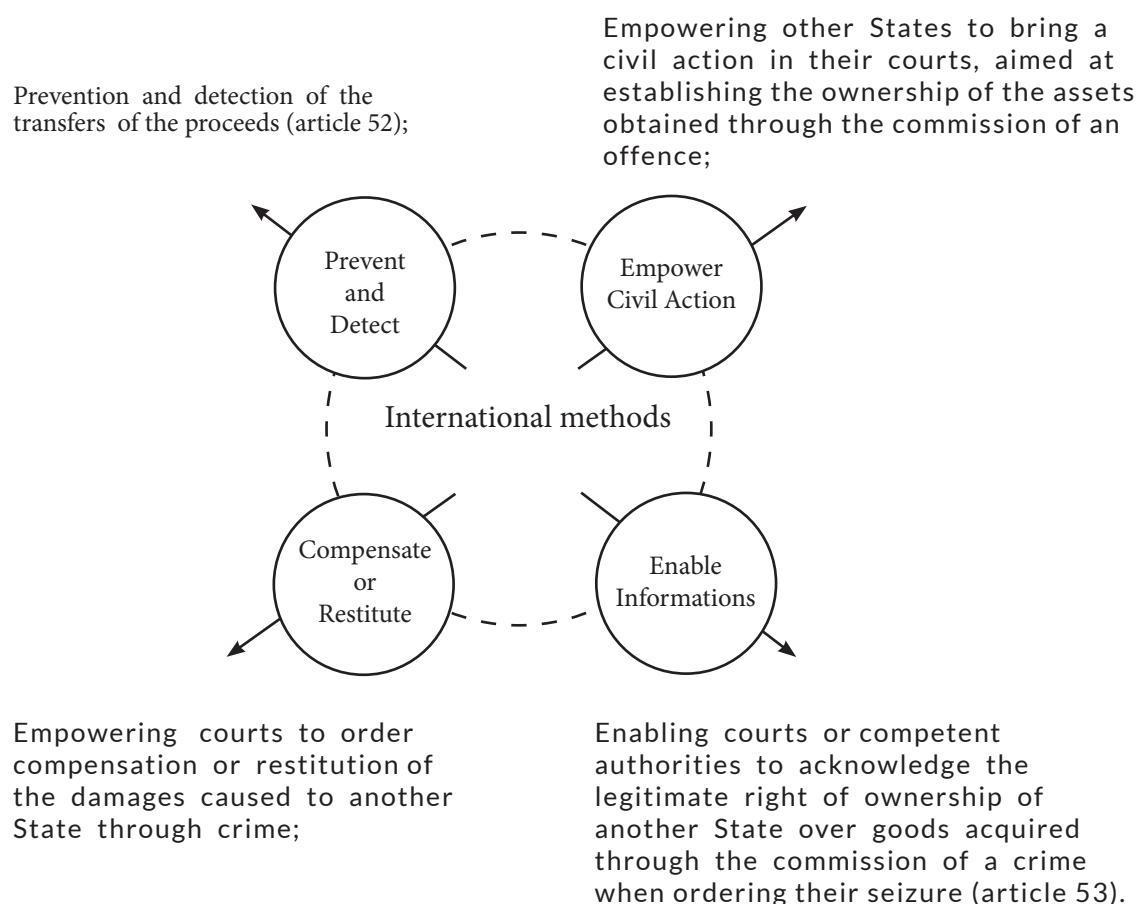
one of the most important innovation introduced by the United Nations Convention against Corruption, in force since 14 December 2005, in which in chapter 5 special importance is given to the recovery of assets originated by corruption. The restitution of the assets obtained through crime is a fundamental principle therefore the article 51 provides that States Parties are obliged to help each other with the deepest level of aid and co-operation. In order to introduces a comprehensive set of standards, measures and rules that all countries can apply for enforce their legal and regulatory regimes to fight corruption, the Convention calls for preventive measures and the criminalization of the most prevalent forms of corruption in both public and private sectors. The United Nations Convention against Corruption makes express reference to a series of instruments aimed at the recovery of the proceeds of crime, placing a special emphasis on the location of the origin, the freezing, the seizure, the forfeiture and the restitution of assets. These instruments are:

- the prevention and detection of the transfers of proceeds (article 52);
- empowering other States to bring a civil action in their courts, aimed at establishing the ownership of the assets obtained through the commission of an offence;
- empowering their courts to order compensation or restitution of the damages caused to another State through crime;
- enabling courts or competent authorities to acknowledge the legitimate right of ownership of another State over goods acquired through the commission of a crime when ordering their seizure (article 53).

The United Nations Asset recovery has been deeply examined within the United Nations. This fact is not with standing. It can be said that this organisation's view on this issue is somewhat limited, since it is related almost exclusively to corruption-related crimes. The first time the United Nations tackled this issue was December 2000, when the General Assembly

FIG. 13: INSTRUMENTS IDENTIFIED BY THE UN RESOLUTION 58/4

Instruments aimed at the recovery of the proceeds of crime identified by United Nations Convention against Corruption (Resolution 58/4 of the General Assembly)



passed Resolution 55/188. This resolution urges the Member States to drive international co-operation through the system, in the United Nations, for the elaboration of instruments that help avoid and combat the illicit transfers of funds, and send the illegally transferred funds

back to their countries of origin. This resolution caused asset recovery to become a priority of the special Committee in charge of negotiating the Convention against corruption. In its Resolution 2001/13, of 24 July 2001, the Economic and Social Council asked the Secretary General to prepare a global study for the Special Committee on the transfer of illegally originated funds. The study was presented in 2002, and was entitled “A Global Study on the Transfer of Illegally-originated Funds, in particular the Funds originated in Corruption-related Actions. The preliminary works facilitated the negotiations on the United Nations Convention against Corruption (Resolution 58/4 of the General Assembly). The Resolution places special emphasis on the recovery of assets originating in corruption (chapter 5). The restitution of the assets is regarded as a fundamental principle; therefore the States Parties are obliged to provide each other with the deepest aid and co-operation in this respect (article 51). The Convention makes express reference to the States’ need to count on organisations or authorities specialised on the fight against corruption (article 36). Despite this fact, when the issue of asset recovery is tackled, vague reference is made to the competent authorities in each State for performing this task. Reference is made to the international co-operation among them, staff training without explicitly naming the organisations for asset recovery. At the time it was being negotiated, it was probably thought that establishing such organisations was an internal issue of each State. However, the United Nations has huge international influence in this matter.

From the point of view of instruments used for recognition, seizure and confiscation of criminal assets across the world, it is necessary to emphasize the valuable role of the CARIN network. The “Camden Assets Recovery Interagency Network” (CARIN) is an informal network of experts-

practitioners in the field of asset tracing, freezing and confiscation. It is an interagency network which means that each member state is represented by a law enforcement officer and a judicial expert (e.g. prosecutor, investigating judge, depending on the legal system). The purpose of CARIN is to increase the effectiveness of its members' efforts, on a multi-agency basis, to deprive criminals of their illicit profits. The concept is that the whole process from the starting point in the investigation, to the asset tracing, to end forfeiture/confiscation is covered. In seeking to meet its aim CARIN key objectives is to:

- establish a network of contact points;
- focus on the proceeds of all crimes, within the scope of international obligations;
- establish itself as a centre of expertise on all aspects of tackling the proceeds of crime;
- promote the exchange of information and good practice;
- undertake to make recommendations to bodies such as the European Commission and the Council of the European Union, relating to all aspects of tackling the proceeds of crime;
- act as an advisory group to other appropriate authorities;
- facilitate, where possible, training in all aspects of tackling the proceeds of crime;
- emphasise the importance of cooperation with the private sector in achieving its aim;

- encourage members to establish national asset recovery offices.

Carin begins to settle as informal network in October 2002: a conference was held in Dublin co-hosted by the Criminal Assets Bureau Ireland and Europol⁵¹. The conference was attended by representatives of all Member States of the European Union and some applicant states together with Europol and Eurojust. Participants were drawn from law enforcement agencies and judicial authorities within member states. Workshops were held between practitioners and the objective was to present recommendations dealing with the subject of identifying, tracing and seizing the profits of crime. One of the recommendations arising in the workshops was to look at the establishment of an informal network of contacts and a cooperative group in the area of criminal asset identification and recovery. The name agreed for the group was the Camden Assets Recovery Interagency Network (the Camden Court Hotel Dublin being the original location of the workshops where the initiative started). The official start of CARIN took place during the CARIN Establishment Congress in The Hague, 22–23 September 2004⁵². The aim of this congress was the establishment of an informal network of practitioners and experts with the intention of improving mutual knowledge on methodologies and techniques in the area of cross-border identification, freezing, seizure and confiscation of the proceeds from crime. It is expected that this network will improve international co-operation amongst law enforcement and judicial agencies, which in turn will provide a more effective service.

51. UNODC (2012), *“Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime”*. United Nations Office on Drugs and Crime.

52. Council Decision 2007/845/JHA, OJ:L:2007:332:0103:0105

The following states and jurisdictions attended the launch congress: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, UK (including the UK Crown Dependencies of Isle of Man, Guernsey, Jersey and Gibraltar) and the USA. Today CARIN has 53 registered member jurisdictions, including 27 EU Member States and nine international organisations.

The CARIN-style network has found favour among other jurisdictions. This has resulted in the establishment of other CARIN type informal networks.

In Asia and Pacific the “Assets Recovery interagency network Asia Pacific” (ARIN-AP) is involved in the same activities of CARIN. ARIN-AP was officially launched at the inaugural meeting held in Seoul over the 19–20 November 2013. The meeting brought together 28 law enforcement or prosecutorial agencies from 21 jurisdictions in Asia-Pacific and 6 international organizations. The role of Secretariat of ARIN-AP is held by the Supreme Prosecutors’ Office of the Republic of Korea. Recognising the benefits shown by CARIN, UNODC has come with an anticipative offer through Supreme Prosecutor’s Office of the Republic of Korea, in a bid to wave informal cooperation among Asset Recovery Offices (ARO) in Asia and Pacific. The initiative is seen as a reaction to increasing trans-border crimes and money laundering practices taking place some previous years back and that will tend to take toll in some years to come. CARIN representatives attended the first AGM meeting of the ARIN-AP in Indonesia in August 2014, where the theme of that meeting was

“Cleaning Up Dirty Assets”⁵³. Today ARIN-AP currently has Country registered member from Australia, Brunei, China, Japan, Malaysia, New Zealand, Papua New Guinea, Sri-Lanka, South Korea, Taiwan, Thailand, the Philippines, East Timor and Vietnam, as well as Pacific Island countries.

In Southern Africa the Asset Recovery Inter-agency Network for Southern Africa (ARINSA) is involved in the same activities. ARIN-SA was officially launched on 23–24 March 2009 in Pretoria: delegates from law enforcement and prosecution agencies from nine countries in the eastern and southern African region and 6 international organizations met in Pretoria to discuss the creation of a new, informal network of investigators and prosecutors. This led to the establishment of Asset Recovery Inter-agency Network for Southern Africa (ARINSA). The role of Secretariat of ARINSA is held by the Asset Forfeiture Unit (AFU) of the National Prosecuting Authority of South Africa. The network is funded by United Kingdom Department for International Development (DFID) and the United States, Department of State, Bureau for International Narcotics and Law Enforcement Affairs (INL). This funding allows for technical assistance and training to be delivered to the member countries to enhance their capacity in asset forfeiture, proceeds of crime and money laundering cases. Today ARIN-SA has Country registered member from Botswana, Lesotho, Malawi Mauritius, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

In West Africa the “Asset Recovery Inter-Agency Network for West Africa

53. Danang Prabowo (2014), “Ahli Pemulihan Aset se-Asia Pasifik Kumpul di Yogya” [*“Asset Recovery Experts of Asia Pacific Gather in Yogya”*]. Sindonews. From <http://daerah.sindonews.com/read/894755/22/ahli-pemulihan-aset-se-asia-pasifik-kumpul-di-yogya-1408948547>. [Accessed 27 January 2015].

“ARIN-WA” is involved in the same activities. ARINWA was founded as a result of a regional workshop promoted by UNODC’s under the Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism (GPML) that takes place from 24 to 27 November 2014 in Accra, Ghana. This event brought together 47 representatives from all ECOWAS countries with the view to reiterate the benefit of an ARIN-types network for the West African region. The meeting was an opportunity for participants to work on case examples and practical exercises in groups and to share best practices in identifying, seizing, confiscating and managing proceeds of crimes. The discussions were also enhanced by experts from Portugal, South Sudan, Brazil and France, each representing an ARIN-type regional network. A resolution of the ARIN-WA network was approved at the end of the meeting and the delegations of Ghana and Ivory Coast have volunteered provided respectively the Presidency and the new network Secretariat. The conference was organised with the financial support of the Government of France and of the U.S. Department of State’s Bureau of International Narcotics and Law Enforcement Affairs (INL), as well as with the support of the Kingdom of Denmark through UNODC’s Sahel Programme. The event was implemented together with the EU-Anti Money Laundering in West Africa Project (Cocaine Route Programme) and the Ghana Financial Intelligence Centre (FIC). According to the members list of the Economic Community of West Africa States (ECOWAS) the country members of the ARIN-WA are: Benin, Burkina Faso, Cabo Verde, Cote D’Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

In Eastern Africa the Asset Recovery Inter-Agency Network for Eastern Africa ARIN-EA, covers the same role. ARIN-EA was launched on 6th

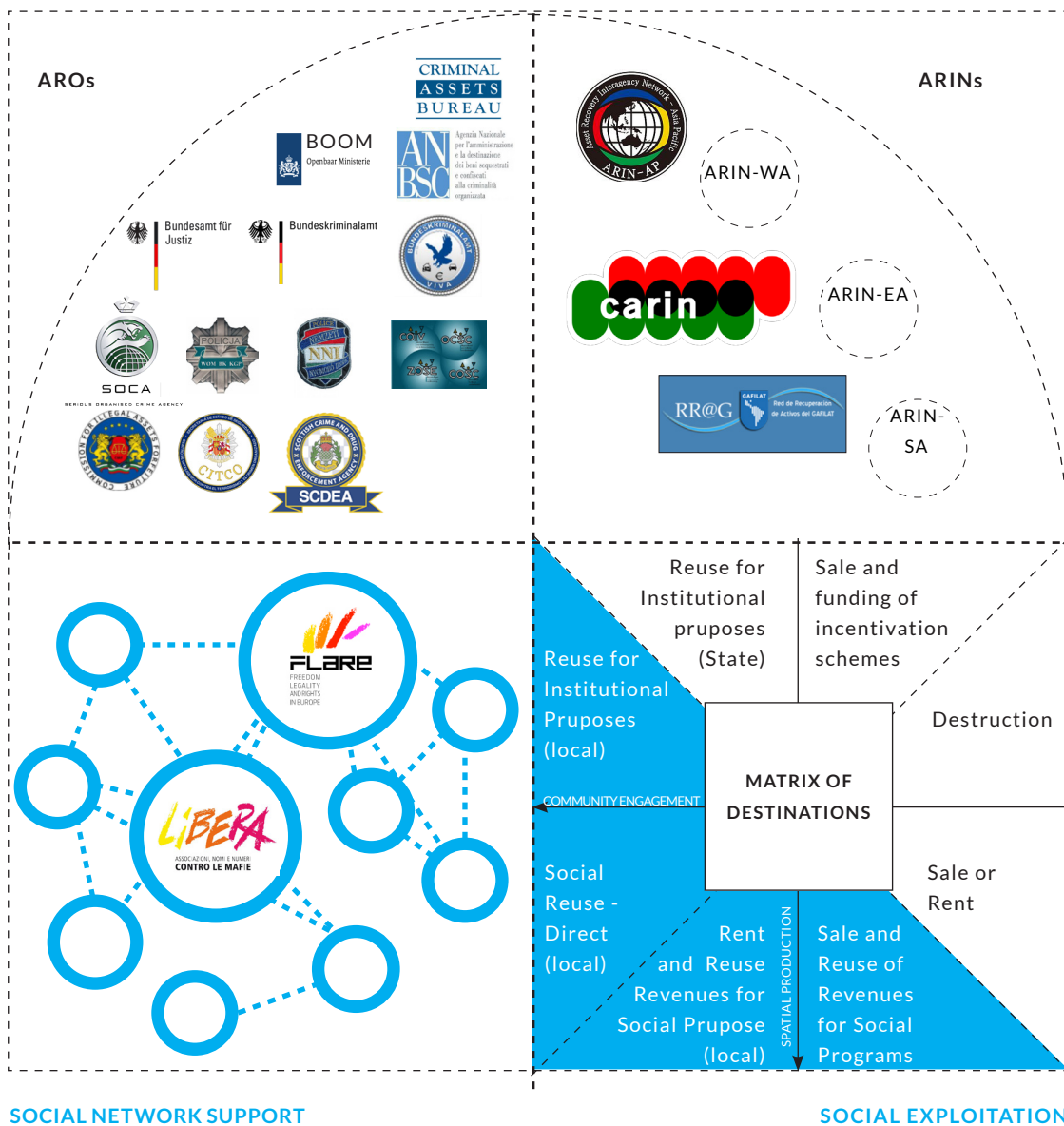
November 2013 in Kigali, Rwanda following a resolution taken during the 7th Annual General Meeting of the East Africa Association of Anti-Corruption Authorities (EAAACA). The countries that constitute EAAACA are Burundi, Djibouti, Ethiopia, Kenya, Rwanda, South Sudan, Tanzania and Uganda. Each of the 8 EAAACA Members has nominated two focal points to the network one of which should be from the anti-corruption agency and the other may be a prosecutor or judicial officer depending on a country's judicial system. ARIN-EA is administered by a steering group of five members drawn from the focal points. One of the Steering Group members is elected President for a period of two years. Membership to the steering group and the presidency will rotate among all the eight Eastern Africa countries. In South America the Red Regional de Recuperación de Activos de GAFISUD (Regional Asset Recovery Network of GAFISUD) is a network for exchange of information between contact points. RRAG was officially launched on 23–24 March 2009 in Panama City. This network started by the initiative of the UN Office on Drugs and Crime (UNODC) and with the support of the Inter-American Commission for Drug Abuse Control of the Organization of American States (CICAD / OAS), Interpol and the Executive Secretariat the financial Action Task Force of South America (GAFILAT). It aims to facilitate the identification and location of assets, products or instruments derived from illegal activities. Today RRAG-SA has Country registered member from Argentina, Bolivia, Brasile, Cile, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Honduras, Messico, Nicaragua, Panama, Paraguay, Perú e Uruguay).⁵⁴.

54. Red de Recuperacion de Activos Del Gafilat (2011). *“Guía General de la Red de Recuperacion de ACTivos de Gafilat - Rr@g”*. From www.gafilat.org/UserFiles/documentos/es/cooperacion/Guia_General_Pautas_RRAG.pdf

FIG. 14: TRANSNATIONAL ECOSYSTEM OF JUSTICE INVOLVED IN ASSET RECOVERY

ASSETS EXTRACTION

RECOVERY ENABLER



The graph shows the transnational ecosystem of Justice involved in assets recovery. The second quadrant shows the Offices involved in the assets “extraction”; the first quadrant shows the international networks that enable the extraction of assets across the world. The third quadrant shows the matrix of destinations previously draw; the last quadrant shows the a rough analysis of the networks involved at international level, Libera, and Flare network that support the social exploitation of confiscated criminal assets, especially social reuse with community engagement

4.

SOCIAL REUSE OF CONFISCATED ASSETS IN EUROPE

in Belgium, Bulgaria, Estonia, France, Germany Greece, Hungary,
Luxembourg, Poland, Slovak Republic, Slovenia and UK-Scotland

According to previous chapter the 13 countries where social reuse is practicable are: Belgium, Bulgaria, Estonia, France, Germany, Greece, Hungary, Italy, Luxembourg, Poland, Slovak Republic, Slovenia and UK-Scotland. These countries are eligible for case analysis.

The main points of the present chapter are three: first of all to describe the legislative framework of the European States Members providing an explorative overview of the legislative provisions and social reuse horizons in each Country; second, to set the “raw” domain used for undermining practices; third, enforce the definition of an European common model finding out practices, processes and impacts of urban planning strategies implemented to reactivate new lifecycles in urban spaces previously characterized by the criminal footprint. According to the methodology of the research previous designed, these cases are intended as part of the “learning set” of practices.

4.1. Social Reuse in Belgium

Confiscation in Belgium is a penalty following criminal conviction. In regard to the management of seized assets, specific legal provisions to optimise their value/minimise their deterioration are contained in the law of 26

March 2003 that created the Central Office for Seizure and Confiscation (COSC). Art. 6 requires the prosecutor (or the investigative judge, during instruction) to ensure that seized assets are managed so as to maintain a “constant value”, which results in one of the following actions: 1 sale of the assets; 2 restitution of seized assets against payment of a sum of money; 3 conservation in nature of the assets, based on available means. Other relevant articles are the art. 28octies and 61sexies, for instruction, of the Code of Criminal Instruction: ex officio or upon request by COSC, the prosecutor/investigative judge that decides to keep certain assets under seizure may authorize their alienation by COSC or return them to the defendant against payment of an equivalent sum of money. The decision to sell may concern replaceable assets which value is easy to determine and which conservation in nature may cause depreciation, damage or costs disproportionate to their value. The 2003 law therefore made it possible to sell movable seized assets. COSC works with the Patrimonial Services (an office within the Federal Public Service of Finances) to organise these sales or with a specialised seller (art 10 of the Law of 26 March 2003). Real estate, in fact, can only be sold with the consent of the defendant. Legal modifications are still on going to provide that seized real estate can be sold without the need to reach an agreement with the defendant. The following disposal options are envisaged:

- Sale to the general public: Arts. 117 to 120 of the 2003 law state that real or personal property belonging to the State, which cannot be re-used and can be alienated, shall be sold or otherwise realised with the assistance of the Patrimonial Services;
- Rent of real estate: if it is not a good time to sell real assets, the

Patrimonial Services may decide to rent them; a public procedure is opened, and the real estate is rented to the highest bidder;

- Temporary transfer of movable assets to other Federal departments based on borrow protocols (on demand): in many cases confiscated cars are requested by the Police or by the State Security;
- Destruction/recycling of movable assets: assets with no value or dangerous in themselves are destroyed, while paper/metals/computer hardware are recycled;
- Restitution to victims (civil parties);
- Social re-use (for real estate, in the Flemish Region only): this is based on the Decree 51 of 15 July 1997 containing the Flemish Housing Code.

The law that concerns the Social Reuse in Belgium is in fact related to the legislative decree of 15 July 1997 containing the Flemish Housing Code (Décret contenant le Code Flamand du Logement) and is applicable only in Flemish Region. The art. 90 of the legislative decree enable the “social management” of real estate, known as “sociaal beheer”. This norm gives the opportunity to the municipalities to reclaim abandoned real estate for a minimum period of nine years. This happens when the owner is not able or is not willing to renovate a house. The owner will remain but cannot use the property. The law provides that local administrations can select buildings unsuitable according to certain parameters (minimum quality standard comfort, safety, health). The right of the municipalities to temporarily manage unsuitable, uninhabitable

or abandoned property from its negligent owners, can be applied on the condition that the property will be restored, renovated and reused for social housing for a certain period of time. Otherwise this confiscation and reactivation of abandoned buildings is not without costs: the owner keeps his rights over the property, but the municipality acquires the right to temporary manage the buildings for 9 years or longer, if more time is needed to regain investments made to improve the real estate and rent them as social housing to needy people. The purposes of the law is that municipalities can take over a real estate to a negligent owner for social purposes, to avoid vacancy and dilapidation of homes/buildings, which leads to decay of neighbourhoods. When there are evidences of negligence the analysis of the state of conservation of the buildings is extended to all the assets of the owner. Actually the beneficiaries of this provisions are “Social housing providers”, as Social housing companies, the Flemish Housing Fund for Large Families, Social housing (“tenants”) associations, Social Rental Agencies (SVKs) - agreement SVKA, Antwerp municipality, and since 2013 - public centres for social welfare (OCMW). According to previous researches and in relation to the application of art.3 of the Directive 2014/42/EU that promotes the reuse of confiscated criminal assets for public utility or social purposes, it is under discussion to extend this practice also to confiscated criminal. Otherwise despite that the law is in force since the 1997, the first time it was implemented was in 2004 in Borgerhout (Flanders). The information about this application of the law it was given through newspapers and online magazines and it refers to a property in state of abandonment. The effective implementation is not frequent but this rule exerts a dual action: a “nudge effect” hard to measure but it encourages responsible behaviour on properties even in the case in which it is not effectively applied and instrumental to reactivate

urban settlements for social purposes.

4.1.1. **Sailor's Quarter in Antwerp Case**

One of the most interesting case, related to urban development and social reactivation of areas characterized by the presence of organized crime concerns the case of the “Schipperkwartier”, the Sailor's Quarter in Antwerp inside the Flemish Region. Many publications have already analysed the circumstances, the processes and the outcomes of the case. However in present arguments related to urban re-cycle and social re-use of confiscated property it seems to have not finished his ability to inspire, especially considering the fact that in the same period in which the municipality carried out an expropriation for social purposes through “social beheer”, is related to an area marked by the organized crime and characterized by a large number of abandoned buildings that have ended the previous lifecycle connected to criminal economy; the administration selected the option to implement an integrated and socially supported development strategy, rather than confiscate the buildings one by one.

With a surface area of 33.8 ha, the area of Sailor's Quarter borders on “het Eilandje” in the north and on the university quarter in the south. Over the years, the once dynamic and popular Sailor's Quarter became isolated from the rest of the city. The quarter was also increasingly faced with a proliferation of window prostitution, public nuisance and criminal business activities. In the 1980s and the 1990s, the expansion of the prostitution industry, the influx of Eastern European women and the legalisation of prostitution in the Netherlands broke the balance between prostitution and living in Sailor's Quarter. In the 1990s prostitution had spread over the entire quarter and the grip of prostitution on the residential fabric

was tightening. Falconplein (Falcon square) and Klapdorp became the playground for people involved in illegal trade. Criminality increasingly dominated the streets. At the end of the 1990s local residents presented a petition to the municipal authorities. The city developed the “Antwerp prostitution policy plan”. The policy plan was based on few points: the idea that prostitution can stay, but under strict conditions only, the criminal side effects must be systematically fought, the prostitution must not cause local residents any nuisance, the statute of prostitute must be improved and a few (former) prostitution areas should be redeveloped. The policy plan focused on two city areas that have a different type of prostitution: Sailor’s Quarter (window prostitution) and the Atheneum area (street and pub prostitution). The plan contained an integral approach to making these quarters pleasant, safe and liveable again. As it was the largest and the most problematic prostitution area, Sailor’s Quarter was the first in line for the implementation of the policy plan. The most striking intervention in Sailor’s Quarter was the conversion of the window prostitution area into a pedestrian zone. This decision was initially controversial, as window prostitution is associated with clients driving around. Under strong protest of the establishment owners and silent cheers from the residents, all prostitution establishments in the neighbourhood were closed down except for those in three specific streets: Verversrui, Schippersstraat and Vingerlingstraat (the so-called V model). At the same time, counterfeit trade in the Falconplein-Klapdorp area was severely dealt. The resolute approach in 2000-2001 soon led to spectacular results. The prostitution zone was isolated from the surrounding residential and office area and was easier to control by the police thanks to its compact nature. In addition, it was turned into a pedestrian zone, because of which the traffic carousel and, as a consequence, traffic congestion disappeared. Organised crime

also left the area. Sailor's Quarter became a peaceful neighbourhood. Too peaceful. The quarter assumed the air of a ghost town after the clean-up operation. Up to eighty percent of the buildings were empty in the amputated arm of the window prostitution area (Sin-Paulusplaats – Oudemanstraat) and in the centre of the counterfeit trade area (Falconplein – Klapdorp). It didn't look like a spontaneous revival would occur any time

FIG. 15: SOCIAAL BEHEER IN BELGIUM



The images show an online newspaper: the article describe the first application of the “sociaal beheer” in Belgium and is dated 25/10/2004. The image on the left shows the page is original language, on the right the same page is translated by Google Translate;

soon. Furthermore, the condition of the empty buildings was simply bad and the enforced balance between living and prostitution was fragile. After the implementation of the “Antwerp Prostitution Policy Plan” there was a need for an integrated, area-oriented policy. Early 2002, the planning process was approved for the development of a substantiated, integrated and socially supported vision for Sailor's Quarter. The residents were closely involved in this process. During several “thinking days” all

of the quarter's aspects were discussed: living, employment, recreation, prostitution, green, culture, traffic... After a heavily attended consultation meeting and an interactive exhibition, a new story was written for the quarter and priorities were set. At the end of 2002 the developed vision was made official by the municipal authorities. The document in which it was recorded was called "Sailor's Quarter, a seductive piece of Antwerp". The vision consists of four main ideas:

Pleasant: *"A Pleasant place to live";*

The quarter's positive features as a residential area should be optimised.

Interesting: *"An interesting part of the city";*

The Sailor's Quarter should once again develop into a true residential quarter.

Controllable: *"A controllable window prostitution area";*

Living and prostitution can go together as long as clear agreements are made and observed.

Attractive: *"Attractive to investors";*

The quarter should attract new residents and entrepreneurs.

The approval of the future vision on the Sailor's Quarter rang in a new stage for the quarter. The city initiated concrete projects on the basis of a spatial strategy and annual action plans.

A Pleasant place to live: first, a number of structuring axes were selected that connect the quarter with the adjoining city areas. On those axes attractive projects were developed for residents and visitors. In the quiet

zones between the axes the residential fabric is protected, supported and reinforced. In the next stages subprojects were systematically developed by a multidisciplinary steering committee. Within this scope annual action plans were drawn up that were linked to the budget. The Sailor's Quarter used to seem cut off from the inner city almost intentionally. Visitors were neatly diverted around the quarter. This changed thanks to the carefully considered redevelopment of the public domain and the introduction of attractive activities. The redevelopment of Sint-Paulusplaats was the most important link in the repair of the connection with the inner city. Furthermore, the "canal walk" added a tourist attraction to the area. Participants in this walk dive into the former sewer system near Grote Markt (the central city square) and resurface at the heart of Sailor's Quarter

"An interesting part of the city": To breathe new life into "oudemansstraat", the municipal authorities launched the "Atelier Policy". The owners who renovate their buildings but do not immediately find an appropriate tenant are financially encouraged to set the ground floor for artists as atelier space. Residents and visitors were closely involved in the redevelopment of Falconplein. To this end, a Wervend Programma ("Inspirational Programme") was drawn up with events like an organic market, Zomer van Antwerpen ("Summer of Antwerp") activities, the Europalia Russia photo exhibition and the harbour film festival. The high point of the programme was the festive inauguration of the renovated square at the end of 2007. Today the Summer of Antwerp is an exuberant cultural summer festival that pops up in the most unexpected places in July and August and is felt throughout the city. The program consists of very different performances, often free and accessible to a wide audience of all ages. A strong collaboration

with dozens of cultural and non-cultural partners, city and hundreds of volunteers will ensure that the festival is firmly established in the city. The plans for Falconplein, for instance, pay a lot of attention to facilitating the bio market and events such as the “Zomer van Antwerpen”.

Several residential streets were redeveloped. The focus was on the quality

TABLE 5: SAILOR'S QUARTER IN ANTWERP CASE - CIRCUMSTANCES

Sailor's Quarter in Antwerp

Area - 33.8 ha

Time	Cause	Effect
2000	Crime Fighting Crime Disbanded Heavy Traffic	Antwerp Prostitution Policy Plan Police Strike against Counterfeiting Pedestrian Area
2001	Ghost Town Not Economic Development Abandonment of Real Estate	Two choise Option 1: Confiscation and social management (Sociala beheer) Option 2: Integrated and Socially Supported Urban Develop.
2002	Implementation of the option 2	Design an Interesting Pleasant Attractive and Controllable part of the city
2007	Validation	Assessment of Outcomes

The table shows the state, the relations cause-effect, the options praticable and the choises implemented in the Sailor's Quarter, an urban area of 33.8 ha in Antwerp, between 2000 and 2007;

of living rather than on traffic. The city developed tools to stimulate renovation in the quarter and set the tone by initiating its own projects. Two new housing policy tools were designed that were tailored to the quarter: the renovation contract and the guidance contract. Both instruments stimulate the re-designation of former prostitution and commercial establishments. Stedelijke Woonwijzer sets up a permanent office in the quarter which supporting renovation projects by giving advice, granting premiums and lending out materials. The first project that was implemented by the city in this quarter was the renovation of the dilapidated Stadsmagazijn ('Municipal Warehouse'). The former city warehouse was completely run-down and had become a home for squatters. It was renovated and became the pilot project in the redevelopment of the neighbourhood. Even today it still plays a key role in the restoration of the social fabric, as it has become the 'headquarters' of community activities and initiatives. A good example is "neighbours cooking for neighbours" that brings different neighbourhood groups and actors together. In one of this event the inspectors of the prostitution police squad invited the neighbourhood for some home-made paella. But it also serves as a project house for the overall development of the quarter. A meeting place and a centre for neighbourhood initiatives, the renovated Stadsmagazijn plays an important role in the repair of social life in the quarter. Every project for Sailor's Quarter was created, developed, discussed and exhibited in this warehouse. As an intermediary between inhabitants and the city the employees of the community centre are the first to know when the works on a construction site are slowing down, where people are creating new illegal dumping places or when the gossip factory is set in motion. Next to this, a dynamic participation plan was developed for the further execution of the text about vision, a participation plan that went beyond traditional

communication and participation techniques: the canvassing programme based on “fun activities”, sometimes cultural, sportive or even commercial, and sometimes merely convivial. They target the people who live in the neighbourhood but also explicitly attract a broader general public. The canvassing programme operates in the “space in transition”. Through active use of this often unknown and unloved space, inhabitants have the chance to inject meaning in these places and to appropriate them. Exploring the possibilities of the “space in transition” often inspires decisions taken within the urban development process. The goals of the canvassing programme in this square were simple: to explore the possibilities of the square through a range of activities, but most of all to let inhabitants and all the citizens of Antwerp rediscover this square in a different way⁵⁵. A good activity for a canvassing programme means that, at least, part of the “public” is considered as “producers” of the activity. The activities have to be “enjoyable”, but they also meant to be the start of an imagination process. To merely “consume” of an activity is less effective than giving the people the opportunity to “produce” something. Along the same lines, the municipality involved in the process tend to consider the “city marketers” as a threat arguing that “Normal” city marketers “sells” a “strong image” of the city to “consumers”. A canvassing programme avoids “strong images”

55. “Canvassing programme is a translation of the dutch concept Wervend Programma. This is the concept that we used while thinking about our approach. ‘Werf’ as a noun means construction site, and our program is linked to some big construction sites in Antwerp. ‘Werven’ as a verb means ‘to canvass’, to promote an idea by bringing it to the people. Over the years we have stated time and again that we are not using the correct expression, but we simply couldn’t come up with a better one. And maybe ‘canvassing program’ is not a particular word, but we couldn’t find a better one.” From: Nieuwinckel Stefan (2007) “The Antwerp canvassing Program”, paper for the 42nd ISOCARP Congress 2007; other information in Nieuwinckel Stefan, “Conceptnota Wervende programma’s” of July 2004.

designed by marketers focusing on the creation of opportunities for people to produce and explore their own images. The canvassing programme for the Schipperskwartier not only focuses on the square itself but also on all the spaces that are undergoing a transformation. For instance: big canvases were designed to wrap the buildings that were going to be renewed while waiting the plans, the building permits, etc. During the last four years the local photography school systematically portrayed the neighbourhood and designed and exhibited large photo albums of the neighbourhood and its transformations.

A controllable Window Prostitution Policy: after the redevelopment of the three remaining prostitution streets the “tour d’amour” was shutdown. The area was turned into a pedestrian zone and was decorated with specially designed, low-maintenance street furniture. Special attention was paid to the prostitutes’ safety and work circumstances. A police division specialised in prostitution was established. In 2005 this division sets up a shop in an office in the newly building known as Villa Tinto, a prostitution house designed by Quinze & Milan. The number of complaints by residents about the activities in and around the prostitution zone has decreased considerably over the past few years. The declaration of suitability for prostitution’s windows stipulates qualitative requirements with which window prostitution buildings have to comply. It has turned out to be a powerful tool for police surveillance of the prostitution area. Furthermore, thanks to the regulations, all prostitution buildings were renovated in two years time generating substantial improvement of the prostitute’s working conditions. With its free, anonymous and specialised assistance, the Gezondheidshuis (“Health House”) for prostitutes has become a vital part of the quarter. This eye-catching new building was designed by LAB architects and constitutes a hinge in the centre of the

prostitution zone.

Attractive to Investors: The city wants to make the Sailor's Quarter attractive to new residents and entrepreneurs. It brought dilapidated and prostitution buildings through a rolling fund. These have been renovated and put on the market again. Entire building blocks were also restructured. For example, the Falconplein – Zeemanshuis ('Seamen's House') project includes the redevelopment of Falconplein as part of the cultural axis between the city centre and "het Eilandje" as well as the restoration of the adjacent building block. The architecture firms Rapp+Rapp and West

FIG. 16: HEALTH HOUSE FOR PROSTITUTE IN ANTWERP



The health house for sex workers received the Johnson & Johnson Award for medicine (2003) and a prize by the Flemish Master Architect in the category of new buildings (2005).
Photo: Falconplein-Zeemanshuis © Rapp+Rapp;

8Green designed public spaces, housing, offices and community facilities.

Outcomes: The development of Sailor's Quarter was meticulously mapped out between 1997 and 2007. In view of the conclusion of the subsidy programme of Federaal Grootstedenbeleid ("Federal Policy for Large Cities") a final assessment with impact measurement was carried out in 2007. A survey of the area from 2002 served as baseline. The geographical information system (GIS) was used to process and analyse the terrain data. In this way the impacts of the range of policy measures could be measured and evaluated. The results were clear: the number of prostitution streets was reduced from 17 to 3. The number of show windows remained practically the same (it went from 275 to 273), but they are now located in 61 instead of 96 different buildings. Before the prostitution area became a pedestrian zone, up to 4000 cars used to drive around there. This is no longer the case. No less than 42% of all buildings in the quarter underwent major renovation. Between 2000 and 2007 the number of vacant houses dropped drastically and the number of building applications increased significantly. There were also heavy investments in the public domain: 45,300m² of public space were redeveloped. The prostitution policy plan, the annual action plans and the concrete projects obviously stimulated private initiatives. There were forms of public-private cooperation (Falconplein – Zeemanshuis and Barreiro). Houses owners and the municipal authorities entered into renovation contracts. And finally, more and more residents and entrepreneurs are investing in Sailor's Quarter.

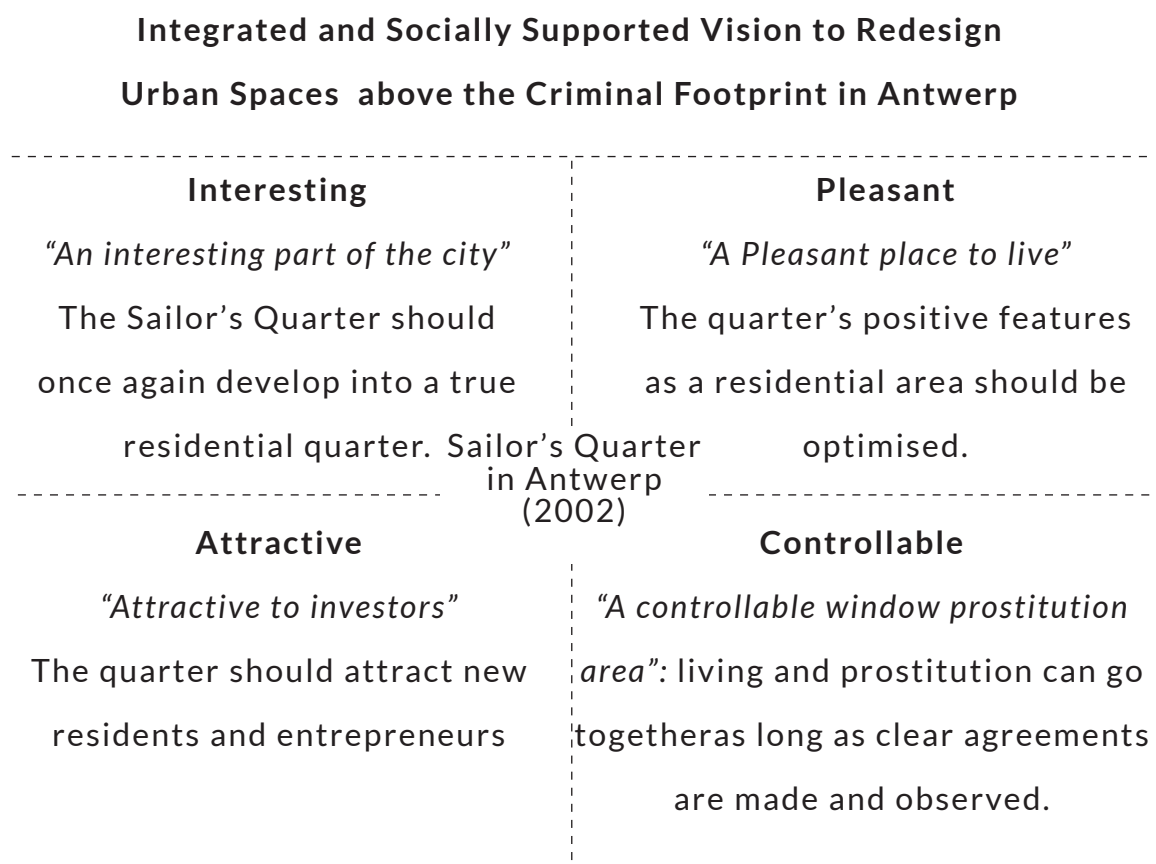
The project " Schipperskwartier, a seductive quarter in Antwerp" received a number of awards in recent years: in 2005 recieved the "Thuis in de stad prijs" for integrated infrastructural projects by the Flemish Government

and in 2006 received Special Award in the international DIFA.

4.1.2. Learning from Social Reuse in Belgium

The previous mentioned case shows the implementation of an integrated and socially supported vision to redesign urban spaces above criminal footprint in Antwerp. The case presented does not show an active use of

FIG. 17: SAILOR'S QUARTER IN ANTWERP CASE



the national practicable laws that concern the confiscation of property for social reuse: otherwise shows that - despite the confiscation and social management of real estate for social purposes was a practicable option in Antwerp - an integrated strategy has been implemented in a context characterized by the criminal footprint. The conceptualization of the implementation of the plan can be summarized in 7 points:

Contamination and cohesion: *(as the Municipal Warehouse in Antwerp)*

Create a place in which to share information and discuss development projects;

Connections and Boundaries: *(as the redefinition of falconplein-zeemanshuis in Antwerp)*

Create and redesign the Boundaries to create new connections;

Creative Grounding: *(as the Atelier Policy in Antwerp)*

Financial help for the renovation of unused ground floor for creative activities;

Creative, Cultural and Food Events: *(as the Wervend Program in Antwerp)*

Creative, Cultural and Food Palimpsest of Events;

Costruction Site Exposed: *(as the Health House in Antwerp)*

Costruction site have to be Exposed and participated;

Conceiving Spaces in Transition *(as the wrapping of buildings in Antwerp)*

Buildings, if not activated, have to be exposed in ways that create anticipation;

Collective Abilities and Imagination *(as the Canvassing Programme e in Antwerp)*

Engage participation processes avoiding City Marketers transforming citizens into producers of renewed visions.

The strategy has brought results in terms of economic, social, cultural, environmental and spatial outcomes. Shaping interesting, pleasant, controllable, attractive environments through the involvement of communities gives new meaning to this spaces in transitions and produce

FIG. 18: SAILOR'S QUARTER IN ANTWERP - ANALYSIS OF THE PREVIOUS ISSUES

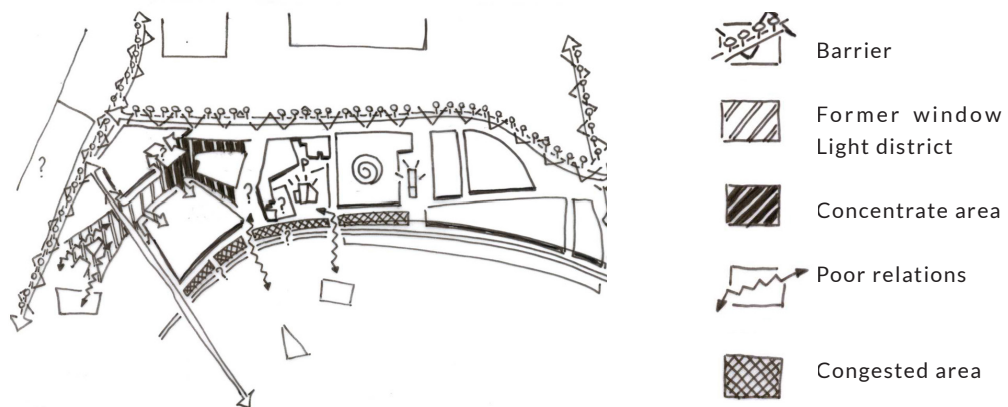
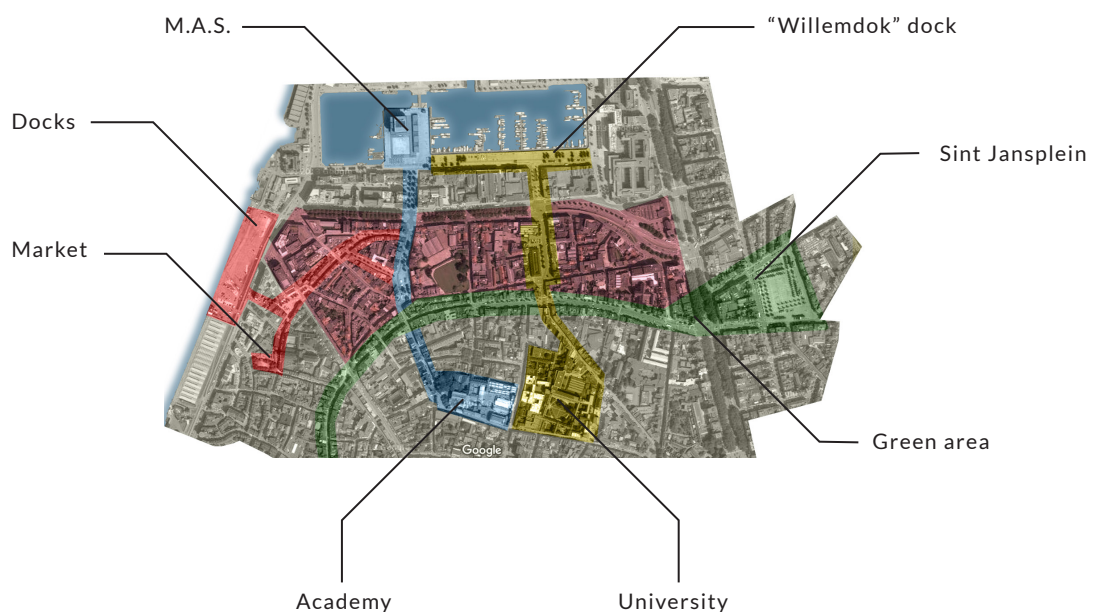


FIG. 19: SAILOR'S QUARTER IN ANTWERP - DESIRED SPATIAL STRUCTURE



FIG. 20: SAILOR'S QUARTER IN ANTWERP - 2015



results in terms of revitalization and redefinition of a new identity for spaces previous characterized by the presence of organized crime. The four key principles that concern the vision (design for interesting, pleasant, controllable, attractive environments) and the implementation of the plan (Design focusing on **Contamination and cohesion, Connection and boundaries, Creative Grounding, Creative, cultural and food events, construction site exposed, conceiving spaces in transition and collective abilities and imagination**) can be embedded in confiscated criminal assets reactivation strategies.

4.2. Social Reuse in Bulgaria

Bulgaria in the spring of 2012 adopted a new Law on Forfeiture of Illegally Acquired Assets that entered into force in November 2012. The main legal acts that regulate the management of seized and confiscated assets are: (1) Law on Forfeiture of Illegally Acquired Assets; (2) Civil Procedure Code; (3) Criminal Code; and (4) Criminal Procedure Code. According to the current Law, the freezing and seizure of proceeds of crime under the civil forfeiture procedure is applied by the civil court upon request by the Commission for forfeiture of illegally acquired assets, following charges brought by the Prosecutor's Office under the provisions of the Criminal Code. Similarly, the freezing and seizure of property that may be subject to criminal confiscation is secured by the criminal court upon request by the Prosecutor's Office (art. 72 Criminal Procedure Code). There are no provisions in the current legislation to optimise their value/minimise deterioration. Otherwise the Commission may request permission from the court to sell movable assets, which may depreciate substantially during the period of their keeping, may entail substantial expenses in

relation to their keeping, or may deteriorate rapidly (Art. 84 of the Law). In Bulgaria, the new Section II of Chapter 5 of the “Act on Forfeiture in Favour of the State of Assets Acquired Through Illegal activity” provides that recovered assets have to be liquidated and the revenue stream have to be used to pay the cost of frozen assets management and other costs for law implementation. Surplus revenue is directed to a social fund managed by the Minister for Labour & Social Policy and/or the National Strategy for Encouraging Small and Medium Enterprises. The Minister of Finance can manage the assets that cannot be liquidated for humanitarian purposes. According to the data available from National Revenue Agency - Sales Directorate by the end of 2011 the number of case files on confiscated real estate amounted to 175: 47 of them were confiscated following claims under the Penal Code and 122 on claims under the LFPC, while 6 properties were confiscated on other legal grounds. In 2010 – 2011 the National Revenue Agency did not manage to sell on public auctions none of the confiscated assets. Instead, in 2011, the title of one of the real estate properties was transferred from the National Revenue Agency to the Plovdiv administrative region.

Other issues related to the owner’s reputation and market conditions. When a property owned by members of organised criminal groups is offered, a buyer can be found. Market factors, such as the demand for and the value of real estate have major impacts on the ability of the National Revenue Agency to sell confiscated property. In recent years, falling real estate values and contraction of the market have been the main barriers to successful sales. These problems are exacerbated by the type of procedure applied by the National Revenue Agency, which was originally intended to collect unpaid taxes and social or health insurance

fees. Although the Law on the National Revenue Agency provides for the re-use of confiscated assets, to date this procedure has been applied mainly to personal property (motor vehicles), and less implemented for real estate. The focus on sales, the relatively limited amount of confiscated property, and the lack of awareness among potential beneficiaries, are the most important reasons for the low level of real estate property re-use. Present research cases analysis found no evidence of reuse that involved real estate. For this reason no case coming from Burglary was used for the definition of the model.

4.3. Social Reuse in Estonia

Since 2007 in Estonia a specific legal provision has regulated the management of seized assets to optimise their value/minimise their deterioration. This is § 126 (21) of the Code of Criminal Procedure, which states that property seized in order to secure confiscation may be transferred/sold with the consent of the owner of the property and at the request of the Prosecutor's Office on the basis of an order issued by a preliminary investigation judge. Property may be transferred or sold without the consent of the owner if this is necessary to prevent a decrease in its value. The main legal acts that rules the disposal of confiscated assets in Estonia are: the Criminal Code, § 831 -85 (rationale for confiscation); the Code of Criminal Procedure, § 126 and chapter 161 (confiscation proceedings); the State Assets Act (2010), Chapter 4 (on the transfer of state assets); the Decree of 30 July 2004 "Procedure for transfer, delivery and destruction of confiscated assets, repayment of funds received from transferring the assets from the budget to their lawful owner, recording and destruction of evidence, safekeeping, assessment and transfer of

attached assets, and assessment, transfer and disposal of perishable evidence”, chapters 2, 4, 5 (procedure for registration, storage, transfer and destruction of seized and confiscated property); the Customs Act, § 45, 97-99 (rationale and procedure to dispose of assets confiscated by the customs). The legislative framework provides that the destinations of confiscated historical artefacts are transferred to the Ministry of Culture, computer systems to the local authorities to be used by police officers and counterfeit products can (with the permission of the brand owner) be given over to children’s social institutions, etc., with a residual rule that assets are realised in favour of general state revenue. According to this framework the social reuse in Estonia is available in three ways:

- social re-use by state institutions: for computer systems; for counterfeit goods from illicit manufacturing (markings are removed); goods and means of transport which the authorities have confiscated, occupied or transferred to state ownership; abandoned goods or means of transport occupied by authorities; Confiscated computer systems may be transferred free of charge to police authorities; Confiscated counterfeited goods, other goods and means of transport may be transferred free of charge to a health care provider, social welfare institution or local government;
- social re-use by local authorities: this applies to confiscated counterfeited goods from which unlawful markings have been removed. These goods may be transferred free of charge to local government;
- social re-use by NGOs.: confiscated counterfeit goods, other

goods and means of transport may be transferred free of charge to a health care provider and social welfare institution.

According to the legislative framework these provisions can be also applied to real estate, but the evidences collected from newspapers and from the agency involved in the social reuse, concern movable assets and consumables⁵⁶. The main cases related to spatial products confiscated concern the propriety seized to Andres Bergmann CEO of ERA Panga, and the propriety confiscated to the cybercriminal Vladimir Tšaštšinile CEO of EstDomains. Era Panga was a bank ended in bankrupt in 1999. After the failure, the members of the management and the bank's supervisory board in 1995 and 1999 were accused of having allowed illegal economic transactions. In December 23, 2004, the judge sentenced to 3 years and 6 months in prison, to reimbursement of 15,7 million crowns for civil actions against Andres Bergmann, CEO of Era Panga. On December 27, the court of Tartu County upheld the sentence. Then more sentences were imposed and confiscation of property was carried out. His home, a villa of 400 m² situated at the number 42 in Jaama Stret, in Tartu city, after being confiscated was sold, and acquired in December 2003 by a real estate agency, MSI group, who sold it in 2005 for 3.5 million euros. A very different destination instead for the historical mansion known as "Klooga mõis". The manor is located near the eastern shore of the Lake Klooga⁵⁷. It's an historic building was first mentioned in 1604. It has

56. Epp-Mare Kuemelk (2014), "*Ligi 90 hoolekandeesutust sai maksu- ja tolliametilt konfiskeeritud kütust ja riideid*". Delfi. Retrieved from www.delfi.ee/news/paevauudised/eesti/ligi-90-hoolekandeesutust-sai-maksu-ja-tolliametilt-konfiskeeritud-kutust-ja-riideid?id=67532574

57. Located in 59° 18' 44.046 "N, 24° 14' 31.272" E, 59.312235+24.242020

belonged to the Nieroths, Lohns, Klugens and von Krusensterns. The Early-Classical main building based on the earlier structures was completed in 1794. Later, the manor was held by the Soviet Strategic Rocket Forces and remained in ruins in the 1990s. The last owner before the 1919 was Axel von Krusenstern. It was confiscated with 49.58 hectares of land, two other buildings, warehouses and two concrete hangars. They were buildings belonging to the AS Cynake Klooga, a company owned by Andres Bergmann. The value estimated in 2001 was 5 million of euros. The good has been left unsold after two auctions. Today it belongs to the Keila Municipality in Harjumaa County and it is in state of abandonment. Since 2008 the lakeshore facing became a military training area by decree of the Government of the Finnish Republic of July 24, 2007 No.334⁵⁸.

The second case that concerns confiscated real estate in Estonia is related to the propriety confiscated to Vladimir Tšaštšin CEO of EstDomains. EstDomains was a website hosting provider and a Delaware corporation headquartered in downtown Tartu, Estonia. The CEO, Vladimir Tšaštšin (also known as “SCR”)⁵⁹, received a prison sentence for credit card fraud, document forgery, and money laundering⁶⁰. In 2009 the properties with a value of 16 million euro owned by Vladimir Tšaštšin was taken by the State after the conviction of 5 years, 4 months and 6 days of prison. Among

58. Decree know as “*Kaitseväe Klooga harjutusvälja asutamine*” retrieved from: <https://www.riigiteataja.ee/akt/13005959>; 2016; more informations can be retrieved from http://harjutusvali.mil.ee/client/default.asp?wa_id=688

59. Krebs Brian (2008), “*Security Fix - EstDomains: A Sordid History and a Storied CEO*”. *Voices.washingtonpost.com*. From http://voices.washingtonpost.com/securityfix/2008/09/estdomains_a_sordid_history_an.html

60. F-Secure Weblog : News from the Lab (2008), “*Case EstDomains*”. *F-secure.com*. From www.f-secure.com/weblog/archives/00001522.html

FIG. 21: KLOOGA MÕIS IN ESTONIA



The historical mansion known as “Klooğa mõis” is located near the eastern shore of the Lake Klooğa: it’s an historic building first mentioned in 1604. It was confiscated with 49.58 hectares of land, two other buildings, warehouses and two concrete

hangars by the Estonian authority; the value stimed in 2001 was 5 million of euros; the good is left unsold after two auctions, today It belongs to the Keila Municipality in Harjumaa County and it is in state of abandonment;

his accomplices, Valentina Tšaštšinale was sentenced to a prison term of three years and 10 months, Timur Gerassimenkole 1 year, 10 months and 9 days, Dmitri Jegorovile to 1 year and 8 days, Konstantin Polteville 2 years and 8 days in prison. In addition orders to pay were imposed to many companies as Oak Development OÜ, Credit Union Ltd, Infradata OÜ, IT consultants Novatech OÜ. In January 2016 the Tallinn Circuit Court has ordered the sale of one property (real estate) of 483,3 m² located in Tartu County, Tartu city, Jaama 44⁶¹.

61. Judgment of 2014/06/26 from Tallinn Circuit Court, case n 1-12-5792 (entered

The cases show peculiar Estonian conditions and a prevailing behaviour of the Estonian authorities. The most important case of property confiscations come from confiscations carried out due to financial crimes. This is not a necessary and sufficient condition (other confiscation of real estate could be happened for other crimes) but the origins of these proprieties affect their shape: all properties analysed have an high market value. The prevailing behaviour of the Estonian authorities is the sale of the property. The cases analysis discloses no evidence of social reuse of assets. Despite that the case of the abandoned castle Klooga mõis - although it cannot be counted as good practice related to the reactivation of the assets - it can be useful to extract recurring pattern. The asset is located in an area of extraordinary natural and landscape quality. However, it's abandoned and there are not transformations on going. This situation is recurrent in Italy with many proprieties where the market has no interest in giving new life to the asset. It's reasonable to assume that in cases where it is not possible to sell the property, the productive reactivation of the asset through the involvement of community could be the only practicable option to break the deadlock of the abandonment. Otherwise in order to shape a replicable model related to the reactivation of the confiscated criminal assets, the cases from Estonia were discarded from the modelling of present research because there are not evidence of application of this provision to real estate, lands or spatial products.

4.4. Social Reuse in France

into force of the decision of the Supreme Court 2015/06/22 No. 3-1-1-94-14)
located in 58°23'05.4"N 26°44'10.6"E 58.384835, 26.736267

According to the transnational definition of organized crime previously described, criminal organizations exist also in France through declinations that often do not concern the “mafia” manifestation. An Interior Ministry service, information service, intelligence and strategic analysis on organized crime (SIRASCO) annually prepare a report on this subject, the guidelines of which are published in the press. The latest (2013/2014) points out:

- the exponential activities of foreign criminal organizations;
- the persistence of traditional banditry;
- the rise of organized crime in the cities;

The first legislative framework that concerns the confiscation of criminal assets in France is the Decree of 17 March 1995 n. 95-322 that established the “Fonds de concours”. The law was almost unknown till 2007, when a judge promoted this Fund among magistrates. Until 2010, French law has been weak to effectively combat organized crime through the confiscation procedures. In order to enforce the legislative framework and operability and in line with the decision of the Council of the European Union 2007/845/JAI, France enforced the processes and facilitates the seizure and confiscation in criminal matters through the law n° 2010-768 of July 9, 2010⁶². This law creates the agency for the management and recovery of the assets seized and confiscated (AGRASC). As a general principle, the owner or property holder of the seized property is responsible for the management of the seized property. Under special circumstances the seized property will be put under the management of the owner or property

62. The draft of the law is available at www.parliament.bg/bg/bills/ID/13814/

holder or AGRASC. When the seized property is put under management of AGRASC, the agency is responsible for the costs of managing such seized property.

In assets confiscated for drug crime, France applies a special provision known in the scientific literature as “Indirect Social Reuse”. AGRASC sales movable and immovable assets related to drug crimes and transfers the proceeds to the inter-ministries organizations known as “Mission Interministérielle de lutte contre la drogue et la toxicomanie” (MILDT). Every year MILDT transfer 60% of these proceeds to the Ministry of Interior for projects selected and validated and implemented by the MILDT, 20% of these to the Ministry of Justice, 10% to the Ministry of Economy, and 10% to other Ministry. The money are used to finance projects with social aim for prevention, drug treatment or fight against drug trafficking (ministry of Social Affaires, Health, Education). The purpose is to fight against drugs and any form of addiction (e.g. tobacco, drug, alcohol, etc.) at an institutional public level. Otherwise according to the analysis to the strategic objectives of MILDT, there aren’t evidences of projects related to spatial production and most of the projects act from an educational point of view with the focus on the raising of awareness related to drugs.

4.4.1. Implementation of Social Reuse - France Case

According to the analysis of newspapers, in 2014 the social re-use of confiscated property has entered in the national political agenda of lawmakers. The focus has shifted from indirect social reuse (sell and use revenue for funding specific programs such as the previously mentioned “Mission Interministérielle de lutte contre la drogue et la toxicomanie” MILDT) to the direct social reuse based on the Italian practices. The

opportunity to implement the direct social reuse is supported by some significant data. In the 2013 the activity report of AGRASC allows to better understand the nature of the property confiscated in France. In the second half of 2013 the value of all assets confiscated in France was 1.148 Millards of euros. 586 million euros is the aggregated value of 967 real estate. € 19.8 million is the value gathered that concerns 2414 vehicles confiscated. The rest of the confiscated property seems to be little mobilized. The State seized 450 million worth of goods each year, with an increase in this stock of more than 17% between 2012 and 2013. Taking in account the annual increase observed, some properties may be reused directly without compromising the AGRASC funds for assets managements, the payments to the Treasury or to the “Mission Interministérielle de lutte contre la drogue et la toxicomanie” MLDT. Based on these data and evidence - even though no enabling legislation currently exists today in France - the implementation of social reuse of criminal assets has been considered practicable by lawmakers.

Beginning of November 2013 the project of law that concerns the Social and Solidarity Economy, know as “Hamon Law”, was adopted in first reading in Senate. In this context the Chambre Française de Economie Sociale et Solidaire (EES) in agreement with the Business Council and Groups of Social Economy CEGES that federates the principal organizations of social economy, caught the opportunity to introduce in this project a disposition on (direct) social reuse. Under the draft law, EES and CEGES proposed an amendment creating the possibility for AGRASC to entrust the management of some assets confiscated by the Social Enterprises, considered of social utility within the meaning of Article 2 of the Law of July 31, 2014. During the discussion of the social economy bill an amendment

in favour of adopting a device for social reuse was presented by Jean - René Marsac, chairman and relator of the study group that concern the “Social Economy” on the National Assembly with the following arguments:

In France, as in Italy, the ESS is expected to play an important role in the implementation of this program It is a major social innovation that strengthens the role of SSE in the territories and its partnership with the local collectivities. It is also an important economic lever and whose social impact in the territories, in particular when they combine the weakness of resources and a situation worsened in terms of jobs, in particular the young's jobs is very positive. Finally, it is time to plan on the transposition of the directive.

This amendment was not adopted because its impact has not been clearly identified. However, it had been well received among parliamentarians, in particular by Yves Blein, rapporteur of the bill on ESS. Particular interesting for the instance of replicability of the model developed in the present research is the observation of Yves Blein: essential work on actual conditions of implementation of the program remains the definition of:

“The **perimeter**, the **type** of goods concerned, the **way** it could be acquired by social economy, through **which structures** and to the service of **what missions**, as well the **measuring of impact** and the **framework**”.

The Secretary of State Valérie Fourneyron proposed to resume under a Finance Act the examination of such a set of measures for social reuse of confiscated properties. To define a replicable model useful across Europe, the perimeter, the type of goods, the way of acquisition by the civic agents, the structures needed, the mission, the measures and the

impacts have to be developed. After this first step the CEGES and Jean-René Masac held in November 6, 2014 a meeting at the National Assembly to define an action plan in France on this issue. A large delegation of “Libera - Associazioni, Nomi e Numeri contro le Mafie” - the most important Italian association that promotes the culture of legality and the direct social reuse of confiscated criminal assets - was present, as well as representatives of the MACIF, the French mutuality, the UNAT, the RTES, the GOEES, Caisse d’Epargne, Crédit Coopératif, d’Habitat and Humanism. The Direction générale de la cohésion social DGCS was also present. The meeting was hosted by François Soulage⁶³, Marcel Hipszman⁶⁴ and Emmanuel Verny⁶⁵. The Italian situation was very clearly presented by

63. François Soulage, French economist, is one of the fathers of the revival of the social economy in France, he has been president of Secours Catholique 2008-2014. In 1981 is technical advisor of Michel Rocard Minister of Planning and Territorial Development, Interministerial Delegate for the social economy in 1989, founder and president of the Institute for development of social economy (FDI), President of UNAT (national associations and tourism Outside Union) from 1999 to February 2008 Association President Hubert Beuve-Mery (which owns nearly 12% stake in the newspaper Le Monde), President of CoopEst (investment companies of the social economy for the countries of central and Eastern Europe), in 2005 President of the Christian solidarity Committee with the unemployed and precarious since 1997 President of Catholic Relief Services from February 2008 to June 2014 Member of the Pontifical Council Cor Unum Chairman of Alerte “Unite pour les Associations développer les solidarités en France. Source: UNIOPSS 2014;

64. Marcel Hipzman is board member of INAISE the international association of investors in the social economy e of RECMA; RECMA today is one of the oldest scientific journals publishing the work on cooperation and the social economy. Founded in 1921 by Charles Gide and Bernard Lavergne, the Journal of Cooperative Studies he became in 1986 Review of cooperative studies, mutual societies and associations, and international Review of Social Economy. Its function is to generate and disseminate studies and research in the social, economic and legal sciences on the social economy organizations in France and around the world. Journal with a reading committee, the RECMA is a unique place for discussion between researchers and professionals in the social economy. Other informaton on: recma.erudit.org, www.recma.org, www.inaise.org.

65. From 1975 to 1979, Emmanuel Verny is head teacher in a popular education association organizes literacy courses for immigrants in the Ile-de-France.

members of Libera. The discussions helped to better understand the role of the Libera network, the conditions for the success of the first social reuse of experiments and the opportunity to adopt and adapt the practices to the French context. On the occasion of the discussion in Parliament of the bill for the growth, activity and equal economic opportunities, known as the “Macron Act”, ESS France, with the active support of Marcel Hipszman, has caught again parliamentary to defend a draft amendment almost identical to the previous. In the National Assembly, Jean-René Marsac, Yves BLEIN and 18 other Socialist deputies presented on January 16, 2015 the Amendment No. SPE 996, defended by the Member of Parliament Christophe Siruge. The Minister of Economy, Industry and Digital requested the withdrawal of the amendment indicating that it could be considered by the Constitutional Council as a rider⁶⁶. He suggested that with the support of the Secretary of State Ms. Delga, the matter could be

From 1979 to 1986 he founded and directs the ADFI, association of education for an audience of adults and young low-skilled. After several missions in a training center specializing in the redevelopment of managers and operational management, becomes in 1989, responsible for the development of human resources in the network of Caisses d'Epargne (Aquitaine North) to the network reconfiguration. In 1995, he became general manager of the UFCV (French Union of holiday and leisure centers). In 1997, he was appointed director and CEO of UNA, the National Union for help, assistance and services to homes. After leaving this position in 2011 became in February 2012, the General Delegate of Business Council, groups of employers and the social economy (SOMA). Since January 2015, he was Deputy Head of ESS France, the French Chamber of social economy. Emmanuel VERNY holds a Bachelor in Mathematics (Paris XIII), an MBA-ADR in business administration (IAE Paris Sorbonne) and an Executive Master in Business and Sociology change strategy (Sciences Po Paris). Source: <http://www.ess-france.org/charges-de-mission/emmanuel-verny-delegue-general>

66. In legislative procedure, a “rider” is an additional provision added to a bill or other legislative measure having little connection with the subject matter of the bill; Riders are usually created as a tactic to pass a controversial provision that would not pass as its own bill; occasionally, a controversial provision is attached to a bill not to be passed itself but to prevent the bill from being passed (in which case it is called a wrecking amendment)

reshaped in the coming months in order to make the appropriate response. After this situation the president of ESS France wrote on March 2 2015 to the Minister of Economy to seek a rapid organization of a meeting with his cabinet. This request was reiterated during the passage of the bill in the Senate. At the request of ESS France, IDU-UC groups, Ecologists, and RDSE senators and socialists, including Marc Daunis, submitted an amendment on social reuse of confiscated property. Unfortunately the special committee voted against this proposal at the meeting, calling it “undue assistance.” This position reflects a misunderstanding of the application, namely social reuse of some confiscated property and not the payment of subsidies. The misunderstanding is due to the fact that the current legislation (and the actual perception of most members of parliament) refers to confiscated propriety in terms of proceeds, then the request for re-use of confiscated property has not been interpreted as spatial physical direct and territorial reuse of the confiscated assets but as an allocation of funds. Despite what happened the minister said that discussions were on going with the Department of Justice to stabilize a legal drafting.

According to the event description published in the web page of ESS, the objective of the amendments was to “revive” the economy minister and obtain the opening of the discussions. It is very interesting to note that parliamentarians aware of the social reuse have adopted a very favourable position.

A first meeting took place on May 4, 2015 and the goal was reached because the minister’s proposed to ESS France a first appointment working on this issue. This meeting on May 4, 2015 took place with David Parlongue adviser to the cabinet of Emmanuel Macron and Catherine Joly and Thomas

Boisson advisers of the cabinet of the Secretary of State Carole Delga. This meeting helped to clarify that the application of ESS France, namely social reuse of confiscated property, especially real estate, is not related to the proceeds of sale of confiscated property but on the reuse of the spatial products. They were then agreed to arrange a meeting with the director of the AGRASC to discuss with him the operational feasibility of the request.

A second meeting took place on 26 May 2015. This meeting - organized by the Secretary of State Ms Delga, with David Parlongue adviser of Mr Macron - was the opportunity to meet the director of the AGRASC Charles Duchaine. According to the previous mentioned legislative framework the director of Agrasc is a magistrate. In relation to the question of direct reuse the real estate the meeting gave the opportunity to consider the possibilities to move forward on this issue. It appears that from the point of view of law making, a new legislation is needed to allow the AGRASC to confer the management of a confiscated property permanently to third parties and that from the point of view of the instruments, AGRASC is not equipped for the management of such operations. On October 2015 Emmanuel Verny meet again Charles Duchain, general director of AGRASC, with the Secretary General and Head of the Legal division. This working session has led to significantly progress in operational understanding the implementation in France, of the social reuse of confiscated property.

Once the asset is confiscated by the Justice, it falls in the private domain of the State, under the responsibility of France Domaine, which attached to the direction générale des finances publiques (DGFIP - Directorate General of Public Finance) of the Ministry of Finance. The Minister then concerned is no longer Emmanuel Macron but Michel Sapin of the Ministry

of Finance. The process developed concerns the minister involved and it's his task allows and encourages France Domaine in the assignment of some confiscated property to the social re-use rather than being sold on behalf of the State by the AGRASC. The legislation would be declarative and not normative order. This remains to be legally consolidated. An agreement may exist between the ESS France and AGRASC, allowing the agency to inform ESS France about the assets suitable for social reuse. ESS France should play the role of leader in the accounts of associations and companies interested in the ESS by management of confiscated property.

After this milestone an appointment with Jean-René Marsac with members of the parliament following this case from the beginning, leads to the possibility of a question to the government by the end of November 2015, subject to secure this new approach from the legal point of view.

On March 27, 2015, Emmanuel Verny and Marcel Hipszman received two representatives of Libera France: the president, Silvia Caccia, and a member, Vega Portesotti, to discuss the possibilities of cooperation between ESS France and Libera. These exchanges have emerged several possible action points:

- Dedicate a technical working session to study closely the Italian legislative and regulatory provisions in order to be inspired to some extent to conduct discussions with the French authorities;
- Organizing a study trip to Italy to discover social reuse achievements and meet with leaders of Libera Italy;
- Join the annual event, organized around the date of 21 March in memory of the victims of the Mafia. In 2015, this day brought

together 200,000 people in Bologna, Italy. The commemoration could be used to start up a French coalition on the fight against organized crime and for social reuse;

- Develop within the Ministry of Education and Higher Education, a reflection with students, teachers and associations to promote democratic legality in the economy and the knowledge connected to risks of informal and “mafia” practices to get out from a “romantic” view of life as “adventurous”.

The political bodies of ESS France approved these proposals. The meeting on 1 June 2015 has identified the priority areas including:

- Organize a technical day on the existing operational system in Italy;
- Program a study tour to discover examples of social reuse close to the French context (particularly the reuse of real estate);
- Meet Libera’s Italian leaders to establish with them a cooperation agreement;
- Reflecting on a demonstration in France like the day spent in Italy, in memory of the victims of criminal organizations (200 000 people gathered in Bologna in March 2015).

A meeting with Libera France October 12, 2015 has clarified certain modalities of cooperation:

- The meeting with the leaders of Libera in early 2016;
- A study trip to Italy to meet achievements exemplary and close

to the current French context in 2016;

- An information day for public awareness of leaders of ESS in potentially relevant sectors in this process is also confirmed among the proposed projects;
- Communication materials developed by Libera could be relayed on the website of SSE France⁶⁷.

4.4.2. **Learning from Implementation process in France**

The process of implementation of social reuse in France is still on going. The case can be useful to show what are the circumstances (and the misunderstandings) that may support (or distract) the implementation of the direct reuse of the spatial products confiscated to criminal organizations. If we compare French and Italian processes of introduction of the social reuse, striking differences emerge. In France the introduction of the rule is more related to a karst action of conviction of reusing spatial products confiscated to criminal organizations. The main actors are institutional entities and entities from social impact venture funds. The social reuse in France is practicable because - taking in account the annual increase observed, some properties may be reused directly without compromising the AGRASC funds for management of assets, the payments to the Treasury or to the “Mission Interministérielle de lutte contre la drogue et la toxicomanie” MLDT. In Italy instead the social reuse law is approved due a petition promoted by Libera during one of the darkest periods of

⁶⁷ Ess France. “Réutilisation sociale des biens confisqués: ESS France veut avance”. From www.ess-france.org/travaux/reutilisation-sociale-des-biens-confisques-ess-france-veut-avancerr

the mafia war. The main actors are Libera and “the wisdom of the crowd” which recognized in the law on social re-use a tool to assert a principle of justice and liberty against crime and corruption. In accordance with other previous studies, the DNA of the Italian social re-use is strongly rooted in an archetypal dimension of the sign that inspired also the Sicilian movement of the Fasci Siciliani: the concept of the redistribution of the lands of the Villain.

The Implementation case of social reuse in France is useful to extract some conditions of replicability of the model developed by the present research. The implementation of the social reuse is based on the idea that criminal assets can be driver for Social Innovation, Economy, for Social Impact, for Employment, especially for Young People, in a context of weakness of the public resources. The question of positive impacts on the environment - one of the great strengths of the productive reactivation experiences of confiscated rural areas - is not present in lawmakers’ speech. Otherwise the conditions for implementation that Yves Bleins claims for a practicable implementation of the direct social reuse in France can be useful to shape the model in the present research. These conditions are related to the definition of: Perimeter of the Model, Type of Assets, Civic Agents Involved, the way in which Civic Agents are Involved, the Structures or Networks needed, the Mission of this structures or Networks, the Measures, the Impact and the Framework. These points are mandatory to ensure a replicability of the model and can be embedded in the draft of the model.

Otherwise the case shows also some misunderstanding that can occurs in the process: most of legislative frameworks refers to confiscated propriety in terms of proceeds, then the request for re-use of confiscated

property can be interpreted as an institutional aid or an allocation of funds. According to the focus of the present research the description of the criminal asset as a spatial product that came from the materialization of revenue from illicit markets in human environment is mandatory also to avoid this misunderstanding.

4.5. Social Reuse in Germany

Germany applies confiscation within criminal proceedings, which are regulated in the German Criminal Code (GCC). Enforcement is a task performed by authorities at state level (not at the federal level). Specific provisions exist on the management of seized assets to optimise their value/minimise their deterioration. § 111 (1) of the Code of Criminal Procedure states “assets may be disposed before the judgment becomes final if there is the threat of their deterioration or a substantial reduction of their value, or their storage, maintenance or preservation is related to disproportionate costs or difficulties”. The confiscation order transfers ownership of the assets to the state (the Treasury department of the federal state in which the court has decided in first instance). The order imposes, for the period between its issue and its entry into force, a ban on sale and disposal. If a confiscation/asset forfeiture/destruction court order is issued, and if the asset is not yet in custody of the state, the enforcing authority enforces the order by removing the asset from the convicted person through an enforcement officer. The management of seized and confiscated assets lies with the respective federal state (Land) and there is no national asset management office. Management is dealt with in close co-operation between the police and the judiciary. The use of confiscated assets under the German systems prioritises the compensation of victims

of the respective crime. Aggrieved parties can make claims until three years after the final judgment for compensation of the damages incurred due to the criminal act. 4 Moreover, the Chief Public Prosecutor has the power to determine on a case-by-case basis that certain material assets, e.g., vehicles, are to be given to law enforcement to be used in undercover operations. Moreover, according to § 73e StGB, the monetary value of confiscated assets is allocated to the budget of the Bundesland in which the Court delivered the first judgement. Otherwise, some Länder have scheme that envisage that monies that go over a certain benchmark-sum can be earmarked to the judiciary and the police of the respective Land.

The only explicit reference related to social reuse in Germany concerns the option of transfer the assets to NGOs: in the case of assets confiscated in relation to intellectual property infringements. NGOs can participate on a preferential basis in the free (private) sale of such assets. According to previous pieces of research existing practices show that the role of civil society/NGOs is limited. In the free (private) sale of assets that are suitable for the requirements, NGOs and needy persons, these are supposed to be prioritized. Moreover, assets that have been confiscated in relation to intellectual property law, and which are suitable for use for charitable or humanitarian purposes, should be given to the relevant organisations free of charge. Otherwise, civil society and NGOs have no influence on disposal decisions. In practice, however, this option is not widely applied. Otherwise, some Länder have schemes that envisage that monies that go over a certain benchmark-sum can be earmarked to the judiciary and the police of the respective Land. Confiscated monies go to the budget of the respective Land and are therefore used for anything that is paid out of this budget. Those expenses might also have a social component, but this

is not the declared aim of the use of proceeds of confiscated assets. Yet there is one exemption, which is the Land Bremen, that since 2004 has been using a model that accommodates for a fraction of confiscated assets (EUR 60.000/year) to go into the budget of the Senator for Justice and Constitution (Senator für Justiz und Verfassung). The remaining assets of EUR 24.000 go to the Senator for Employment, Women, Health, Youth and Social Causes (Senator für Arbeit, Frauen, Gesundheit, Jugend und Soziales) to finance a centre of advice and support for victims of trafficking in persons and forced prostitution. This can thus be described as a disposal of the assets for social purposes. It seems that if a certain fixed amount from the Bremen budget (Haushalt), in which confiscated assets flow would be dedicated for specific social projects, the social re-use would be more efficient and easier to put into practice, as this fixed amount is prescribed in the budget as a regular funding (Regelfinanzierung). Until now, hardly any money that has been generated through confiscation in Bremen has been used for the projects described in the German country profile. This is, according to the expert and to previous research because of the fact that the resolution was cumbersome to put into practice due to the aforementioned fact that the expenses for specific social projects were not codified in the budget right from the start. According to these evidences present research cases analysis found no evidence of direct reuse of real estate. For this reason no case coming from Germany was used for the definition of the model.

4.6. Social Reuse in Greece

Proceeds from crime confiscation can take place both within and outside

criminal proceedings disciplined by law 3691/2008. According to the legislative framework in Greece the social reuse can be applied in two ways: the asset can be transfer to state institutions/municipal bodies for social re-use, regulated by Law 251/1976; any corporate movable items, especially vehicles, ships, machinery, may be transferred for use to them even pro bono; Or the asset can be transferred to NGOs for social re-use, governed by Law 251/1976, which states that vehicles may be transferred at a price not less than half of their estimated value to charitable institutions. According to previous studies the main problems in existing practices derive from the lack of a central organisation that can coordinate all the institutions involved in the disposal phase and the scattered acts of law on confiscation, which have a critical impact on the relevant procedures. Together with this factor, poor communication between the institutions involved and the complex bureaucratic procedures often prolong the disposal procedure beyond a reasonable time frame. Market factors also play an important role because lack of interest in the auctions makes the sale of confiscated items impossible. Present research cases analysis found no evidence of social reuse that concern spatial products. For this reason no case coming from Greece was used for the definition of the model.

4.7. Social Reuse in Hungary

Regarding the management of seized assets, according to section 154 (1) of the Criminal Procedure Act, any object seized shall be deposited. If the object is not suitable for deposit or if some other important reason justifies it, the object's preservation shall be arranged in another way. Further provisions are set out in the Joint Decree no. 11 of 2003: the

investigating authority, the public prosecutor or the court put into deposit a seized object which serves as evidence during proceedings and/or which needs to be identified and examined. If the object is not suitable for deposit, it may be left with the keeper, owner, user etc. This person must arrange for the asset to be handled at his/her own expense in such a way that its condition, quality and value do not deteriorate more than an average extent during storage. According to section 156 (1)-(2) of the Criminal Procedure Act, the court shall order the sale of the seized object if it may deteriorate rapidly or is not suitable for long-term storage. The court may also order the sale of the seized object if its handling, storage and preservation would involve unreasonably high expenses or if its value would significantly diminish due to the foreseeably long-term storage. In fact, preliminary sale is exceptional because of excessive caution among prosecutors. The authorities hold seized assets until the end of the criminal proceedings (sometimes for 5-6 years), so that they are mostly unusable in the end.

According to the legislative framework and in accordance with Act XIII of 2000 on the social re-use, confiscated assets can be transferred to NGOs for social re-use. It applies to food, clothing, items for grooming, cleaning or education, home maintenance equipment, household equipment, telecommunication equipment, household appliances, toys, kitchen equipment, or sports gear. Members of the Council of Charity decide and transfer goods to needy beneficiaries.

No specific provisions concern confiscation and re-use of spatial products. For this reason no case coming from Hungary was used for the definition of the model.

4.8. Social Reuse in Luxembourg

The legislative framework in Luxembourg that concerns the social reuse of criminal proceeds is the Law 17 March 1992 on drug trafficking established the “Fonds de lutte contre le trafic de stupéfiants” (art. 5), transformed in 2010 into “Fund to fight against certain forms of criminality” (“Fonds de lutte contre certaines formes de criminalité”), covering also money laundering and other serious crimes. The procedure works with an interagency cooperation of the General Prosecutor Office that enforces the confiscation orders and the AED-Tax Administration Office involved in the sale of confiscated assets. The “Fonds de lutte contre certaines formes de criminalité” is formed by the revenues of the sales of the assets and finance a wide typology of projects: educational projects for the schools, against drugs consumptions and projects that promote alternative development across the world. The Fund overviews the projects and eventually stop them for anomalies/insufficient results. The actors involved in alternative development projects are: international organizations, national institutions and NGOs. The project funded are usually carry on by NGOs and reliable partners on site: local NGOs as early association, non-profit organizations with serious statutes, religious communities that have proven through years of working their commitment to serving the poor, or even Luxembourg and Belgian cooperation. Since its creation, the Fund agreed on projects a total of 36,423,524 euros; at the end of the year 2014 reported 35,188,041 euros. Actually 31,189,638 euros are invested. In order to find out the real destinations of the proceeds and extend the learning set of cases used for the model, present research analysed all the funded projects from 1992 to 2014. The materials used

for the analysis are the annual reports produced by the fund⁶⁸, the reports from UNDC and the websites of the NGOs involved in the projects. The projects financed by the fund are heterogeneous: the “Fonds de lutte contre certaines formes de criminalité” finances mainly educational programs or programs that spread a culture of legality against drugs. In keeping with the scope of this research, only projects that have a societal, economical, environmental and spatial impact are collected in the learning set: according to the heuristic methodology of present research other cases are discarded. The table gives an overview of all spatial projects financed by the Fund since its creation.

4.8.1. Implementation of social reuse - Luxemburg Case

Since the establishment, the fund reused the proceeds from the sale of confiscated criminal assets for projects in Perou, Chapas, Chiles, Cap-Vert, Vietnam and Laos. These projects can be divided in two types: the settlement of facilities against poverty and drug consumptions in urban contexts and “Projet de développement alternatif” in rural areas. Both types of project are driven by The United Nation Organization against Drugs and Crime.

The first facility against poverty and drug consumption funded was the “Centre de soins pour toxicomanes au Chiapas Mexique” realized in 1999 by the ONG Agent de la Coopération and continued with the project UNODC (MEXF84) “Centre de soins pour toxicomanes au Chiapas”. The

68. Fonds de Lutte Contre Certaines Formes de Criminalite (2014), “*Rapport d'Activité 2014*”. Grand-Duche De Luxembourg. From www.mf.public.lu/publications/FdL_contre_trafic_stupefiants/fdl_rapport_2014.pdf

Fund financed a total amount of € 24,790 the realization of the project. The total public and private funding was around € 49,580 included the construction of buildings to care drug users and provide training for the staff of the facility. During 2001, the achievement of this project was followed by the acquisition of different kind of equipment essential for the development of the Care Centre and in particular different training workshops (gardening workshops, music workshops, sports activities). From a formal point of view the start-up of the project ended in 2001.

The second one was the “Communauté thérapeutique in Santiago” - Pérou (UNODC AMH90) developed by the Association Luxembourg Pérou. The fund financed the project for an amount of 397,122 euros. The project focuses on the rehabilitation of girls and teenage girls in the street, with drug use problems and victims of the marginal life of the street, with a semi open therapeutic community with the aim of the reintegration in society. After these first experiences the fund financed the “Centre de traitement in Chiles” developed by the ONG Khiles Kinder asbl with the aim of build and equip a new centre for treatment and rehabilitation of drug addict people in Santiago. The City of of Conchalí gave the land and the operational costs will be funded by the Chilean State.

The third one was the Facility for “Accueil et traitement des toxicomanes Cap-Vert” funded in 2002 with 1 482 995 euros and developed by the ONG MAE/Luxdev. The Therapeutic Community de la Granja de S.Filipe CTGSF aims to improve of childcare and deal with drug addiction in Cape Verde. The project develops a residential therapeutic community on the Santiago Island. This therapeutic Community is provided with medical needs to deal and support the socio-professional reintegration of drugs addicted. The project also has training programs to address the lack of

qualifications in the field of weaning addicts addict and their accompanying psychotherapy.

Otherwise the most interesting project - for the reasoning of present research - of this type financed by the fund is related to the “Construction d’un local pour la communauté thérapeutique de réhabilitation et capacitation des filles et adolescentes de la rue” in Lima-Péru developed by the ONG Action pour un Monde Uni. This project was carried out in the district of Pachacamac, Lima Province in a metropolis of nearly 8,000,000 inhabitants. Since 2007 the AMU collaborates with the Instituto Mundo Royalty Lima, Peru for the development of new therapeutic centre for drug prevention. The project allowed the construction of a building (kitchens, sanitation, warehouse, infirmary, rest room) and a lab for production and sale of chocolate - equipment for a small chocolate lab for sale to the public, - the financing of human resources for this chocolate shop for a launch phase of two years. The project has a social dimension as it aims to help girls and adolescents abandoned during their rehabilitation process to drugs and alcohol. The centre offers a safe home, with quality infrastructure and is destined to street girls and teenagers aged 10 to 18, who live and sleep on the streets of the city and that have completely or partially severed ties with their families. They are in a state of moral and material abandonment; in general are drug users (mainly by inhalation). The majority of girls and adolescents have left school from an early age. Some can not read or write. This makes it difficult to continue training after rehabilitation from drugs. Therefore, it is necessary for their period of rehabilitation, the learning of a productive activity, for example, the production of chocotejas (typical chocolates Peru) or other laboratories. Generally the users of the facilities come from dysfunctional families, they

have often been the victims of physical abuse by their parents or parental figures; they have significant economic problems and a high rate of school dropout. They are boys and girls who run away from their original homes, following a series of circumstances. They have personality characteristics: low frustration tolerance, irritability, treasury deficit, distrust of others, problems with authority and exacerbation of sexuality and aggression. Not to be rescued from marginality and receive timely assistance, the future of these girls with antisocial behaviour, lack of education, lack of minimum rules of social coexistence, addiction to psychoactive substances such as inhalants ("terokal") and cocaine (PBC), early parenthood, sexual promiscuity, it is uncertain as beings humaines. On average, 70 girls every year are eligible for rehabilitation therapies. The centre will have a capacity of accommodation for 40 girls for a 18 months therapy program. The process of rehabilitation of girls consuming psychoactive substances requires a multidisciplinary and constant treatment. In this attention included: food, inn, and clothing. The treatment provides grouped and individual psychological therapies as well as training and capacity building in the workshops of two types: therapeutic and productive.

The second type of projects funded is related to Alternative Development Projects in rural areas. The first project with societal, economical, environmental and spatial outcomes and impacts funded through the previous mentioned fund is the Alternative Development Project in Peru. For the project implemented by the NGO Eng Bréck mat Latäinamerika the Fund has agreed to fund up to a total amount of € 1,134,495. The target areas were the valleys of Vilacamba, Maranura, Huayopata characterized by the presence of coca cultivations. The Luxembourg fund financed the second phase of the project, an extension of a first project supported by

the European Union and the Ministry of Foreign Affairs. The main aim of the project was the active substitution of the coca cultivations by other more profitable crops. The purpose of the project was consolidating and fostering the alternative development practices that have emerged in the first part of the project. The beneficiaries of this project primarily were the farmers living in the valleys mentioned above, around 1,500 families. The project started in February 1999 and the planned project duration was five years. In 2001 the various project activities were organized along the lines of action developed over the previous two years. Development of infrastructure for irrigation was one of the cornerstone of the project: 26 415 m of pipes installed in nine beneficiary communities have increased 90 ha irrigable area to benefit 171 families. This action enables the grounding of cultivations more water demanding than coca crops. Coffee crop plants launched in previous years have replanted in 65 ha with seedlings of premium coffees. Coffee plantations replaced 10 hectares of coca crops. In addition 25 hectares of new coffee plantations were installed. To diversify crops were encouraged on new irrigable land pulse crops, corn, grains and herbs. Officials have also begun to spread the production of fruit tree seedlings that could replace coca on steep slopes as long as irrigation is available to support traditional livestock. As for cattle and sheep disease parasites were controlled, a special emphasis was placed on raising chickens. To organize the marketing of coffee, 4 cooperatives were formed. 25 municipal women's organizations (clubes de madres) with 258 members participate in different levels. 8 youth associations with 167 members raised new initiatives and participate in special training. According to the report obtained by the NGO, the project results have been positive and meet the expectations. Otherwise the relations between project officials and residents of the three valleys

were not always easy, especially when they find out a considerable drop in coffee prices on the international markets while coca sales prices are increasing.

After this first project Luxemburg funded many other Alternative Development Program across the World using the proceeds of crime. In 1997 funded with 411828 euros the project UNODC (LAOC85) in Nonghet / Xiengkhouan -Laos, with 184169 euros funded the UNODC (VIEB09) project in Vietnam. Again In 1998 funded with 823 655 euros the UNODC (LAOC99) Alternative Development Program in Nonghet / Xiengkhouan - Laos. In 2000 with 104192 euros funded the UNODC (VIEF21) Alternative Development Program in Vietnam and with 164731 euros the UNODC (LAOC99) Alternative Development Program in Laos (Xiengkhouang). Again in 2001 with 270000 euro the UNODC (VIEF21) Alternative Development Program Vietnam, in 2002 the UNODC (LAOC99) Alternative Development Program in Laos (Nonghet / Xiengkhouang) with 150000 and with 300000 euro the UNODC (RASG22) Projet de réduction du Sida China, Myanmar in Vietnam. In 2003 the fund financed the extension of the last UNODC project in Laos with 277402 euro, in 2003 with 314 826 euro funded the UNODC (LAOD35) Programme de développement alternatif in Houaphan - Laos, in 2006 with 691871 euro the UNODC (LAOH98) Programme de développement alternatif again in Houaphan - Laos, in 2011 with 988 386 euro the UNODC (LAOK46) Projet de développement alternatif à Phongsaly - Laos, in 2013 with 328 639 the UNODC (LAOK44) Projet de développement alternatif à Houaphan - Laos. To better understand the real circumstances (final cause, efficient cause, material cause, cause, boundaries, measures, methods and materials) we can extract these information from the processes in Laos in the period

between 1997 and 2014.

The Lao People's Democratic Republic is located at the hub of the Mekong Sub-Region, and was part of what was once the largest opium producing area called the "Golden Triangle". The country is surrounded by a porous 5,038 kilometres border with the other five countries (China, Cambodia, Myanmar, Thailand and Vietnam) of the Mekong Sub Region. In 1975, with the end of the Indochina War, the Lao PDR was established. In 1986, the country adopted the New Economic Mechanism by which the country expanded its economy from central Planning to a mixed system that encourages private enterprise. To stimulate it, the Government has been reworking its legal framework supported by a new Constitution adopted by the National Assembly in 1991 that guarantees fundamental private rights. Since then, national economic growth has averaged 6% except when briefly interrupted in 1997 due to the Asian Financial Crisis. This has enabled the Lao PDR to expand its road system with several highways traversing the country (some part of the Asian Highway), build four bridges across the Mekong (with more planned), and undertake large hydropower schemes. The Lao PDR has expanded its international contacts during this time, such as by joining ASEAN in July 1997. In relation to drug control, the country entered into a Memorandum of Understanding (MOU) with UNODC in 1993 to implement its Regional Action Plan to reduce drug use. After the Lao PDR participated in the United Nations General Assembly's 20th Special Session (UNGASS) on the World Drug Situation in 1998, the Government formulated its Balanced Approach to Opium Reduction the following year that led to opium being eliminated in the country. Despite this progress, the Lao PDR remains a Least Developed Country with 80% of the people subsistence farmers and 4 of its 6.7 million people living on

US\$2 or less per day. Progress is being made in meeting the country's aim of emerging from least-developed status by 2020. Opium cash cropping developed in the Lao PDR during the colonial period. By 1990, the Lao PDR was the third largest producer of illicit opium and had the second highest rate of addiction in the world. However, through its first Drug Control Programme (1994-1999) and the ensuing Balanced Approach to Opium Elimination (2000-2005), the Lao PDR reduced opium significantly. On the 14 February 2006, the Lao PDR officially announced its success in significantly reducing opium production and consumption. LCDC-UNODC opium surveys report that from 1997/1998, a total of 2,056 villages were engaged in poppy cultivation on 26,837 hectares, this dropped to less than 1,500 hectares in 2007 or a reduction of over 94%. Declines in opium production and availability have however resulted in the price of opium rising to about \$1,300 per kilogram from US\$80 in 2000. Otherwise from 2006 to 2012, South East Asia has seen opium poppy cultivation growing more than double. In the Lao PDR opium poppy cultivation areas increased from 1500 ha in 2007 to 6800 ha in 2012. The main framework related to the Lao Alternative Development program are: for the years 1994-2000, the National Drug Control Programme (gradual and balanced approach to drug control with an emphasis on Alternative Development), for the years 2000-2006: The Balanced Approach to Opium Elimination (alternative development, demand reduction & law enforcement), for the years 2006-2009 the National Programme Strategy for the Post-Opium Scenario and The Action Plan targeting 1,100 poorest priority villages (Alternative development, demand reduction, civic awareness & law enforcement linked to 6th National Socio-economic Development Plan as a poverty reduction focused programme), for the years 2009-2013 the National Drug Control Master Plan (comprehensive). The National Drug

Control Master Plan provides policy direction for the National Steering Committee to Combat Drugs which was appointed by the President of the Lao PDR in October 2001. These projects responds to the development priorities of the previous mentioned framework and of the seventh National Socio-economic Development Plan (2011-2015) as well as attainment of the Millennium Development Goals. To ensure the sustainability of opium elimination, the government of the Lao PDR has developed a Comprehensive National Drug Control Master Plan 2009-2005 and has extended its period to 2015. The projects support the National Drug Control Master Plan 2009-2013. The aim of the masterplan is the sustained elimination of illicit opium production and consumption by focusing on developing food security and poverty alleviation through a community centred development approach. This last projects in Laos applies an integrated approach providing alternative livelihood development in particular the transfer of technology and skills training to increase farm productivity, connection with markets, complementing this by improving basic village infrastructure development and access to micro credit/finance.

4.8.2. Learning from Luxembourg

The social reuse practiced in Luxembourg is based on the injection of funds from the sales of criminal assets in the communities and territories marked by the criminal footprint with the main aim to provide new option of development for people, community and territories affected by an enrooted presence of criminal organizations. The cases are strictly connected with the international cooperation for development sciences; otherwise they can be useful for the extension of the learning set of the model developed in present research. From the cases analysis it's possible to distinguish two types of project with a spatial dimension: the settlement

of facilities for the treatment of young people affected by poverty and drugs in urban areas and Alternative development interventions in rural areas. Both types of intervention have a spatial and productive dimension. If on one side the treatment facilities use production laboratories to give to abandoned young new sustainable living project and horizons through the economic and social integration that move away from crime, on the other side alternative development programs enable new forms of productivity in rural areas marked by the presence of organized crime and giving to farmers and communities new sustainable development options. This form of sustainable development is based on the alternative livelihoods model adopted by UNODP⁶⁹. The sustainable livelihoods idea was first introduced by the Brundtland Commission on Environment and Development as a way of linking socioeconomic and ecological considerations in a cohesive, policy-relevant structure. The 1992 United Nations Conference on Environment and Development (UNCED) expanded the concept, especially in the context of Agenda 21, and advocated for the achievement of sustainable livelihoods a broad goal for poverty eradication. It stated that sustainable livelihoods could serve as an integrating factor that allows policies to address development, sustainable resource management, and poverty eradication simultaneously. Most of the discussion on Sustainable Livelihood so far has focused on rural areas and situations where people are farmers or make a living from some kind of primary self managed production. In a classic 1992 paper, "Sustainable Rural Livelihoods: Practical concepts for the 21st Century",

69.Lasse Krantz (2001), The Sustainable Livelihood Approach to Poverty Reduction, Sida - Swedish International Development Cooperation Agency - Division for Policy and Economic Analysis;

Robert Chambers and Gordon Conway proposed the following composite definition of a sustainable rural livelihood:

A livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living: a livelihood is sustainable which can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation; and which contributes net benefits to other livelihoods at the local and global levels and in the short and long term.

Of the various components of a livelihood, the most complex is the portfolio of assets out of which people construct their living. This portfolio includes tangible assets such as stores (e.g., food stocks, stores of value such as gold, jewellery, cash savings) and resources (e.g., land, water, trees, livestock, farm equipment), as well as intangible assets such as claims (i.e., demands and appeals which can be made for material, moral or other practical support) and access, which is the opportunity in practice to use a resource, store or service or to obtain information, material, technology, employment, food or income. A distinction is made between environmental sustainability, which refers to the external impact of a livelihood on other livelihoods, that is its effects on local and global resources and other assets, and social sustainability, which concerns the internal capacity of a livelihood to withstand outside pressure, that is to cope with stress and shocks and retain its ability to continue and improve over time. Stresses are defined as pressures which are typically continuous and cumulative and therefore to some extent predictable, such as seasonal shortages, rising populations or declining resources, while shocks are impacts which are typically sudden, unpredictable and

traumatic, such as fires, floods and epidemic.

This seminal paper by Chambers and Conway had the great merit of clarifying the concept of sustainable livelihoods and its constituent parts. Their treatment of the subject was rather general, however, and since then much effort has gone into refining the SL concept further, both analytically and operationally. Particularly significant in this context are both the contributions made by researchers connected to the SL Research Programme of the Institute for Development Studies (IDS) at the University of Sussex, Brighton, UK, and the work within the British Department for International Development (DFID) of operationalizing the SL concept and approach, building upon the definitions and conceptual elaborations of IDS but modifying them according to its own practical needs. According to the cases analysed, the alternative development programs funded by Luxemburg reflects the sustainable livelihoods model of UNDP. The Sustainable Livelihood development is part of UNDP's overall Sustainable Human Development (SHD) mandate, adopted in 1995. The mandate includes: poverty eradication, employment and sustainable livelihoods, gender, protection and regeneration of the environment and governance. The SL approach is one way of achieving poverty reduction, though there are also other strategies being pursued within the organization (e.g. macroeconomic growth, community development, community-based natural resource management, etc.). As one of UNDP's corporate mandates, sustainable livelihood offers both a conceptual and a programming framework for poverty reduction in a sustainable manner. Conceptually, "livelihoods" denotes the means, activities, entitlements, and assets by which people make a living. Assets are defined as: natural/biological (land, water, common-property resources, flora, fauna), social

(community, family, social networks), political (participation, empowerment – sometimes included in the ‘social’ category); human (education, labour, health, nutrition); physical (roads, clinics, markets, schools, bridges); and economic (jobs, savings, credit). The sustainability of livelihoods becomes a function of how men and women use asset portfolios on both a short- and long-term basis. Sustainable livelihoods are those that are: able to cope with and recover from shocks and stresses through adaptive and coping strategies; economically effective; ecologically sound, ensuring that livelihood activities do not irreversibly degrade natural resources within a given ecosystem; and socially equitable, which suggests that promotion of livelihood opportunities for one group should not foreclose options for other groups, either now or in the future. On the basis of the information collected the main outcomes of the social reuse of criminal proceeds in Luxembourg are based on the Alternative Rural Livelihood Framework UNODC. If on one hand the final causes are poverty reduction, extension of freedom, make farmers being able to cultivate plantations different from coca or opium and the material cause are means, activities, entitlements and assets (natural/biological, social, political, human and economic), on the other side the out-comes could be organized as: Community Development, Skill Training, Technology Transfer, Micro Finance, Improved Market, Basic Infrastructure, Environmental Protection, Security Rule of Law, Agricultural Development, Health, Gender Equality, Education. These outcomes can be gathered in three domain: Society, Environments, Economies. The Outcomes the leads from the societal creation of value, to the economical creation of value are: Community Development, Skill Training, Technology transfer, Micro Finance and Improved Market and concern basically the redefinition of processes. The Outcomes Improved Markets, basic Infrastructures, Environmental Protection, Security,

Rule of Law and Agricultural Development, leads from the economical creation of value to the environmental creation of value and concerns the conceiving, management and exploitation of resources.

TABLE 6: ALTERNATIVE DEVELOPMENT PROJECTS FUNDED WITH CONFISCATIONS (1/3)

ID	Year	Name	Actors	Location	Geographic Region	Funds
98/06	1998	Project of Alternative Development in Perou	ONG Eng Breck mat	Pérou	Pérou	1 134 495
99/01	1999	Centre de soins pour toxicomanes au Chiapas Mexique	Agent de la Coopération	Chiapas	Mexique	24 790
01/12	2001	Centre de soins pour toxicomanes au Chiapas (suite du projet 1/99)	Agent de la Coopération UNODC MEXF84	Chiapas	Mexique	214 150
02/26	2002	Communauté thérapeutique Pérou	Association Luxembourg Pérou	Nd.	Pérou	311 736
06/02	2006	Centre de traitement Chili	Chiles Kinder asbl	Chiles	Chiles	314 145
10/07	2010	Construction d'un local pour la communauté thérapeutique de réhabilitation et capacitation des filles et adolescentes de la rue Lima-Péru	Action pour un Monde Uni	Peru	Pérou	320 612
02/06	2002	Accueil et traitement des toxicomanes Cap-Vert (communauté thérapeutique de la Granja de S.Filipe CTGSF)	MAE/Luxdev	Granja de S.Filipe	Cap-Vert	1 482 995
97/26	1997	Programme de développement alternatif Laos (Nonghet / Xiengkhouang)	UNODC (LAOC99)	Nonghet/ Xiengkhouang	Laos	823 655

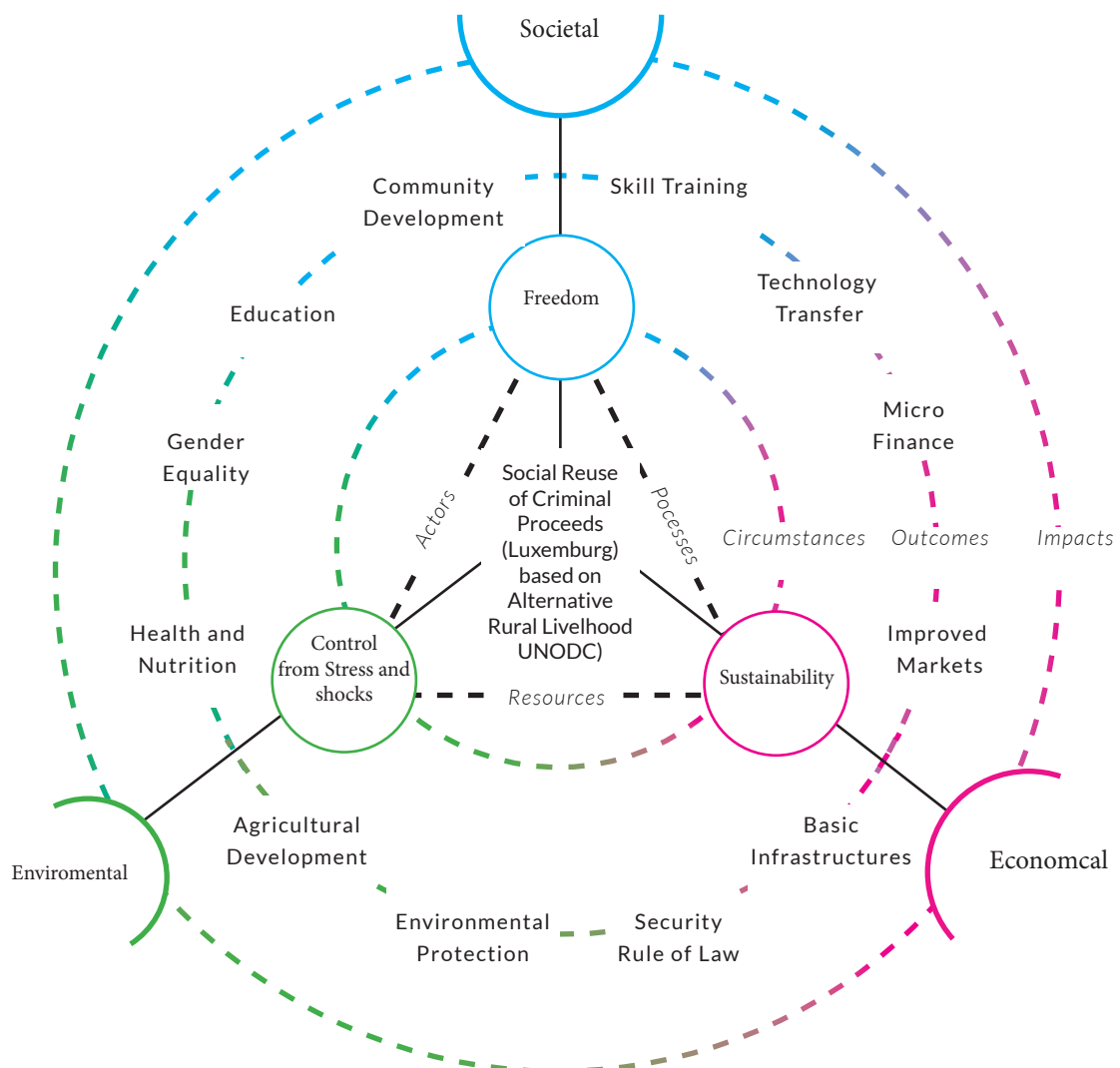
TABLE 7: ALTERNATIVE DEVELOPMENT PROJECTS FUNDED WITH CONFISCATIONS (2/3)

ID	Year	Name	Actors	Location	Geographic Region	Funds
97/27	1997	Programme de développement alternatif Laos (Oudomxay)	UNODC (LAOC85)	Oudomxay	Laos	411 828
97/28	1997	Programme de développement alternatif Vietnam	UNODC (VIEB09)	Nd.	Vietnam	184 169
00/05	2000	00/05 UNODC (VIEF21) Programme de développement alternatif Vietnam	UNODC (VIEF21)	Nd.	Vietnam	104 192
00/12	2000	Programme de développement alternatif Laos (Xiengkhouang)	UNODC (LAOC99)	Xiengkhouang	Laos	164 731
01/16	2001	Programme de développement alternatif Vietnam	UNODC (VIEF21)	/	Vietnam	270 000
02/09	2002	Programme de développement alternatif Laos (Nonghet / Xiengkhouang)	UNODC (LAOC99)	Nonghet/ Xiengkhouang	Laos	150 000
02/25	2002	Projet de réduction du Sida China, Myanmar, Vietnam	UNODC (RASG22)	Myanmar	Vietnam	270 000
03/03	2003	Prolongement du projet 98/21 au Laos	UNODC (RASG22)	nd.	Laos	277 402
03/12	2003	Programme de développement alternatif Laos (Houaphan)	UNODC (LAOD35)	Nam Ham - 21 villages, Nam Ven - 27 villages	Laos	314 826
06/16	2006	Programme de développement alternatif Laos (Houaphan Province)	UNODC (LAOH98)	Xamneua (8 villages) and Xamtai (19 villages)	Laos	691 871

TABLE 7: ALTERNATIVE DEVELOPMENT PROJECTS FUNDED WITH CONFISCATIONS (3/3)

ID	Year	Name	Actors	Location	Geographic Region	Funds
11/03	2011	Projet de développement alternatif à Phongsaly Laos	UNODC (LAOK46)	Khoua, Mai and Samphan Districts of Phongsaly Province	Laos	988 386
13/04	2013	Projet de développement alternatif à Houaphan Laos	UNODC (LAOK44)	Khoua, Samphan and Mai districts	Laos	Not Ended
14/03	2014	Programme de développement alternatif Houaphan Laos	UNODC	Houaphan	Laos	Not Ended

FIG. 22: SOCIAL REUSE OF CRIMINAL PROCEEDS - LUXEMBURG CASES



4.9. Social Reuse in Poland

The Criminal Code and the Criminal Procedure Code regulate the management of seized and confiscated assets in Poland. Assets are seized within the preparatory proceedings or judicial proceedings (arts. 291 and 292 Criminal Code). If the Court convicts the accused, the Judicial Enforcement Officer manages the assets. Art. 232 of the Criminal Procedure Code states that material objects which are perishable or whose storage would entail unreasonable expenses or excessive hardship or would significantly impair the value of the objects may be sold without an auction by an appropriate trading unit. Seized assets are managed by the Court or by the state prosecutor if the seizure takes place in the preparatory proceedings. Such a seizure determines the scope of the security and the manner in which the assets are secured. It should be pointed out that the security is cancelled if a not-guilty verdict is rendered. If the accused is found guilty, the Court manages the assets in accordance with the Civil Procedure Code. Legislation governing the disposal of confiscated assets includes the Criminal Code, the Executive Criminal Code and the Code of Civil Procedure. The Executive Criminal Code provides that disposal of confiscated assets is based on the Code of Civil Procedure. Arts. 758 to 1088 of the Civil Procedure Code state that the judicial enforcement officer is responsible for the disposal of confiscated assets. The existing options that concern the social reuse in Poland are:

- social re-use by state institutions and local authorities (art. 52 Criminal Code);
- social re-use by NGOs: for some crime types the court is obliged to impose monetary sanctions, whose value is then transferred to NGOs. Such crimes are traffic accident offences, bodily harm,

etc. (arts. 47-49 Criminal Code).

According to this legislative framework, the case analysis of present research found no evidence of social reuse that concerns spatial products. For this reason no case from Poland were used for the model.

4.10. Social reuse in Slovak Republic

In Slovak Republic the main regulation that rules the confiscation of propriety within criminal proceedings is the Criminal Code. The option of seizing assets outside criminal proceedings is regulated by Act no. 101/2010 Coll. on the Proof of Origin of Funds. The management of seized and confiscated property is regulated by Act No. 278/1993 on Administration of State Property. Property is administered by a temporary trustee, which is a district office based in the capital of the region on whose territory the property has been seized. The district office is part of the state administration and reports to the Department of Public Administration at the Ministry of Interior, which guides, coordinates and supervises district offices' activities. There are no provisions to prevent the deterioration of property or to maximize its value..

The key legal acts governing the disposal of confiscated assets are: Act no. 278/1993 Coll. on the Administration of State Property (tender obligation for state or state-funded bodies; procedures for the sale of state assets; procedures for the lease of state assets; procedures for the handling of unusable assets); Act no. 101/2010. The existing disposal options include: renting (for free or for a fee): the former is often applied with respect to state organisations, municipal or regional self-governments, public institutions or non-profit organisations. There is no central body

responsible for managing and coordinating the entire disposal process; When the property is registered, it is appraised and submitted to a commission which decides on its further disposal (i.e. re-use or liquidation). If the property is reusable, the commission issues a proposal regarding its further use. The final decision is made by the district office's head clerk, who usually respects the commission's proposal. As a rule, the property must first be offered to state organisations that could effectively use it to perform their duties within the particular region. As far as real estate is concerned, the interested party must demonstrate that it needs the property to perform its duties and must pledge to use it as such for at least five years. The pre-emptive right of State organisations does not apply to movable property whose value does not exceed 10,000 €. If no institutional organisations show interest, the district office holds a public tender or an electronic auction to sell it; the property is transferred to the bidder who offers the highest price. This procedure is not used with respect to immovable property intended for the purpose of providing social care, health care or education; in these cases, district offices are not obliged to hold an auction. The district office may also decide to donate movable property to non-profit organisations operating in the fields of health care, social assistance, humanitarian care, protection of cultural values or education. The basic condition for such a transfer is that the transfer must perform specified activities for at least one year. Movable property may also be donated to municipal or regional self-governments, as well as to humanitarian aid abroad. Although civil society subjects are among potential recipients of confiscated criminal assets, they do not participate in any way in decision-making processes regarding their disposal. Due to this legislative decentralized framework and as a result of the absence of a single database this research has not

found useful data to extend the learning set for the development of the model. For this reason no case coming from Slovak Republic was used for the definition of the model.

4.11. Social Reuse in Slovenia

Slovenia applies conviction-based confiscation regulated by the Criminal Code (enacted in 2008; amended in 2008 and 2011), and non-conviction based confiscation under the Forfeiture of Assets of Illegal Origin Act (ZOPNI), which has been in force since May 2012. With respect to management of seized assets in cases of conviction based confiscation, the Criminal Procedure Act (CPA) provides that the court which ordered the storage of seized items or property equivalent to the value of the proceeds must take very rapid action. If the storage of the seized items entails disproportionate costs, or if the value of the property or items is decreasing, the court may order the property to be sold, destroyed or donated for public use. Regulations on the procedures for the storage, management and sale of property of illegal origin in cases of non conviction-based confiscation were adopted on the basis of the ZOPNI. This regulates the storage, management and sale of confiscated property depending on the type of property. The key legal acts dealing with disposal of confiscated assets are these: the CPA, the ZOPNI, Regulation regarding records in the field of confiscation of property of illegal origin, Regulation on the procedure for the management of seized items, assets and securities, and Regulation on the procedures for storage, management and sale of assets of illegal origin. The following disposal options are envisaged: transfer to state institutions or local authorities: pursuant to art. 13 of RPMSIAS such transfer of assets to State's organisations is an option if they can

show that they need the assets for their activities.

According to the previously described legislative framework assets may be transferred to NGOs if sale is not possible or if the costs of the sale would exceed the value of the property, or if the organisations show that they need the property for their activities. Moreover, art. 37 of the ZOPNI specifies that the secure storage and management of temporarily secured, temporarily forfeited and permanently forfeited assets of illegal origin shall be the responsibility of the following bodies:

- Capital Asset Management Agency of the Republic of Slovenia: for equity securities under the act governing the financial instruments market and equity holdings in companies;
- Ministry of Finance: for other financial assets;
- Customs service: for movable property;
- Farmland and Forest Fund of the Republic of Slovenia: for agricultural areas and forests;
- Public Real Estate Fund of the Republic of Slovenia: for other real estate

The Farmland and Forest Fund of the Republic of Slovenia SKZG Republic is established by the State 11. 03. 1993 with a view to manage and dispose of farmland, farms and forests, which are owned by the government. The fundamental objectives of the Fund are defined in the Act SKZG RS the “Slovenian agriculture and development program of Slovenian Forests”. Their primary purpose is to care for the rational use of and environmental

value of agricultural land, farms and forests. In accordance with agricultural policy the Fund may grant the lands owned by the State. The Fund is subject to the recovery of agricultural land, farms and forests to former owners in accordance with the regulations on denationalization. Due to the absence of a public database of destinations, the real use provided by the entities currently manage assets with a social purpose is not being analysed by present research. Otherwise in accordance with the purposes of this research the destination of the property to a specific public body in charge of promoting the productive reactivation of the lands and redistribution of the use of the assets to several local players may be ranked as a practice useful for the development of the model.

4.12. Social Reuse in Spain

The Social Reuse in Spain is regulated by the Law n. 17 of 29 May 2003 that abrogated and develops the original Law n.36/1995 (Ley del Fondo) and established the “Fondo de bienes decomisados por tráfico de drogas y otros delitos relacionados” referring to assets confiscated in drug cases and drug contraband. This law provides for the reuse of assets, proceeds and instruments that are confiscated and become property of the State on the basis of final court decisions on drug trafficking. This special framework is adopted in fact only for proceeds of crimes related to drug trafficking. All confiscated assets are disposed of (sold or leased free of charge) and the money are transferred to the Fund of confiscated assets from drug trafficking and related offences that is managed by the Delegation. The sums collected annually are used for financing projects within the Anti-drug Strategy – National Plan for Drugs – public policy since 1985, through a request for project proposals, once a year. The

money from the Fund is a small part of the total funds of the Anti- drug Strategy: local authorities also finance the fund. The aims of the transfer of funds are:

1. to finance programmes for drug addiction prevention, assistance to drug addicts and their social and occupational rehabilitation;
2. to promote and improve measures to prevent, investigate, prosecute and repress drug related crimes;
3. to promote international cooperation against drugs.

The sums collected to the Fund are used for financing the following types of projects developed by NGOs in relation to the Anti-drug Strategy - the National Plan for Drugs:

1. Prevention;
2. Raising awareness;
3. Training;
4. Family therapy for people affected by drug addiction;
5. Improvement of management and transparency of NGOs;
6. Studies and research;
7. Maintenance and support for coordination structures;

The Coordinating Bureau for Allocation (Mesa de Coordinación de Adjudicaciones) within the Ministry of Health is the key actor aimed at identifying the assets to be allocated to the Fund and adopting decisions with regards to their destination to beneficiaries. The beneficiaries of

the proceedings are the Law Enforcement Agencies involved in actions against drugs and narcotics; NGOs and non-profit associations working in the field of drug consumption; regional and local governments and authorities; the Government Delegation.

4.12.1. Implementation

According to the purposes of present research, the most important case that concerns the social reuse of spatial products confiscated from criminal organizations is related to the Pazo Bayón propriety. The main activity of the business is to cultivate vine and to produce Pazo Bayón wine. The property (287 hectares) was bought in 1978 as proceeds from drug trafficking by a drug dealer, Laureano Oubiña. The judiciary process started in 1994, the first sentence was pronounced in 2002 and the final sentence was pronounced in 2004. The enterprise was under judicial administration for the whole interval. This case became a symbol of the fight against drug trafficking in Galicia due to social interest and a constant presence in mass media. It led to an important civil movement against drug trafficking and for the care and rehabilitation of people affected by drug addiction. In 2006 the National Court decided to approve the accounts presented by the judicial administration of the companies and to transfer the companies Oula SA and Albarino Bayon SL, as well as Pazo Bayón property, to the Fund of confiscated assets from drug trafficking and related offences. Measures were taken for the disposal of those assets: the General Shareholders' Meeting was established for the confiscated companies; an administrator was appointed to enforce the management of the asset after the final confiscation and in this period (2001- 2008) the exploitation lease signed with Freixenet SA continued; the Pazo Bayón property was evaluated 8,693,972.66 euro: the value of the two

companies were evaluated separately from the property and an award commission was established for the sale of the assets. The elements that were taken into consideration in the competitive sale of the assets were:

- To prevent assets from returning to or being used for drug trafficking;
- Four years in the vinery field and 5 million euro average annual income as eligibility condition for admittance to the auction;
- Not only economic criteria for assignment, but also social orientation and prupose;
- Criteria: transparency, objectivity, quantifiable.

Assignment criteria:

- 45% Price: maximum score for an increase by over 50% of the auction's starting price.
- 20% Commitment to take further the business and the wine brands for at least 15 years.
- 20% Commitment to sign temporary contracts (for processing, bottling etc.) with people who completed a rehabilitation program for drug addiction: maximum score for at least 400 days per year, for 15 years.
- 15% Commitment to make annual contributions to the Fund: the highest score, a contribution of at least 5 % of the annual income from selling Pazo Bayón wine, for 15 years

The 20 June 2008 ended the deadline for submitting bids, and on June

23 of 2008 the commission revealed that the winner of the auction had been cooperative Cambados Counts Albarei which offered 15.102 million euros by the rustic property. The sale was formalized on July 16 of 2008, after which the winery has become the holder of the highest number of hectares of Albariño in the entire region .

The sale:

- Offers that met the requirements: 5 economic operators (Viña Izadi, Marqués de Riscal, Martín Codax, Condes de Albarei and Freixenet).
- Winner: Condes de Albarei (€15,102,000.00).
- Contract signed in July 2008.
- Guarantee for fulfillment of social criteria: € 600,000

After the acquisition of the Palace, the winery Counts Albarei began in September of 2008 an investment of ten million euros to make the land more profitable. Within this project the aim was to build a receptive centre for visitors and prepare the winery to produce wine in it a higher-end, which is intended to develop 160,000 bottles of wine per year target. Besides investing to increase the profitability of vines, its new owners planned to rehabilitate all the buildings of the property. The renovation project was designed by Cesar Portel, with the aspiration to turn the Palace into a centre of wine that attracts 50,000 visitors a year and operating in 2010, coinciding with the Jacobean Holy Year. According to the description provided by the architect involved in the transformation:

“Baión Manor and its grounds are a constant example of mixing, diversity

and complexity, and of complementarity between geography and history, nature and artifice, past and present, the cultured and the popular, rural and urban, reason and beauty, the productive and the fun, stone and vegetation, earth and water. In the compact world of this manor, everything is essential and exudes nature. Even the more artificial aspects are quickly assimilated and integrated by the whole, so much so that everything in it, even the mighty buildings or the stone walls that it contains, seem to be rooted in the soil and emerge from it with the naturalness of wildflowers. Throughout this project, which has lasted almost three years, I have constantly sought inspiration, wondering over and over what could I do to make it a success, and again and again I have invariably reached the same conclusion: my role here should be more of a craftsman who renovates and replaces, who composes, brings order, restores and makes sense of what exists, rather than that of an artist who starts from scratch in a new process, leaving behind the wealth accumulated over time, now relegated to oblivion. Time and again I sensed that my attitude should be something similar to that of a craftsman who attempts to recover and restore while not avoiding introducing new concepts or more advanced methods that facilitate and enhance the production, processing and storage of wine. I would not give up the mysteries of invention and innovation and would respect, not forget, the positive aspects of the past; I would not turn my back on modernity, the future and utopia”⁷⁰.

In June 2011 completed the first part of the reform, which involved an investment of five million euros, and affected 5,000 square meters of

70. Portela C. (N/A), “Plan for the redevelopment of the Pazo Baión”. Available from www.césarportela.com/actuaciones-en-pazo-baion, section “Espacio Público”, page “Actuaciones En Pazo Baion”, [Accessed 5 May, 2015].

buildings and three hectares of land outdoors⁷¹. Thus, the old cellar became a ballroom, the likeness of which already have the winery Counts Albarei in Castrelo, or Martín Códax in his cellar Vilariño Frío. To renew the image of the Palace and move away from their connection with drug trafficking, Counts Albarei summoned a contest⁷² to elect a new brand image, with a jury of Isaac Díaz Pardo, Cesar Portela, Antón Patiño, Francisco Leiro and José Manuel Casabella, director of ETSAC of Corunna. Such as explained the manager of the winery, Xavier Zás:

“This property must make a facelift. Right now we are writing a new page in the history of the palace and Baión contest started with a picture”;

To do so, the theme of the contest is free, although not accepted designs that have connotations with his past linked to drug trafficking. The prize will be 10,000 euros, with two runners 2,000. Brown Díaz said about it:

“This will be much more than a wine cellar, will be a company of international standing”.

Although initially the term was three months, the highest number of participants forced to delay the ruling until February 27, 2009⁷³. On that

71. Alfonso M. (2011) “*Baión reestrena su pazo*”, La Voz de Galicia. From www.lavozdeg Galicia.es/galicia/2011/06/24/0003_201106G24P8994.htm [Accessed 5 May, 2015].

72. Condes de Albarei (2008), “*Announcement of competition for the construction of the visual identity graphic design of Pazo Baión*”. Available from https://app.box.com/shared/nz0s4qt5d1#BASES_IMAGEN_CORPORATIVA_PAZO_,

73. Alfonso M. (2009), “*Condes de Albarei recibe más de 400 propuestas para cambiar la imagen del pazo de Baión*” La Voz de Galicia. From http://www.lavozdeg Galicia.es/arousa/2009/02/07/0003_7512292.htm [Accessed 5 May, 2015].

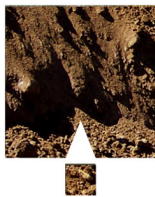
date 357 works examined the proposals⁷⁴, five of which went to the final stage. The authors of these works have been cited in the cellar for Friday 2 April to explain the details of its proposal⁷⁵. The winner was the Madrid designer Lucas Gil Turner, with his project Metamorphosis⁷⁶.

According with the description provided, the author intended metamorphosis as the process by which an object or entity changes shape. Transformation, mutation, transition, change are the main premise of

FIG. 23: CORPORATE IDENTITY RENOVATION - PAZO BAYÓN CASE STUDY

"Metamorphosis"

Designed by "Lucas Gil Turner"
Visual representation of
Pazo Baion's renewed brand
identity after confiscation



Metamorphosis. The design aims to capture the idea of transformation experienced by Pazo Baión. A necessary mutation, symbol of new times.

74. Alfonso M. (2009), *"El jurado elegirá entre cinco obras la nueva imagen del pazo de Baión"*. La Voz de Galicia. From http://www.lavozdegalicia.es/arousa/2009/02/28/0003_7558596.htm [Accessed 5 May, 2015].

75. La Voz de Galicia (2009), *"El ganador del concurso de imagen, a principios de abril"*. La Voz de Galicia. From http://www.lavozdegalicia.es/arousa/2009/03/25/0003_7611546.htm [Accessed 5 May, 2015].

76. Martínez Anxo (N/D), *"El nuevo logotipo del pazo de Baión incide en la idea de borrar el estigma del narcotráfico"*. Faro de Vigo. <http://www.farodevigo.es/portada-arousa/2009/04/04/nuevo-logotipo-pazo-baion-incide-idea-borrar-estigma-narcotrafico/313408.html> [Accessed 5 May, 2015].

The project begins with the sign of the Puerta del Pazo, the access point. A door open to change, a new door that opens to everyone. Metamorphosis open to the point. Graphically Metamorphosis develops itself through various elements. First, a formal transformation. It is caused by mutation of the square to the circle. A transformation of grape stone, from earth to the organic. A change from the rigid to the fluid, solid to light. The second element is a colour mutation. A colour transformation that takes us from the earth colours to grape, from the colour of the stone to the vine. As a third element of design, the organic change that occurs in the process of winemaking. A transformation of the land to the strain of grape to wine. Finally, the only invariable element appears in the whole process of Metamorphosis, the merlon or battlement, as recognizable Pazo image Baión. Its characteristic is the shape and repetition, therefore remains unchanged.

The case shows evidences of a process in which the sale of the propriety have social clauses. The metamorphosis of the property confiscated from the crime is a success story and a good practice on the social and productive reactivation of confiscated spatial products. The confiscated asset is a castle with historical value, it's a landmark, and along with his land is a generator of landscape. The case shows that the assignment of the property for entrepreneurial activity meets the requirements of social action and of sustainability of the transformation. This sustainability allows the maintenance of the castle and the lands, avoids the abandonment, permit the employment of the people who come out of the drug addiction but it is also useful to finance a funds to implement active policies.

FIG. 24: CASE ANALYSIS OF PAZO BAION (1/3)

Spatial Renovation
Vilanova De Arousa, Pontevedra

Design: 2009
Construction: 2010
Design:
César Portela
Construction management:
César Portela
Surveyors:
Débora Fresno Rodríguez
Ana Castro Alonso
Collaborators
Magdalena Portela Campos, Ana Couto
Pérez, José María García Francisco,
Mª Teresa Moreira e Ribeiro, Sheila
Mª Blanco Durán, Fabián Estévez
Rodríguez, Gonzalo Sánchez Vidal, Mª
del Pilar Álvarez Tapia, Mª del Pilar
Taboada Iglesias.
Developer:
Adega Condes de Albarei, S.A.U.
Contractor:
Constructora San José, S.A.
Engineering:
Antonio Reboreda Martinez
Services:
Obradoiro Enxeñeiros, S.L.
Sculptures:
Sergio Portela



Heritage



Tourism Facilities



FIG 24: CASE ANALYSIS OF PAZO BAION (2/3)

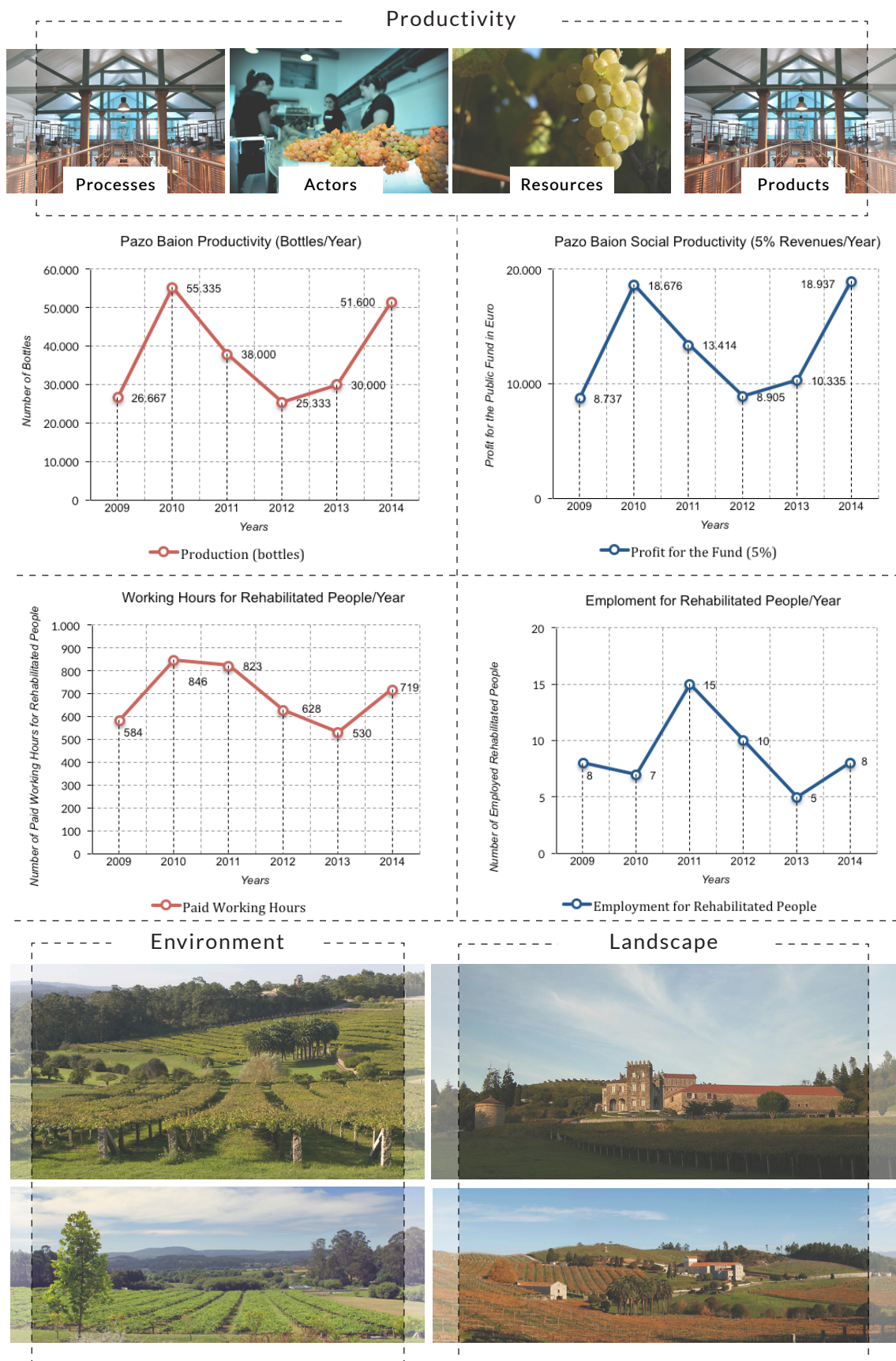
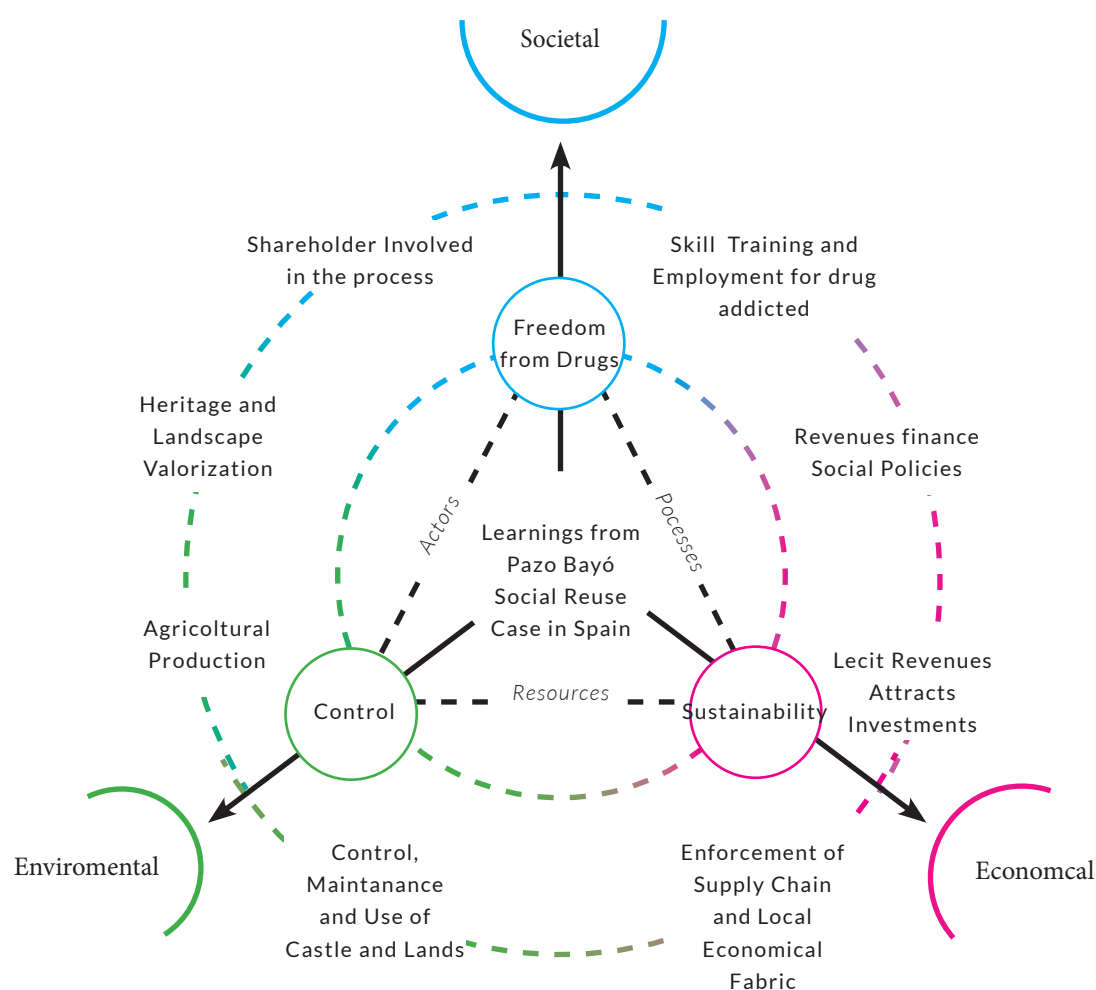


FIG 24: CASE ANALYSIS OF PAZO BAION (3/3)



Output: Contracts, Working Hours with people who completed a rehabilitation program for drug addiction, Production and Profit for the Fund - Pazo Bayon Case Study

Year	Employees	Paid Working Hours	Production (bottles)	Profit for the Fund (5%) in Euro
2009	8	584	26.667	8.737,44
2010	7	846	55.335	18.675,56
2011	15	823	38.000	13.414,00
2012	10	618	25.333	8.904,55
2013	5	530	30.000	10.335,00
2014	8	719	51.600	18.937,20
Total	53	4.120	226.935	64.130,24

4.13. Social Reuse in United Kingdom

Confiscation of proceeds from crime in United Kingdom is regulated by the Proceeds of Crime Act 2002 (POCA). The legislation and procedures are principally defined in the Proceeds of Crime Act 2002/90 known as “POCA 2002”, amended by “SOCPA 2005”. The restraining of assets that are the proceeds of crime through the criminal justice system is recent in the UK compared with other jurisdictions. Confiscation in UK can be made either :

- in criminal proceedings, normally following a conviction;
- in civil recovery proceedings.

The process of confiscation is predominantly value based. The UK actually has five different schemes for recovering the proceeds of crime:

- Confiscation;
- Deprivation;
- Seizure;
- Forfeiture of cash;
- Civil recovery.

These orders can be cast very widely and can be sought against innocent third parties in whose property the target has a legal or beneficial interest (e.g. joint bank accounts, jointly owned property, against recipients of “tainted gifts” and corporations). In the POCA there are certain management provisions aimed at optimising assets value/minimise their deterioration:

- Section 45 allows the seizure of property subject to a restraint to prevent its removal from England and Wales;
- Section 49 enables the management of the assets by “Receivers”.

A Receiver is appointed when the assets are of such a nature that they require active management and the defendant cannot manage the assets him/herself (e.g. is in custody/is not trustworthy). The court may confer on the receiver the following powers:

- power to take possession of the property;
- power to manage or otherwise deal with the property (which includes selling the property or any part of it/interest in it);
- power to start, carry on, or defend any legal proceedings in respect of the property;
- power to realise so much of the property as is necessary to meet the receiver’s remuneration/ expenses.

Managing the assets may include selling the property or any part of it or interest in it, carrying on or arranging for another to carry on any trade or business the asset of which are part of the property and incurring capital expenditure in respect of the property. The UK system is based on the fact that the actors that have the legal power to seek, restraint assets or execute freezing orders, are the prosecutors or sometimes an accredited financial investigator. These actors generally do not have the qualifications or experience necessary to make important decisions relating to the management of businesses or real estate etc. To avoid the deterioration and the loss of value, it is therefore necessary to appoint someone who

is experienced in such areas, for example an accountant or a receiver. The law takes in account of the fact that, if the defendant is acquitted, significantly depleted assets may be returned to the hand of the owner on the conclusion of proceedings and a restraint order alone is insufficient to prevent this dissipation of assets: a balance must always be found between the need to preserve and realise the owner's property, in order to allowing the defendant to continue with the ordinary course of his life and according to the fact that he can be innocence. For this reason the law provides that the court can exercise the discretion to appoint specialised enforcement management receivers in respect of realisable orders. The prosecutor makes the application to the Crown Court for the appointment of an enforcement receiver wherever the realisable assets include assets out of the jurisdiction, real property or assets held by and/or in the names of third parties (including limited companies). A management receiver is considered where the defendant's assets are of such a nature that they require active management and for example, the defendant is in custody and cannot manage the assets himself, or that the circumstances of the case suggest that the Court cannot trust him to manage the assets. Once appointed, the receiver is an officer of the court and may be separately represented on future hearings. Separate representation should only occur where there is a potential conflict between the receiver and the prosecutor. An obvious example of the appointment of a management receiver is when a "freezed" asset is an enterprise: in this case all process that characterize the business activities needs to stay active in order to preserve the value of the company. Another case related to real estate could be the management of a building in construction when occurs the seizure order. The appointment of a management receiver would protect the defendant's assets, manage and realise them pending the resolution of

the criminal case against him. The management receiver will continue to preserve and manage the assets until an enforcement receiver is appointed under a confiscation order (often it is the same individual), or there is no confiscation order, or an acquittal. The costs incurred by a defendant in mounting his defence to the criminal proceedings that he faces may not be met from the seized propriety. The fees of a management receiver will almost always be met from the estate under management rather than by the prosecutor on the basis of the criteria of reasonability and proportion. The main problem is the cost of management: the cost of the receivers often outweighs what is recovered. In general the rule in the UK is that there is no provision for payment of legal costs from restrained funds, although funding may be available pre-charge from the Legal Services Commission under the Access to Justice Act 1999. According to previous researches, issues of costs, time and complexity, arise also in civil cases.

The disposal options after the confiscation envisaged for confiscated criminal assets in the United Kingdom are the following:

- Incentivisation schemes to state institutions: cash from payment of confiscation orders (including those issued in the civil process) is returned to the state, it is then divided using the following agreed formula (according to previous research this formula is still divisive and causes conflict between agencies), based on the Home Office's Asset Recovery Incentive Scheme:
 - 50% is retained by central government and used by the Home Office to support its Police funds;
 - 18.75 % is given to the body that has investigated the case;

- 18.75 % is given to the Crown Prosecution Service;
- 12.5 % is given to the Courts Service;
- Incentivisation schemes to local authorities & NGOs: local councils have investigators for certain criminal activities not investigated by the police; this investigators pass the information to the police and, on the basis of a prior written agreement, will have a share of the money from the payment of confiscation orders which varies from case to case; moreover, other local agencies such as the Police can use their funds for local benefit if they choose to do so;
- Social Re-Use (Scotland): recovered criminal assets are invested in the “CashBack for Communities” programme, i.e. in community programmes, facilities and activities largely for young people at risk of turning to crime/anti-social behaviour as described in the next chapter;
- Restitution to victims: compensation orders can be made from confiscation orders.

The Home Office’s Asset Recovery Incentive Scheme, which was announced in 2004, sees 50 per cent of the money recovered as part of the asset recovery process is repaid to agencies including the police, courts, Crown Prosecution Service, Serious Organised Crime Agency and Her Majesty’s Revenue and Customs. The scheme is designed to reward past performance and drive up future asset recovery activity. The remaining 50 per cent contributes to core Home Office expenditure priorities, including policing and other asset recovery measures. From 1 April 2006 the Home Office

has paid back 50 per cent of recovered criminal assets to the police and other front-line agencies under the asset recovery incentive scheme. Police forces have invested, or plan to invest, most of the monies from the incentive scheme in further developing their asset recovery and financial investigation capacity, with the funding of Financial Investigator posts, money laundering teams and asset recovery operations. In addition funds have been used to tackle gun crime and criminal networks in London. The Metropolitan Police has also allocated around £500,000 to the Safer London Foundation, a registered charity, which distributes the funds to help a range of local community schemes. Other community initiatives across the country include road shows, prevention of doorstep crime, over 60s club, and provision of equipment for a faith based community centre. However, since 2007 the UK government has been promoting a scheme called Community Cashback, a multi-million pound fund, set up to spend on projects nominated by the public out of the proceeds of recovered stolen money. Successful bids will have to demonstrate good value for money and be related in some way to tackling anti-social or criminal behaviour locally.

4.13.1. **“Cashback for Communities” in Scotland**

Since 2007 the UK government has been promoting a scheme called Community Cashback. The Community Cashback scheme is an innovative use of recovered criminal assets that will see up to GBP 74 million reinvested locally for the benefit of communities in Scotland. The CashBack for Communities Programme, introduced in 2007, takes money recovered from the proceeds of crime and invests it directly back into Scotland’s young people and the communities they live in. According to the information retrieved in the website, the programme funded 1.5 million activities

through the development of a number of strong and wide partnerships over the past six years with Scottish sporting, arts, education, business, community and youth organisations. The CashBack for Communities Programme not only gives young people something positive and fulfilling to do but it is helping to reduce crime and antisocial behaviour by diverting the small minority who cause trouble away from such behaviour. CashBack for Communities provides a wealth of activities for Scotland's young people, offering opportunities that simply would not have existed without its support and funding local projects that continue to make CashBack for Communities such a nationwide success. The main actors involved in the process are: the Scottish Government, the Scottish Courts Service, the Crown Office, The Procurator Fiscal's Service, and other Law Enforcement Agencies; the beneficiaries are local communities with a special focus on youths (although not exclusively). The main actions of the programme are related to culture, employability, sports, sport for young and youth works.

The ill-gotten gains of crime collected on the base of the Proceeds of Crime Act 2002 related to "criminal conduct, unlawful conduct or money laundering" are invested in the "CashBack for Communities" programmes for social reuse. The public can nominate projects for funding through neighbourhood policing meetings, citizens' panels, local authority consultation meetings or through other local forums. Through the Community Cashback website the citizens can suggest projects for funding in their area and have their say on projects nominated by others in their community. Projects nominated by local communities will then be put forwarded by the Local Criminal Justice Board for central scrutiny to ensure they are viable and within the intended scope of the scheme. If there is no obvious reason to not approve funding, the proposal is likely

to be successful.

In order to better explain the process that leads to the development of the projects in Cashback for Communities Programme is useful to make a brief digression on methods and materials used by the Scotland Administration to engage local communities in the development of new projects.

4.13.2. **Participation in Scotland**

In 6 August 2004 the Scottish Parliament developed a participation handbook to offer guidance and practical help for Committees and Clerks in their task of reaching and engaging with a wider public, and in particular involving those groups and individuals who are not currently engaged in the political process. The participation handbook was developed because it was recognised that there was a need to reach a much wider selection of people, particularly those who are not connected to more formal civic society organisations, to engage more marginalized groups. However the handbook was developed not only for policies but also for events, professional or business community and interactive meeting that aim to create a better dialogue. Participation is viewed as an active relationship and dialogue between people and the State. It is not only gathering evidence and opinions but is an educative, discursive and inclusive process that has value in itself in building fuller citizenship. It is seen as a means of strengthening representative democracy rather than being in opposition to it, or offered as an alternative model. In the UK there is a long history of participation from pressure groups, campaigns, lobbying or generally trying to influence elected politicians and have more say in decision

making at both local and national level. The innovative institutional structures and principles of the Scottish Parliament offer a framework for raising the level of participation and interaction with representatives. The participation handbook is also the toolkit box used in Cashback for communities programme for idea generation.

The handbook provides answers to four main questions:

How to find out Stakeholders for participation?

How to planning initiatives asking the right questions?

How to create the right atmosphere, ensure communication, avoid power and knowledge issues and plan an accessible event?

What are the methods for participation?

The first and the last questions are the most important for the purposes of present research. The guidelines divides the stakeholders in Formal Organisations, organisation with a social purpose, network organisations, locally based community workers and individuals. Sometimes these actors are stakeholders per se or gateways to more marginalised groups we try to reach. For each group the guide provides hints and definitions. It is evident that first call is often to the large, national and formally constituted organisations that can be involved in the participation though their local branches. The second group of stakeholder that can be involved are other types of national organisations that might have more of a social or economic purpose (e.g. local banks, social welfare organizations, organizations of parents but also online communities, radio communities) that would be in contact with communities and groups that we want to reach. The third group are Network Organizations that have

a national or local networking function and can also be approached to see if they could distribute information, to help in encouraging people to come to a meeting, or to conduct a survey. These can be contacted even if the issue is not centrally their concern. The fourth group of stakeholder are Locally Based Workers: many local community workers are in touch with more marginalised groups and are often very keen to increase the participation of these people with the political process. The fifth group of stakeholder are individuals: there are people who will not necessarily belong to any group, and who do not usually engage in the political process. To reach them, the handbook recommends that is useful go in places where people will go in an ordinary day, or where people work - shops or supermarkets, bingo halls, schools, nurseries, pubs, buses, care homes, school canteens, transport staff, food co-ops, baby clinics, football matches. Local newspapers are also often looking for material and women's magazines are read widely.

The handbook provides also an interesting toolbox for participation and recommends that in choosing the approach, there is no one "right" method. All sorts of things dictate which ones work best in which circumstances. A few of the methods can be used in an "off the shelf" way, but the majority need to be adapted to the range of audiences, the size of meetings, and the committee's needs and timescale - this then will influence the cost. The following table shows an analytical description of the participation methods implemented in Scotland: information retrieved for each method is gathered in "Type", "Name", "Involvement" and "Description/Strength/Weakness, Hints for implementation". The information gathered shows the point of view of Scotland Parliament in 2004 and are sentence based on years of implementation.

TABLE 7: METHODS FOR PARTICIPATION IN SCOTLAND

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Individual Views	Written Evidence	Stand alone	Description: Written Evidence.
			Strenght points: Most likely to involve those who are more engaged with institutions (e.g. in Scotland with the parliament), or active in civic society.
			Weakness points: Harder to reach out to the wider public or more marginalised groups.
			Hints for implementation: To increase uptake: <ul style="list-style-type: none"> • improve the wording and style of the call for evidence. Checking it out with a representative of the groups you are hoping to reach, may help to get it more user-friendly. Public Information Officers can also help; • going out or speaking to groups or local workers about it face to face is always more productive; • contacting community based workers or local adult education /learning centres who can help people frame their contributions; • placing the call on local radio or as a poster in local newsletters/community centres/bingo halls, shopping centres/nurseries may bring more responses; • “piggy back” onto initiatives already planned, eg fairs, festivals, rural shows. Find out by contacting local community workers.

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Individual Views	Interviews	Stand alone	Description: Interviews carried out face to face or by telephone
			Strenght Point: Useful for more sensitive information, as participants can build a temporary relationship with the interviewer which improves the quality and content of the interview. Can also be useful for reaching excluded groups.
			Weakness Points: In-depth interviews can also be carried out with 2 or even 3 people.
			Hints for implementation: Less confident people can bring along a friend, which can make them more relaxed. Local interviewers can be used, after an initial training, in order to both widen the knowledge of the interviewers, enable people to be interviewed who would not engage through more formal methods with strangers, and leave behind some increased skills in the community.
Individual Views	Surveys	Stand alone	Description: Surveys, can be carried out through face-to face or telephone interviews or postal or e-mail questionnaires.
			Strenght Point: Effective way of contacting a large number of people and gathering their views and comments. Mostly used to achieve representative findings and results that are statistically robust.
			Weakness Points: E-mail questionnaires can exclude those not connected to the internet.
			Hints for implementation: E-mail questionnaires can be used to collect information quickly from groups who are quite dispersed, at relatively low cost.

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Individual Views	Listening Surveys	Stand alone	Description: Local People receive initial briefing and training and then go to where people are – in the street/ shopping malls/buses/ community events/football matches/outside benefits office – and ask a small number of questions about an issue or the area. The respondents are then invited to come to a follow up meeting where their views will be used to set the agenda for discussion.
			Strenght Points: Engagement of larger sections of the community.
			Weakness Points: These listening surveys are not intended to gain a representative view but are a participatory mechanism to involve larger sections of the community in getting involved with issues.
			Hints for implementation: Street/ shopping malls/buses/ community events/football matches/outside benefits office are useful place to intercept larger sections of the community.
Individual Views	Citizen's Panels	750 -2000 people in Stand alone	Description: Citizen's Panels are groups of individuals who have agreed to be consulted periodically for their views. The size can vary between 750 and 2000.
			Strenght Points: If they are used regularly (3 times/year) and they are formed by representative of the target population they can be useful.
			Weakness Points: Careful recruiting is needed to ensure that excluded groups are represented but this still excludes those who would find written work difficult or whose first language is not English (in Scotland).
			Hints for implementation: If the Citizen's Panel is not used regularly (3 times/year), people drift off and the panel has to be restarted again. Drop out rate is about 30% a year, so maintenance is ongoing. Costs for panel of 800 approximately £40- 50,000 to set up and £30 – 40,000 to maintain and run 3 surveys a year. They require a lot of work to establish and maintain. On the basis of the evidences gathered in the website of the Cashback for Communities Programme, Citizen's Panel is used for the selection of the projects.

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Individual Views	Video Box	Stand alone	Description: These booths can be temporarily placed in a centre, or used throughout a conference or larger event.
			Strenght points: The advantage is that people can record their views privately. A number of them could be used in different geographic locations over a set period to encourage participation from the wider public.
			Weakness points: This obviously attracts a self-selecting group, and would not be considered representative information.
			Hints for implementation: The method can be useful to gauge opinion (not representative information) from wider public. Should be used alongside other methods.
Individual Views	Street Stalls	Stand alone	Description: Street stalls are interactive displays held out of doors. They make it possible to secure the views of larger numbers of people than is normally possible indoors. A highly public location is selected and exhibition and interactive display material mounted for a selected period. Facilitators are on hand to encourage people to make comments and this can lead to informal debates.
			Strenght points: They are particularly useful where the views of people using a particular service or public space are required.
			Weakness points: This attracts a self-selecting group, and would not be considered representative information
			Hints for implementation: Street stalls may be advertised in advance but is not essential.

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Group Views	Focus Groups	5-10	Description: Typically 8-10 people in the group, led by a trained facilitator who keeps the group to task in terms of a set of questions and does not get involved in any discussion that ensues. Any group discussion tends to spark off ideas which can be more participatory. Issues can be explored in some depth, but should start with simple questions.
			Strenght Points: Issues can be explored in some depth.
			Weakness Points: People are invited because of their particular experience, or as a representative sample of an area or group you wish to target. Opinions do tend to the norm.
			Hints for implementation: The questions have to be prepared carefully with those planning the exercise to ensure you get the answers that are relevant. The discussions are usually taped or there is a note-taker. Sometimes the comments can be written up on flipchart paper during the course of the discussion for all to see.
Group Views	Groups Interviews	5-10	Description: People invited together to discuss a topic in a fairly open ended way. The facilitator can interact more and encourage areas of discussion which might be less obvious.
			Strenght points: As above, the groups interviews can be a representative sample, or an existing group, or people who have similar experiences or different ones.
			Weakness points: As above opinions do tend to the norm.
			Hints for implementation: It is a good way of getting a feel for a topic or establishing what some of the issues might be in constructing a questionnaire or future focus group.

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Group Views	Roud Table Workshops	5-10	Description: These can be run with anything between 10-100 people, although obviously the larger grouping needs excellent organisation and facilitation. Usually involves an introduction and specialist presentation (from professional or community expert), then a round table brainstorming (7-10 at each table), then more questions to specialists and lastly a report back from each table at the end, usually highlighting 3 or 4 main points.
			Strenght points: A good method to produce a wide range of opinions and ideas, involve a mix of participants, and to set themes or parameters for complex issues
			Weakness points: Sometimes they can run over a few sessions, so that the outcomes from one feeds into the next, sometimes using the same people, or different cohorts.
			Hints for implementation: It is important that the topic or question is reasonably focused and not too broad
Group Views	Sounding Board Panels	5-10	Description: Sounding board panels
			Strenght points: The group can be a mixture of professional or technical expertise, academics, local experience, from groups experiencing exclusion etc. As distinct from Advisors they can be part of the deliberative process of the committee or can act to hold to a frame of reference agreed at the start.
			Weakness points: Useful for setting up at the start of a process, to act as an anchor.
			Hints for implementation: A number can be set up in different geographical locations to represent different perspectives and meet at the beginning, middle or end of an initiative.

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Larger Meetings	Public Meetings	15-500	<p>Description: Arranged for members of the public to find out about and express their views on particular issues, this is one of the most commonly used, and yet most maligned method. Break out groups in smaller numbers can encourage more participation. Capturing information can be done through large sheets of flipchart paper, taping, or a note taker – sometimes the visibility of flipcharts or whiteboards helps people to see their contributions in a concrete way and enhances their sense of being taken seriously. Seating arrangements can also</p> <p>Strenght points: The key advantage is that they are open to all and held in a public place. They are also a transparent way to show openness, they keep people informed and they catch a range of views.</p> <p>Weakness points: Disadvantages are there are sometimes low attendances, they are not always widely representative and they can get locked onto local issues. However many of these disadvantages can be reduced by noting the points raised in the Handbook.</p> <p>Hints for implementation: Most negative reactions to ‘the public meeting’ are a result of poor or defensive chairing, high top table and rows of seats at a distance, solutions already decided and no opportunity for public contributions for the first hour or so. Clarity about what the meeting is about and which questions it would like to address are crucial. An explanation of how views will be fed in and what will happen when should be given. The time of the meeting will dictate attendance – daytime, you would attract more retired or older people. Putting on a crèche will encourage parents to attend. A well briefed Chair is crucial to the effectiveness of the meeting.</p>

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Larger Meetings	Open Space	15-500	<p>Description: They can take place from ½ day up to 3 days. Participants decide themselves on the issues they want to discuss, using a simple procedure usually guided by a facilitator. Workshop sessions are self managed by the participants within a framework of simple principles and “rules”. Each workshop session develops a list of actions required and who should take</p> <p>Strenght points: These provide a highly democratic framework for enabling any group of people to create their own programme of discussions on almost any theme without much preparation. They are particularly useful for looking at issues, opportunities, actions, and priorities.</p> <p>Weakness points: Trained facilitators are crucial for managing this large scale process.</p> <p>Hints for implementation: More information about the implementation of the participation method can be collected from: www.openfutures.com</p>
Larger Meetings	Local Sustainability Model	15-500	<p>Description: This was devised by Drew Mackie as a tool for professional and communities so that communities can assess their current position in terms of sustainability and then test the effect of new initiatives policies, or courses of action on these. It was devised to allow a better dialogue to develop between professionals, who deal with complex scientific concepts and communities who are concerned about the quality of their environment, and the complications of finding a common language. The Model uses a simple three by three matrix. The three aspects considered are the natural environment; the community and its culture; and the economy. These are ranked as being Robust, Stable or Fragile. Communities can use this framework to assess how their area performs, shading in the model to provide a “picture” that local people can recognise.</p> <p>Strenght points: This device helps to maintain the links between the natural environment, the community and the local economy.</p> <p>Weakness points:</p> <p>Hints for implementation: The process of establishing the model leads a community through discussions on these three aspects using local knowledge and professional expertise.</p>

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Larger Meetings	Future search	15-500	Description: Future search conferences are highly structured events, usually lasting 2 ½ days. They enable a cross-section of community members or 'stakeholders' to create a shared vision for the future. People representing the widest possible range of interests, or 'stakeholder' groups, are brought together in one room, usually for 2 ½ days. The agenda is: 'The Future of XX 5 to 20 years on'. A highly structured 5-step procedure is adopted designed to encourage people to think globally, focus on the future, identify common ground and make public commitments to action. People carry out exercises individually, in small self-managed workshops and as a whole group. The results are recorded openly on flipcharts.
			Strenght points: They are engaging and energising.
			Weakness points: They are more suited for dealing with general issues than specifics
			Hints for implementation: The ideal number is considered to be 64 since this breaks down into 8 groups of 8. For larger groups, conferences can be run in parallel.
Larger Meetings	Planning for Real	15-500	Description: Planning for Real uses simple physical models as a focus for people to put forward and prioritise ideas on how their area can be improved. This method uses 3 dimensional materials or models for people to see potential changes in their community – for example a new railway line or Wind farm. Comments and opinions are then written on cards or post-its and added to the model – other comments then build on these.
			Strenght points: It is a highly visible, hands-on community development and empowerment tool, which people of all abilities and backgrounds find easy and enjoyable to engage in. Good for those who are less comfortable with written material etc.
			Weakness points: <i>Useful for improvement, less effective for radical changes; attracts a self-selecting group and would not be considered representative information</i>
			Hints for implementation: It can be set up in a community venue and run over a number of days.

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Larger Meetings	Whole System Conferences	15-500	Description: This type of conference invites representatives of ‘the whole system’, in other words all the key people or agencies who are involved in, or affected by a service. It can be organised in slightly different ways – either mixing different stake-
			Strenght points: This captures the different elements that need to be addressed or listened to.
			Weakness points: <i>This type of conference engages stakeholders that actually are involved in, or affected by a service. The involvement of people that actually are not engaged is limited. Applicable only when boundaries of system are known, not applicable in systems designed as “open source”.</i>
			Hints: This is often used to contribute towards service development plans, but can be adapted to an “issue” or proposed policy.
Larger Meetings	Fishbowl	15-500	Description: A panel of people (3- 5), representing the different views or position in the process are well briefed to present their view or case for 5 – 10mins, in turn. They do this in the centre of the room or space – in the “fishbowl”. The rest of the participants are arranged around them. They then have 20 mins to discuss the issue, whilst the majority of the participants seated around them, observe silently and/or take notes. After this, participants can enter the fishbowl to contribute a point of view. Smaller discussion groups, then examine the different perspectives, each including one member of the panel, and report back on the pros and cons of this view. After a break, or lunch ,a different mix of small groups then discuss the whole issue and suggest 2 or 3 key areas that need attention or action.
			Strenght points: This method allows people to grapple with complex or controversial issues where there are strong differences of view.
			Weakness points: The audience has to be carefully invited so that. different views are represented.
			Hints for implementation: Discussion groups should be no more than 8-10 people (for 25-50).

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Larger Meetings	Brainstorming Solution Workshop	15-500	<p>Description: The day began with an explanation of the issues and related implications (the potential problems that this may create), followed by any questions. Participants then broke into 3 "solution groups" whose task was to find a number of potential solutions to the problem which they are asked to address. Each group had 5 members and an MSP (eg.from the Enterprise and Culture Committee) who will be an observer. As this was a brainstorming session, there were no "bad" solutions at this stage. The groups were pre-selected to include a range of background and experience amongst members. They each had a specified leader, but could address the task in any way they wish. Staff from The Scottish Council Foundation were on hand to assist groups if necessary. The groups had almost 2 hours to devise their solutions. Towards the end of this period the whole group with the exception of the leader shuffled around to the next group. The group leader that they left behind then had to explain their solutions to the new group, who ask questions and make sure that the proposals are clear. At the end of this process the solution groups came together and the leader from each reported back to the main group. The report-back was a range of potential solutions with explanations of them. The rest of the main group then had a chance to question and clarify the proposals. The outcome from the day was a list of potential solutions to the identified problems. The technical output was a note of these prepared by the MSPs/committee, which became a formal institutional paper and was reported back to the Committee at its following meeting. The material was taken into account when it considered its report on the inquiry.</p> <p>Strenght points: The concept of the day was to take those with an external knowledge of higher education, but no direct stake, to take an independent view and come up with potential solutions.</p> <p>Weakness points: All participants were selected in a personal capacity, not as representing their employer or anyone else.</p> <p>Hints for implementation: In general the major stakeholders in higher education were not invited: invitees are not those who head up organisations, and would be particularly identified with them, but practitioners within organisations. Three MSPs, chosen by the Committee, were also be involved, in an observer capacity.</p>

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Active Engagement Methods	Interactive Displays		Description: Interactive displays can range from blank sheets with simple one-line questions to fill in, or cards to write on or stickies. They can be drawings or models of complex development proposals. A dynamic develops as people's comments build
			Strenght points: Interactive displays allow people to engage in the issues and debate, on their own and in an enjoyable way, by making additions or alterations to pre-prepared exhibits.
			Weakness points: Thoughtful design is required to ensure that the information is presented simply and clearly and that people's responses are recorded in such a way that they can be used afterwards.
			Hints: Interactive displays can be used as part of a forum, workshop, exhibition, conference or other event, or placed in a community centre for a few days.
Active Engagement Methods	Mapping		Description: Individuals or groups create physical maps of their neighbourhood, service provision or city using pen and paper, cloth, chalk or other materials to hand. A framework or theme is normally provided to focus people's thoughts, (eg. places you visit frequently, landmarks, boundaries, places you avoid, things you would like to see). The maps are discussed and analysed as a basis for understanding differing viewpoints and planning what should be done.
			Strenght point: Mapping is an effective non-verbal way of finding out how people view their area. It is a good way to gather and present site-specific data, understand differences in perception and stimulate debate.
			Weakness point: <i>Useful for improvement, less effective for radical changes; attracts a self-selecting group and would not be considered representative information</i>
			Hints for implementation: Often used as a basis for joint planning, but can be adapted for an inquiry subject.

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Active Engagement Methods	Popular Education		Description: The approach can be adapted to enable people to discuss an issue at some depth, during a day conference or gathering. It involves creating a visual "code" (photos, drama, or poem) which contains within it the key contradictions or elements of a situation or issue that relate to people at an emotional level. Trigger questions take participants through the next
			Strenght points: this method, encourages people to take an objective and analytic view of their own experiences and situation, and place it in a wider social and political context. It is appropriate for controversial or high profile topics.
			Weakness points: It needs a skilled popular education worker
			Hints: Developed by Paulo Freire, a Brazilian educationist is adapted in Scotland; It can operate with a small group of 8-10 or larger groups up to 60.
Active Engagement Methods	Forum Theatre		Description: A problem situation or issue, that has resonance with the audience, is acted out as a short piece of theatre or tableau. The audience is then invited to offer alternative scenarios, or change the way the actors were doing something, or they can also move into the drama itself and add their version of how it could be. The aim is to encourage a lot of physical interaction and discussion with the audience in order to suggest a solution or display the real problems.
			Strenght point: This is a useful stimulating method for younger people (who don't always like sitting still) or with people whose first language is not English. This has been successfully used in Scotland, most recently to discuss changes to community care.
			Weakness point:
			Hints for implementation: This method was influenced by Freire (above) and developed by Auguste Boale

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Active Engagement Methods	Graphic Recording		Description: This is a highly visual way of recording a discussion or debate or evidence giving through visual symbols, words, pictures which are drawn on huge sheets of paper that everyone can see. Thick coloured pens are used and the recorder works in tandem with the facilitator, concentrating on people's own
			Strenght points: The advantage of this method is that people can literally "see" the connections in their thinking, they can see the richness of the whole discussion at a glance, and they get more involved with the developing conversation. Like using flipcharts, when people see what they are saying recorded visibly, they feel acknowledged, and they can check its accuracy there and then. This is also very accessible to groups whose first language may not be English or people who experience learning difficulties.
			Weakness points:
			Hints for implementation: The graphic recording can become a group memory – it can also be left behind in the location to stimulate further contributions from the public. <i>Christine Valenza has been a strong contributor to the growth of the graphic recording . She was one of the earliest facilitators to connect learning styles, meeting dynamics, and visual thinking in graphic recording, and to translate ideas into graphics as active catalysts for creative and strategic thinking in meetings. Her evocative art has helped many corporations make fresh, innovative decisions. Valenza is the co-author, with Nancy Margulies, of the award winning book Visual Thinking; Tools for Mapping Your Ideas.</i>

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Active Engagement Methods	Story Dialogue		Description: At meetings, people often want to tell their own personal story. This method involves briefing a number of “storytellers” beforehand, who might each represent a different element of the issue, for example someone who has been vandalised, the police, a community member, a young person who has been accused of antisocial behaviour. They then tell their stories in a particular format, which allows for further questioning.
			Strenght points: The process moves from the particular to the general through developing “insight cards”. The end result generates lessons learnt about best practice, in the form of a basic theory.
			Weakness points: This method needs a fair number of small break out rooms and a bigger space for all to work together.
			Hints for implementation: This method developed by Ronald Labonte in Canada structures this into a useful way of understanding the themes that stories contain and into more generalisable information. It can be used for evaluating policy, or examining best practice.
Active Engagement Methods	Banner Making		Description: Encouraging groups to “tell their story” or their point of view through making paper murals or banners is another highly engaging method. The task can be to represent a key question, problem or solution in the form of a banner.
			Strenght points: The method can trigger and stimulate a wide ranging discussion for the participants and is a playful and creative method which suits some groups who do not enjoy formal or written means of communication.
			Weakness points:
			Hints for implementation: These banner can be done fairly quickly using paper or sticking fabric as a creative stage in a larger event, with the messages in the banners being reported and shown to the plenary group. They can also remain behind as a trigger and a means to stimulate more interest or discussion in a particular location, with a possible follow up meeting designed to capture wider views.

Type	Name	Involvement	Description/Strenght/Weakness/Hints
Active Engagement Methods	Appreciative Inquiry		Description: This method started as a management tool but has been developed to include dialogue sessions about an area or about
			Strenght points: A way of harnessing people's positive and creative energies in order to imagine a better situation and analysing what needs to happen to get there, including their own part in it as active citizens.
			Weakness points:
			Hints for implementation: This was developed in Chicago and has been developed in Scotland for large scale conferences and workshops.
Active Engagement Methods	Democs		Description: Democs is an acronym for deliberative meetings organised by citizens. This is a card game developed by the New Economics Foundation as a way of helping people tackle and discuss difficult or technical issues in a novel way. People play in groups of 6. Scotland Participation Services has a copy of one of their games.
			Strenght points: It is quick, cheap and fun for the participants.
			Weakness points:
			Hints for implementation: According to the information retrieved in the Scotland Handbook for participation, the method is being developed for specific and complex topics such as stem cell research, waste planning and health issues but their ideas can be adapted.

4.13.3. Istitutional Objectives, societal challanges and measures

The analysis of the Cashback Community programme allows the identification of two types of objectives: institutional objective and project objectives. The first type of objectives focuses on the institutional level, the second one on the logical framework implemented in every single project funded. From the point of view of the institutional objectives the

Cashback for Community Programme aims to:

- Raise the profile of asset recovery as an important tool in disrupting and preventing criminal activity and taking the cash out of crime by seizing criminal's ill-gotten gains;
- Give local people "more of a say" in how the recovered assets can be reinvested within their neighbourhoods and communities;
- To boost public confidence in criminal justice services and demonstrate that justice is being done by making sure that people can see it being done in their area.

According to this framework the institutional objectives can be conceptualized in Social, Economical and Environmental impacts. From the societal point of view, the programme aims at boosting public confidence in criminal Justice services and the reconceiving of confiscation as an important tool against criminal organizations ("Recognize the Justice in the Society"); from the economical point of view, the programme aims at giving local people "more of a say" in how recovered assets are reinvested within their neighbourhoods and communities ("More of a say" Justice Investments); from the environmental point of view the programme aims at "making sure that people can see that justice is done in their area" (see Justice in the environments). On the other side the Cashback for Communities programme follows a logical model to set the objectives of every single project. The CashBack for Communities Logic Model has been devised by evaluation consultants, Research for Real, following consultation with partners and other stakeholders. This ensures that the short and medium term outcomes are aligned to the national outcomes set by Scottish Government and will support organisations by ensuring

that their outcome measurement is consistent with the overall programme objectives. The Cashback programme is based on a main issue statement:

Children, young people, families and other community members can benefit from engagement in positive activities that develop their interests and skills. Those living in challenging and difficult circumstances may have limited opportunities to be involved in positive activities in their communities. They may be at a higher risk of becoming involved in the criminal justice system. Anti-social behaviour, violence and crime particularly affect the life chances of those living in the most deprived communities. It is expected that such behaviours and their wider effects can be both prevented and tackled through the provision of various sporting, cultural, educational, developmental and social activities.

The goals of the program are:

To expand the horizons of participants including children, young people, families and other community members and increase opportunities to develop interests and skills in enjoyable, fulfilling and supportive ways, through sporting, cultural, educational, developmental and social activities.

In order to achieve this general goal, the Cashback for Communities programme organize the framework in: Activities, Outputs (the tangible products of the activities), Short-term Outcomes (the expected changes that occur within the short term, up to 1 year), Intermediate Outcomes (changes after 1-2 years) and Long-Term/National Impacts (Changes organizations hope to see in Scotland in 3 years or more). On the basis of these subsets of indicators of results, the framework provides also a tool designed to support designers, developers, actors involved in the process or funded by the programme in self-evaluation: the Question Bank. The

Question Bank is designed as a tool that have to be used in conjunction with the Case Study Guidance and with the CashBack Logic Model, which sets out the full range of potential outcomes for projects within the CashBack programme. The Question Bank is designed to provide model questions that can be used selectively and flexibly to provide evidence against these outcomes. It is designed for use in routine and occasional surveys, feedback forms or questionnaires. The questions are targeted at different groups of people depending on whom it is expected to provide the information: individual participants (identified in the question bank with the “I” word), wider communities (identified in the question bank with the “WC” “I” word) and organisational delivery staff responsible for monitoring activity (identified in the question bank with the “O” word). The question bank is not intended to be used as a questionnaire in their entirety but have to be used according to the following steps:

Step 1: Review the CashBack Logic Model and select outcomes that are most relevant for your intervention. Decide on your definition of the timescale for intermediate outcomes and identify both short term and intermediate outcomes.

Step 2: Select the relevant questions according to the outcomes, taking into account who you need to gather the information from:

- *individuals participants (I)*
- *wider communities (WC)*
- *delivery staff responsible for monitoring activity (O).*

Select the minimum number of questions necessary to measure your desired outcomes.

Step 3: Depending on the stage of your programme, you have some participants who have been involved for a longer duration and for whom it would be reasonable to expect to ask about more enduring or sustained outcomes and progression. Decide whether it makes most sense to have a single approach to data gathering for both short-term and longer-term participants. In a single approach, participants can be directed to the appropriate questions by use of a filter question. Decide if you want to get information from everyone or a sample. Decide on a suitable format to gather that information, who will collect it and when:

- *From administrative data that you collect routinely (eg. registration data);*
- *From regular feedback from participants (eg. every term or after a block of sessions);*
- *From occasional surveys or questionnaires (eg. annual);*

Step 5: Select the relevant questions for your target group and the short and/or intermediate outcomes. In most cases, there is a choice of questions; use the questions that make most sense, rather than necessarily using all of them. Examples of alternative formats for questions using a series of statements have also been provided for a number of outcomes. Where you are collecting data from individual participants, you can save space and add variety to the format of the data collection instrument by using these statement questions. These statements will need to be edited so that when read as a full set they are not all worded positively or negatively;

Step 6: Insert the questions into your chosen data collection instrument (eg. survey form, feedback sheet). Italicised sections should be tailored appropriately; depending on the format used to gather the information;

Step 7: Insert clear instructions (usually in italics). The suggested answer categories below are design so that people can pick one response only, unless stated otherwise;

Step 8: Check the overall layout, instructions and design of the data collection instrument. For example, you will need to minimise any repetition of wording. Pilot it with a small number of people before you use it to gather data.

The indicators for short-term outcomes are:

Subset “Participation”:

1. Increased participation in positive activity;
2. Increased participation by difficult to engage and equalities groups;
3. Increased opportunities for new experiences or activities for participants;
4. Increased opportunities to develop interests and skills;
5. Increased opportunities for continued participation by linking up and signposting to other provision;

Subset “Diversion/Protection”:

6. Increased involvement in structured pro-social and healthy activities;

7. Participants have places to go where they feel safe and comfortable;

Subset “Progression Pathways”:

8. Greater confidence and self-esteem among participants;

9. Participants demonstrate new skills and positive changes in behaviours;

10. More participants have achieved accreditation for their learning;

11. Participants develop confidence in their skills and develop aspirations for further learning and development;

Subset “Engagement”:

12. Participants are more involved in community-based activities;

13. Participants develop positive peer networks and relationships;

14. There is increased community-based interaction;

The indicators for intermediate outcomes are:

Subset “Participation”:

15. Sustained participation in positive activities;

16. Sustained improvements in health and well-being;

17. Sustained improvements in self-esteem and confidence;

18. Sustained improvements in awareness of the benefits of play, interactive, physical and social activities;

19. Increased supportive social networks and feelings of belonging;

20. More participants progress onto further learning, training, and

personal development opportunities;

21. Increased horizons and improved outlook amongst participants;

22. Participants have influenced the opportunities available to them in their community;

Subset “Confident Communities”:

23. Sustained participation in community-based activity;

24. Reduced levels of crime and anti-social behaviour;

25. Improved perception of the community as a place to live;

26. Increased community esteem and capacity to shape local development;

27. Better community integration and cohesion.

The Home Office has already, in December 2009, undertaken some research into public views of the Community Cashback system. On the base of a sample of people the Cashback program was evaluated:

1) Positive (healthy, fun, active, engaging);

2) Open to all (accessible, well advertised, free of charge, of interest to all irrespective of age, gender, ethnicity, etc.);

3) Developmental (aims at changing behaviours and attitudes and at developing skills);

4) Sustainable;

The analysis of the CashBack for communities programme shows a model of intervention that has been a successful from the point of view of

creation of value. Proceeds of crimes are channelled into project back to deprived communities, paying for youth clubs, training facilities and community projects. Investments under this action are small compared to the incentivisation scheme for the law enforcement agencies. However the most important lesson is not related to the results but is about the process, the methods and the materials. The process of development of projects engaging communities, the CashBack Logic Model and the tools as the Question Bank and the Case Study Guidance enable the construction of socially supported programs. The analysis of the practices in the other european countries doesn't provide evidence of a similar systematic approach that leads to the development of projects through participation and that follow up every single project.

FIG. 25: CASHBACK FOR COMMUNITIES IN SCOTLAND - YOUNG PEOPLE INVOLVED

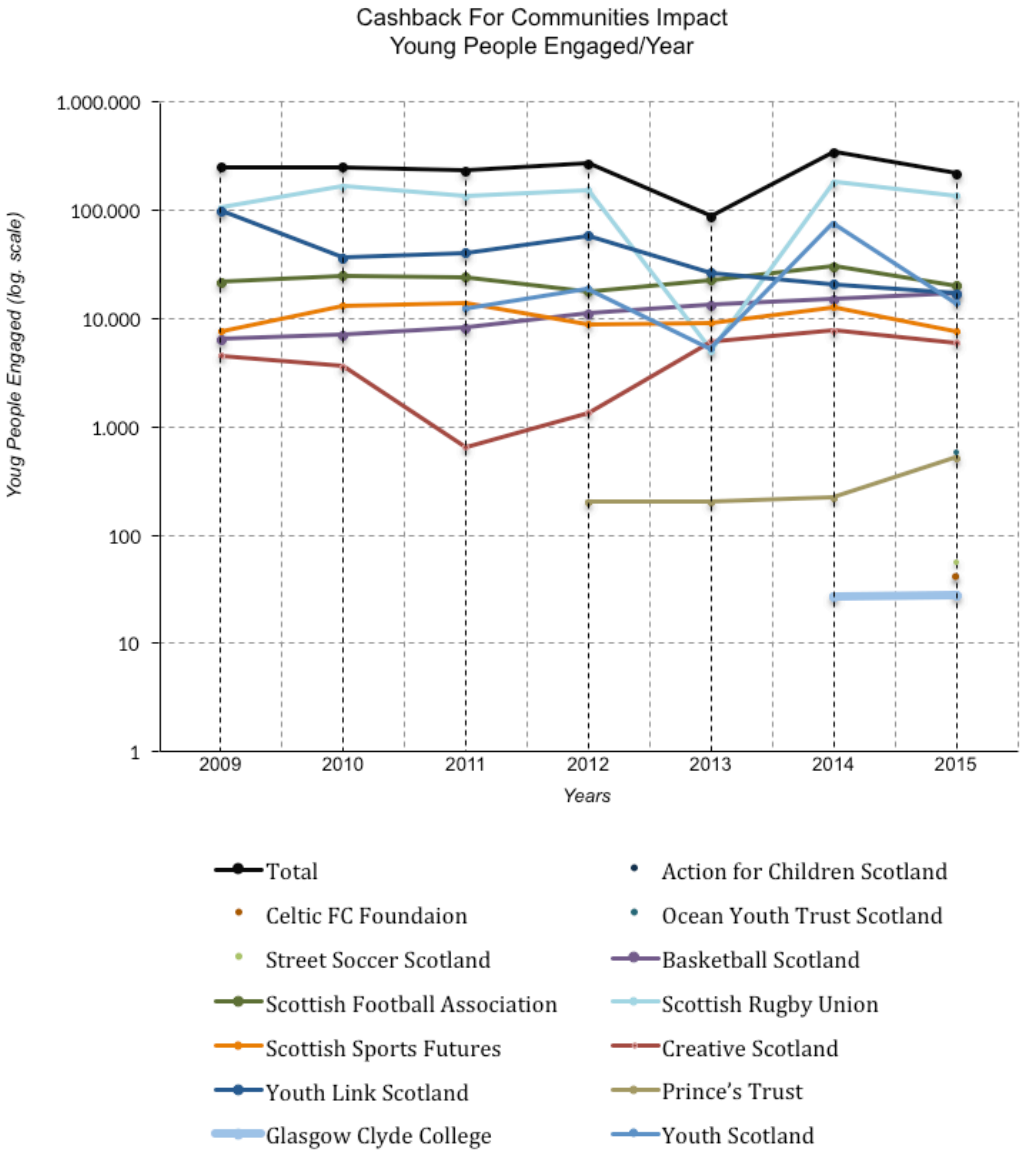


TABLE 8: CASHBACK FOR COMMUNITIES IN SCOTLAND - YOUNG PEOPLE INVOLVED

	Years of implementation						
Project Labels	2009	2010	2011	2012	2013	2014	2015
Action for Children Scotland	-	-	-	-	-	-	41
Celtic FC Foundaion	-	-	-	-	-	-	40
Ocean Youth Trust Scotland	-	-	-	-	-	-	576
Street Soccer Scotland	-	-	-	-	-	-	56
Basketball Scotland	6387	6939	8156	11008	13058	14786	16651
Scottish Football Association	21740	24706	24159	17900	22655	30251	20192
Scottish Rugby Union	105524	165540	132697	153697	5034	179016	136135
Scottish Sports Futures	7542	13037	13799	8829	9115	12900	7542
Creative Scotland	4513	3610	643	1363	6176	7706	5994
Youth Link Scotland	98604	36397	40597	57887	26414	20679	17039
Prince's Trust	-	-	-	200	202	220	510
Glasgow Clyde College	-	-	-	-	-	27	28
Youth Scotland	-	-	12360	18906	5306	74982	14072
Total	248138	250299	231722	269790	87960	340567	218300

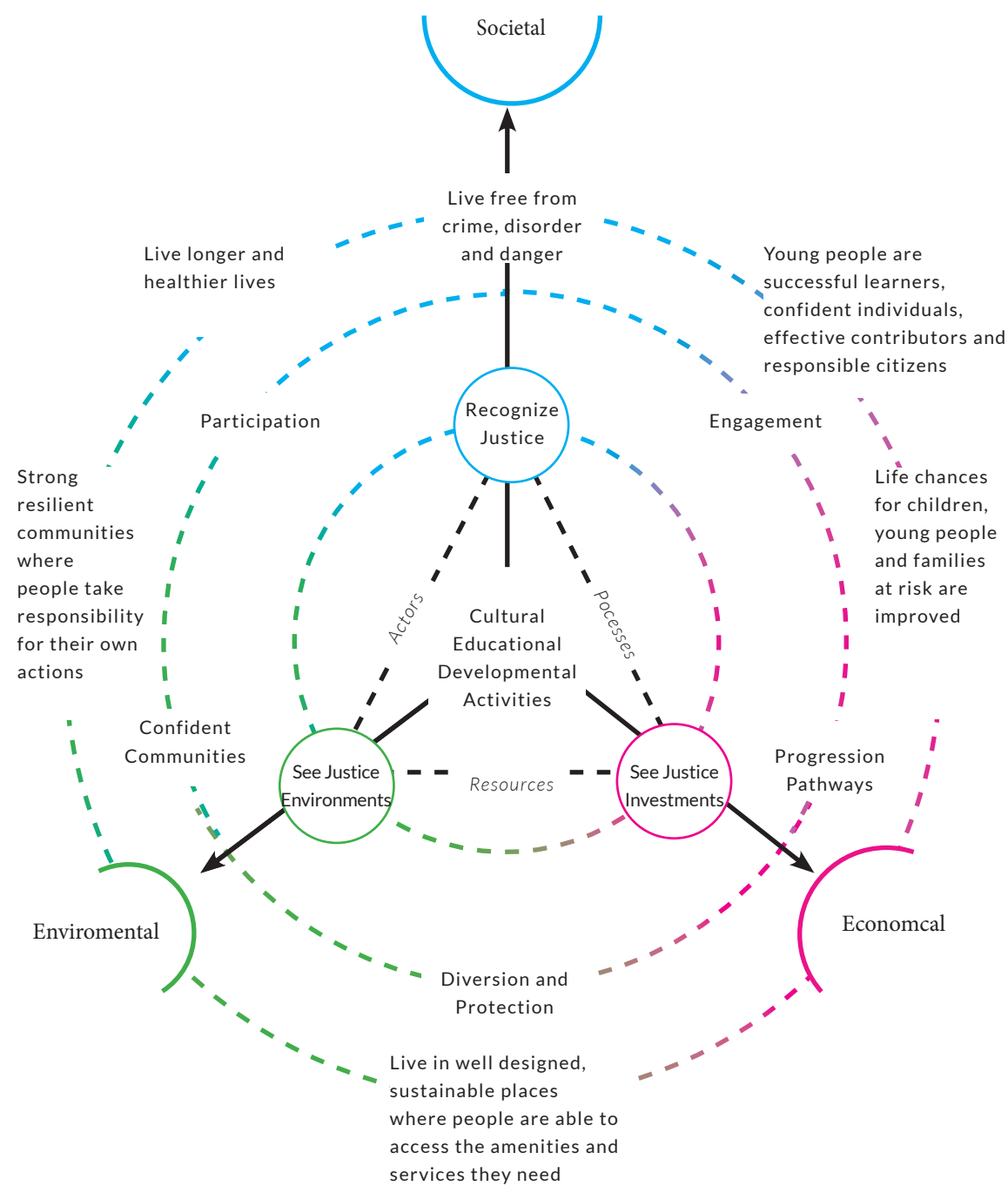
TABLE 9: CASHBACK FOR COMMUNITIES PROVISIONAL LOGICAL MODEL

Activities What happens in our organisation?	Outputs What are the tangible products of our activities	Short-term Outcomes What changes do we expect to occur within the short term? (Up to 1 year)	Intermediate Outcomes What changes do we want to see occur after that? (1-2 years)	Long-term and national Impact What changes do we hope to see in Scotland over time? (3 years or more)
<p>Activity Category</p> <p>A range of sporting, cultural, educational, developmental and social activities</p>	<ul style="list-style-type: none"> • Establishment of more • Opportunities to take part in a range of activities • An increase in the number of volunteers • An increase the number of trained coaches or others in support roles • More activities for children, young people and other community members within communities 	<p>PARTICIPATION</p> <ol style="list-style-type: none"> 1. Increased participation in positive activity 2. Increased participation by difficult to engage and equalities group 3. Increased opportunities for new experiences or activities for participants 4. Increased opportunities to develop interests and skills 5. Increased opportunities for continued participation by linking up and signposting to other provision <p>DIVERSION/ PROTECTION</p> <ol style="list-style-type: none"> 6. Increased involvement in structured pro-social and healthy activities 7. Participants have places to go where they feel safe and comfortable 	<p>PARTICIPATION</p> <ol style="list-style-type: none"> 15. Sustained participation in positive activities 16. Sustained improvements in health and well-being 17. Sustained improvements in self-esteem and confidence 18. Sustained improvements in awareness of the benefits of play, interactive, physical and social activities 19. Increased supportive social networks and feelings of belonging 20. More participants progress onto further learning, training, and personal development opportunities 21. Increased horizons and improved outlook amongst participants 	<ul style="list-style-type: none"> • Our young people are successful learners, confident individuals, effective contributors and responsible citizens • We live longer, healthier lives • We have improved the life chances for children, young people and families at risk • We live our lives free from crime, disorder and danger • We have strong resilient communities where people take responsibility for their own actions • We live in well-designed, sustainable places where we are able to access the amenities and services we need

TABLE 10: CASHBACK FOR COMMUNITIES PROVISIONAL LOGICAL MODEL

Activities What happens in our organisation?	Outputs What are the tangible products of our activities	Short-term Outcomes What changes do we expect to occur within the short term? (Up to 1 year)	Intermediate Outcomes What changes do we want to see occur after that? (1-2 years)	Long-term and national Impact What changes do we hope to see in Scotland over time? (3 years or more)
		<p>PROGRESSION PATHWAYS</p> <p>8. Greater confidence and self-esteem among participants</p> <p>9. Participants demonstrate new skills and positive changes in behaviours</p> <p>10. More participants have achieved accreditation for their learning</p> <p>11. Participants develop confidence in their skills and develop aspirations for further learning and development</p> <p>ENGAGEMENT</p> <p>12. Participants are more involved in community-based activities</p> <p>13. Participants develop positive peer networks and relationships</p> <p>14. There is increased community-based interaction</p>	<p>22. Participants have influenced the opportunities available to them in their community</p> <p>CONFIDENT COMMUNITIES</p> <p>23. Sustained participation in community-based activity</p> <p>24. Reduced levels of crime and anti-social behaviour</p> <p>25. Improved perception of the community as a place to live</p> <p>26. Increased community esteem and capacity to shape local development</p> <p>27. Better community integration and cohesion</p>	

FIG. 26: CASHBACK FOR COMMUNITIES IN SCOTLAND - SYNTHETIC OVERVIEW



5.

SOCIAL REUSE IN ITALY

Laws, actors, funds, framework and ecosystem

Italian norms that enable social reuse of confiscated criminal assets by communities are strictly connected with the legislative framework that rules seizure and confiscation in Italy. These norms enable the seizure and the confiscation of propriety, both real estate and companies, from people involved in criminal organizations. Specific norms inside this legislative framework enable different destinations for confiscated criminal assets and identify public and private actors involved in the transformation. Different funding sources help these actors bringing these proprieties outside the domain of dismissed and unused public assets. Present chapter provides an analysis of the Italian legislative framework, the history, the evolution, the options allowed by the norms, the public and private funds, the actors and the whole Italian ecosystem involved in social reuse. The complete analysis of norms, actors and funds is mandatory in order to define the learning and training set for case analysis in accordance with the methodology of research.

5.1. Historical Evolution of the Legislative Framework

The main law that rules the application of seizure and confiscation in Italy is the Legislative Decree 159 of 6 September 2011 “Codice delle leggi antimafia e delle misure di prevenzione, nonché nuove disposizioni

in materia di documentazione antimafia”⁷⁷. Inside this legislative codex, some articles enable two main process of reuse: institutional and social reuse. Before discussing the state of the law, it is necessary to describe the evolution of the legislation.

Law no. 575 of 1965, which still forms the foundation of the Italian anti-mafia legislation was adopted after a tragically event known as “Strage di Ciaculli” (Palermo) in 30 June 1963, which killed seven representatives State forces. The first qualitative leap in normative terms happens in 1982, with the bill proposed by Pio La Torre and Virginio Rognoni; according to previous pieces of research in the field of law science, this rule is a pivot in the recognition of the Mafia as an organized criminal anti-state able to infiltrate the nerve centres of public life. The same opinion was General Carlo Alberto Dalla Chiesa, Special Prefect in Palermo during those years: in his last interview he told to the Italian journalist Giorgio Bocca in La Repubblica newspaper: “The Mafia is now in major Italian cities where it made large building, or commercial and industrial investments. You see, I’m interested to know this “primitive accumulation” of capital provided by the mafia, this stage of money laundering, these money stolen or extorted that architects of great renown have turned into modern houses or hotels and restaurants. But I care even more the mafia network control, which thanks to those homes, those businesses passed to unsuspecting hands, correct, are key points, ensures and provides pathways for recycling and controls power”. The law n. 646 know as Rognoni-La Torre, was promulgated on 13 September 1982 few months after the murder of La Torre in Palermo,

77. “Codex of anti-Mafia laws and preventive measures, as well as new rules that concern anti-mafia documentation”

and ten days after the murder of the general Dalla Chiesa. During those years “Cosa Nostra” decided to make a quantum leap forward in terms of visibility and conflict against the institutions murdering the president of Sicily Region, Piersanti Mattarella and the head of the Public Prosecutor of Palermo, Gaetano Costa. Through the work of La Torre, syndicalist and deputy elected in the list of the Italian Communist Party, we have the awareness of the process of transformation of the criminal organization from rural landowner, to real estate developers, to the financial and industrial sectors.

Law no. 646/1982 (Rognoni-La Torre) expresses a radical change of the legislative framework with the introduction of the crime of mafia association, defining and providing that: “Art. 416-bis. - mafia association type - Anyone who takes part in a mafia-type formed by three or more persons, shall be punished with imprisonment from seven to twelve years. Those who pro-move, manage or organize the association are punished for that reason from nine to fourteen. The association is of the mafia type when its members use of force to intimidate the associative bond and the condition of subjection and conspiracy of silence to commit crimes, to acquire directly or indirectly the management or control of economic activities, concessions, authorizations, contracts and public services or to realize profits or unjust advantages for themselves or others, or in order to impede or obstruct the free exercise of the vote, or procuring votes for themselves or others during elections “.

The insight that underlines it is related to the change in direction of the Mafia. The “military” repression of criminal organizations wasn’t enough to counter the phenomenon: the men arrested, the weapons, the explosives and the other tools seized can be replaced especially in presence of

illicit funds flows. Otherwise the criminal entrepreneurship, through the economic control of the territory, would therefore over time smother the honest, healthy entrepreneurial and economical actors. It is associated with the phenomenon of money laundering, heavily damaging the most elementary rules of free competition. For all these reasons, the law no. 646 has introduced for the first time the confiscation of propriety. The confiscation of the assets occurs for which is not presented evidence of legitimate origin or in presence of evidence of direct or indirect ownership of assets belonging to mafia-type association. Confiscation may be preceded by a seizure, if there is a real danger that these assets may be lost, stolen or sold. The law also makes possible to check the financial resources of the suspects, families, partners, and to all natural and legal persons, associations or entities, connected to the asset.

In 1989, the Decree-Law no. 230 amending the Law 575/65, and provides new rules related to the management and destination of confiscated property. The main change is the introduction of the figure of the administrator, appointed by the court with the same seizure measure. The administration has the duty to keep the assets and increase, if possible, the profitability. The administrator have to draw up a regular deliverable, which can show other assets for seizure uncovered during his management period; may, in addition, use the revenues of these assets seized for the payment of any expenses related to management and conservation of the asset. In the case where immovable property belong to companies, the Ministry of Finance evaluate the exact value and communicate it to the competent prefect. The prefect shall, in turn, listen the provincial committee for public order and security, to formulate target proposals to the Ministry of Economy and Finance, which will give off (even in non-

conformity) a decree.

In 1990 lawmakers have taken a step forward with the law n. 55 of 19 March. To step up preventive measures against the mafia economy, the law extend the targets of the confiscation measures, including some classes of subjects that belongs to organizations involved in the smuggling of drugs and those who live with proceeds of crimes of extortion, usury and money laundering. Another innovation of the law was to allow the seizure and confiscation of property in cases where the special supervision measure was not applied in practice, when, for example, the subject is absent, living abroad or is already subjected to custodial detention. The main focus of this measure is to underline the intrinsic danger to the assets, separated from the social dangerousness of the subject.

In this direction moves the decree-law n. 356 of 8 June 1992, subsequently transformed into law. The new rules allows a temporary suspension of the administration of the assets used to carry out economic activities, in the case that the assets are able to facilitate the activities of individuals against whom a measure of personal prevention, or subjects prosecuted for crimes of mafia-type association, kidnapping, extortion. The seized assets can be confiscated in a subsequent measure. The legislature, with these new standards had the clear intention to extend and enhance the action of contrast against the criminal phenomenon in the economy and entrepreneurship;

Despite all these improvements, the legislation on confiscation of assets found it hard to take off, especially for the complex body of investigation to be done, but also for the failure to make provisions about the destination and the subsequent use of confiscated property.

Investigative innovations introduced by 416-bis and the confiscation of property was implemented in the first trial known as “Maxi-processo”, in Palermo in 1986 by the anti-mafia pool; several were the attempts by criminals to stop the advance of the institution and, since 1983, some servants of the State were brutally murdered: the examining magistrate Rocco Chinnici, police officers Beppe Montana and Ninni Cassara, the agent Roberto Antiochi.

The investigative baton was picked up by Anthony Caponnetto, moved from Florence to Palermo to take the place of Rocco Chinnici, and judges Giovanni Falcone and Paolo Borsellino; these judges were forced to terminate the order for the maxi-trial, in complete isolation, in the Asinara prison. The process was closed in December 16, 1987 with a request to nineteen sentences, two thousand and six hundred years in prison and more than three hundred of minor convictions; the decision at first instance was confirmed by the Supreme Court of 31 January 1992.

In the Maxi Processo the legislative provisions on confiscated criminal assets was applied for the first time as described by law Rognoni-La Torre: the confiscation of all those goods which were used to commit the offense and all the things that had been the price, product or profit. The strategic direction of the pool was clear: hit the criminal organization not only with convictions for individual crimes, but mainly through dismantling of their enormous wealth: the added value of an organization that, thanks to the enormous availability of money, can rebuild the ranks of his army at any time.

Cosa Nostra’s response was ruthless and infamous. On May 23, 1992 near Capaci, on the highway that connects Punta Raisi airport to Palermo, five

hundred pounds of explosives blew up Judge Giovanni Falcone, his wife Francesca Morvillo and three police attendants: Antonio Montinaro Rocco Di Cillo, Vito Schifani. After only fifty-seven days, on July 19, a car bomb in Via D'Amelio killed Paolo Borsellino and five agents: Agostino Catalano, Emanuela Loi, Vincenzo Li Muli, Walter Eddie Cosina and Claudio Traina.

Despite the arrest of the Cosa Nostra's leader in charge, Toto Riina on January 1993, the intimidation of crime continued moving forward more institutional and artistic goals: between May and July of that year, explosives were placed in Florence in via dei Georgofili, behind the Uffizi Gallery, killing 5 person; in Milan the attack took place in via Palestro, near the Pavilion of Contemporary Art and caused the death of five people; in Rome there were simultaneous explosions in the square of St. John Lateran and the church of San Giorgio in Velabro, fortunately without injury to persons. Points of these latest attacks were not chosen at random.

5.2. The petition of “Libera” and Law No. 109 of 7 March 1996

On the basis of the emotional wave of terror sparked by the period of the massacres in Sicily, a cultural and social rebellion movement was born: citizens, associations, various political and religious networks became aware that it was no longer possible to delegate only to the judiciary or law enforcement efforts against the proliferation of mafia organizations; it was necessary to raise awareness of citizenship to the constitutional principles and everyday legality; needed more than anything was the leverage of the mafia economic heritage. It was not, therefore, casual if the first network of associations for the fight against organized crime was born with the name of “Libera - Associations, names and numbers against mafias” and, above all, that the first nationally important initiative was

a petition for introducing the reuse of confiscated property for social purposes. According to previous research on the topic the management of these assets becomes a sort of modern “contrappasso” against the villain to counter the activities of organized crime and disseminate the culture of legality. Giuseppe Di Lello, magistrate of the anti-mafia pool of Palermo, wrote the new legislative framework: Libera collected over one million signatures.

The Justice Commission approved Law no. 109 of 7 March 1996 during the deliberation. There were however many difference with the proposal promoted by Di Lello and the associations: first of all the elimination of the part dedicated to the social use of assets confiscated to the corrupt, and the limitation to three years of the prefectural funds for the management of assets and for the projects supporting the use of resources confiscated.

Among the technical innovations, the law n. 109 include the clause whereby the good administrator must have proven expertise in this area, and if the assets are gathered in a business form, the administrator can be one of the professionals who have worked or are the functions of Commissioner for the administration of large firms in crisis, trying to preserve in this way, companies with good chances of development and employment. Procedures for the allocation of the property have been significantly streamlined, thanks to a reduction of administrative steps from four to three; authorities involved in the procedure are also reduced (from thirteen to nine).

In detail, the administrative steps were:

- the final notice of the seizure, in which four institutional entities were involved: the judicial office stationery that issued the decision; the office

of the headquarters of the Ministry of Finance with the territory in the province where they were confiscated property or the company, as well as the Prefect and the Public Security Department of the Ministry of Interior;

- Acquisition of opinions from four different institutional bodies: the central director of the State Property; the competent executive office of the Territory; the Prefect and the Legislative office of the municipality concerned;

- Notification of the non-binding proposal In 30 days: The central director of the State Property of the Ministry of Finance emanates the final destination (in almost all cases be confirmatory of the proposal). According to the decree, the property should be handed over to the end user and this ended the skills of the other offices. It remains a particular form of control by the prefects on the effective use of the assets, in the event that these were intended to municipalities for institutional or social purposes.

At the Prefectures was established a fund whose resources were used to finance projects related to the management of properties confiscated and related activities. The Fund was formed by funds received from the sale of real estate and proceeds from the recovery of personal loans, and from renting, sale or liquidation of company assets.

With this tool the law introduced the financing of projects related to the management for institutional purposes, social or public interest of property confiscated: in particular it was projects related to specific rehabilitation activities of degraded urban areas, prevention and recovery of uncomfortable conditions and exclusion, interventions in schools for education courses to legality and promotion of entrepreneurial culture and entrepreneurial activities for unemployed youth.

5.3. Implementation issues and improvement

In the years following the promulgation of Law no. 109 of 1996, numerous pieces of research analysed the implementation of the Law No.109.

From an administrative point of view, considerable issues have been met in the time that occurs between the seizure to the new destination: the time to reach the final confiscation should be accomplished in the few months before the asset can then be defined in its features and can be thought a precise target, to turn it into a work of conservation and valorisation. Unfortunately this stage has several delays, due to the evident shortcomings of the judicial process, or organizational deficits within the “Agenzia del Demanio” (in force only since 2004), analysed in detail by the annual reports of the “Corte dei Conti”. Further difficulties were also encountered in the relations between the different authorities involved in the procedure for the destination of the assets: sometimes the orders for sequestration are transcribed delayed by the Court, or have obvious defects of cadastral information, making it necessary to change the order to process already initiated and the drafting of new transcripts. Especially in the category of real estate, there are frequent cases of occupations provided by family members or subjects for which must be issued the eviction, or even can happen that the constructions are built without authorizations. Considerable organizational difficulties may be encountered even in the case of business assets which often are received by the State without the minimum operational potentials.

From the social and territorial point of view, cooperatives that receive the management of the confiscated goods face different obstacles, especially in the start-up phase. Sometimes, the contexts in which the cooperative operates are characterized by the presence, although not manifested, of

various “of sinking” strategies of these criminal organizations to which the goods were torn. The associations that concretely handle the assets have to address this task with choral activity of repression and prevention of criminal activity and collective support for its activities. Complex is also the inclusion of such cooperatives in the global market: a company that is born from a property confiscated focused on the future, both in terms of economic resources, both in terms of human resources. This does not facilitate the enterprises in accessing credit. The law, in fact, defines them only as “manager” of the assets, through gratuitous loans for use, and for the reference banks this is not an economic guarantee for the granting of loans or access to loans, which are essential to cope with the initial investments.

Thanks to the careful analysis of the Court of Auditors and then the CNEL (National Economic and Labour Council) it was possible to find appropriate solutions to improve the process of confiscation and management of assets. A first step in this direction was made in the years 1999 - 2000, with the creation of the Special Commissioner of the Government for the management and destination of the goods confiscated from criminal organizations. An experience that lasted until 2003, then interrupted for four years and taken up again in 2007, with a new Commissioner: Judge Antonio Maruccia, advisor of “Corte di Cassazione”. In general, the Commissioner has been entrusted with the task of promoting innovative activities with the judicial authorities, in order to bridge the administrative procedures of destination with the judicial proceedings and with the final aim to contribute to an organic and coordinated management that begins right from judicial phase. The legislation identified precisely the tasks of the Commissioner and its structure:

- ensure effective operational coordination among the administrations and institutions with the purpose of management of confiscated property, even with the power to re-claim Conferences of Services and to issue directives and acts to the authorities and to the competent organs;
- ensure the operational coordination between the different administrations and the persons to whom devolves the management of assets, including the identification of solutions to general problems related to the management and destination of goods, making analysis and studies;
- promote the adoption of administrative measures to ensure the successful management of seized assets and the effectiveness of their social destination, also through protocols and agreements with public and private stakeholders, aimed at ensuring the resources necessary to the valorisation and development of the property;
- promote agreements with the competent judicial authorities to merge administrative procedures with prosecutions limited to the phase of the seizure and final confiscation of assets;
- make proposals to the President of the Council of Ministers regarding changes and additions to the administrative procedures and legislation in force, governing the appropriation and management of assets, in order to make it more streamlined and effective the administrative action;
- carry out the monitoring of property confiscated in collaboration

with the competent authorities.

The Commissioner's support structure included a first rank executive member from the Presidency of Prime Ministers and fifteen units of staff in leadership positions, including five belonging to the Prime Minister, including two units of prefectural careers and ten units belonging to the forces of Order (Guardia di Finanza, Carabinieri, State Police and Penitentiary Police). Charges related to the management of the administrative structure bore down upon the balance of the Prime Minister's Office. The logic according to which the Commissioner was acting was to support the specific objectives of each "step" administrative, pointing to the final result of the full use of the property. The connection with the judicial authorities had the objective of overcoming the issues that prevented the use and destination of the goods such as illegal occupation by the same criminals, critical administrative or legal nature materials, lack of resources for the conversion. In all cases, for which the asset (property or business) was not used incurring a rapid deterioration (in the case of companies also to mass layoffs and bankruptcy) the image of the State came out heavily damaged, in territories whereby it is indispensable to obtain the support of the entire population.

A first important recognition of the potential of this office was the assignment by the Interior Ministry of the management of Objective 2.5 "Improving the management of assets confiscated from organized crime," the National Development Plan (NDP) "Security for the development of Southern Italy. Convergence objective "2007/2013, which carried over 91 and half million euro for the financing of interventions on confiscated property. The tangible results of the creation of this office were visible from the first months of work. Compared to 684 assets for the full year

2007, in the first ten months of 2008, 966 were those who had successfully completed the final allocation process.

The fundamental task of coordination between actions of the various institutions involved in the process was finally carried out by the Office of the Commissioner through a National Protocol on confiscated property and on the basis of some local experiences. It is a consultation tool that provides for the convening of a regular work table (which can be configured as conference services), under the direction of the Prefect; the objective of the Protocol is to solve all the problems on the assets that are still on going and just unresolved by the end users (associations or municipalities assignees).

Already in its final report of 2008, the Extraordinary Commissioner expressed the need to establish a National Agency for the seized and confiscated assets from crime. Unanimous request was:

- to provide a sort of a legal entity able to take responsibility, in the sensitive area of the capital fight against criminal organizations of the Mafia,
- the need to ensure the successful management and reuse of wealth taken away from the crime through their effective, rapid social and institutional reuse.

The new entity would be configured as a valid support for the confiscation process from seizure, in the first part of the process with direct connection with Judicial Administrators and until the adoption by the Prefect, managing the next phase of the final confiscation of the property to the destination measure. For the first time it makes clear the need for unique

actor as an intermediary between the institutions and the voluntary sector.

The decree law no. 4 of 4 February 2010 was revolutionary in its aims because it establishes the first “mixed” Agency of the country: the new Agency for the administration and the destination of seized and confiscated assets is defined not only as a work table, concerted and regulated by specific rules, but as a subject who owns the major policy decisions on the management and disposal of confiscated property; the lawmaker provides for the presence of magistrates and officers of government in the board. The Agency, from this point of view, constitutes a new inter-institutional cooperation model to clamp down organized crime based on the awareness that the convergence of public entities with a number of different readings to a certain socio-economical and territorial context is a value in criminal assets confiscation and management.

The Agency will enforce the path of the propriety from the moment of the preventive seizure, and will manage the asset until the end of the judicial process. One of the fundamental changes introduced with the new Anti-Mafia code (Legislative Decree no. 159 of September 2011) is the prediction of a time limit for the issuance of the destination measure: according to Article 38, in fact, the National Agency has ninety days (in some special cases, it's possible to add other ninety days).

5.4. The Codex of Anti-Mafia Laws - Law No. 136/20100

According to previous research that concern the development of the legislative framework, the anti-mafia legislation in Italy has always been driven by national emergencies and news events. This *modus operandi* has led, however, to a legislative framework sometimes incoherent and

in clear contradiction, hard to apply in the context of the great trials of mafia organized crime. For all these reasons, in September 2011, the government issues a legislative decree entitled “Code for anti-mafia laws and prevention measures, as well as new provisions on anti-Mafia documentation” (Legislative Decree n. 159 of September 6, 2011). The intention is to develop single rule, cuts across all areas of criminal law, procedural and administrative. To set the rule in a sensitive area such as the confiscation of property, fragmented and subject to the time change, the lawmaker puts in front of two completely opposite solutions: create the condition to cooperate, or creating “mixed institutes” deputies to co-decision, as happened in the case of the Agency.

From March 16, 2010, in implementation of Article 1, paragraph 2, It was established the operational headquarters of the Agency in Reggio Calabria. Here they have concentrated all the main functions and meetings of the board. The choice of this location was probably taken in the wake of a strong emotional event: on 3 January 2010, the ‘Ndrangheta detonated a powerful bomb in front of the General Prosecutor of Reggio Calabria, fortunately without causing casualties.

As reported by the last Director of the Agency, the Prefect Giuseppe Caruso, would be necessary to move the headquarters to Palermo (where there are more disputes related to property) or in Rome, close to major institutional venues. The organization employs managers and Interior Civil Administration officials, officers and non-commissioned officers of the State Police, the Carabinieri and the Guardia di Finanza; also present were leaders and officials of the body of the fire brigade, needed for initial inspections of goods.

In November 2011, the Agency's Governing Council has given the green light to the opening of offices in Palermo, Naples and Milan, relying on the principle of constant dialogue between local authorities, mayors and prefects.

5.5. The New Role of Local Authorities - Law No. 228/2012

With the law Stability of 2013 ("Disposizioni per la formazione del bilancio annuale e pluriennale dello Stato", Law no. 228 of 24 December, 2012) the Government has introduced a number of regulatory and technical changes to the Code and the Anti-Mafia institutional organ functioning.

The law amending stability Article 12e of the Law 356/92, giving the National Agency the necessary powers to manage in a unified way the goods confiscated regardless of the type of offense (as long as included in the cases listed in the aforementioned regulatory article).

Another important new feature is the reformulation of Article 48 of the Anti-Mafia code: were, in fact, extended the recipients of movable property, with the inclusion of local authorities and voluntary organizations. Article 51 expressly provides that, during the seizure and confiscation of the goods, and until their assignment, there is exemption from taxes or levies.

Fundamental changes concern the new protection of third parties: the anti-mafia Code provides the call of third parts, regulating the conditions and method of protection through a process in which all the "stories are resolved". In this way the asset is acquired by the state without any issues that could result in charges or expenses for third parts. This discipline, indeed, is applicable to the proceedings instituted by the October 13, 2011 covering all the goods that, despite being affected by problems,

had already been permanently confiscated.

The law has introduced also a procedure that provides the National Agency's involvement at the beginning and at the end of the procedure: verify the existence of credit and ensure the good faith of the mortgagee or pledgee.

- initially, by the "Notice to the creditors" within 10 days from the entry into force of the stability law, if possible by e-mail or by posting them on its website;
- after the judicial investigation, when the Agency must make payment

After the judicial investigation, when the agency must proceed to the payment of creditors. In particular, 12 months elapsed from the expiry of the time within which the demand for credit admission must identify goods from the total market value of not less than twice the amount of credits allowed and thus proceeds to liquidation. The amounts derived from the liquidation, are temporarily set-aside in a separate fund management at the Justice Act. The new provision for the payment of creditors specifies that each plan cannot forecast a total payment that exceed the 70% of the asset's value and that the proceeds from the possible liquidation of the same.

In the Annual Report 2012 National Agency for the management and destination of the goods seized and confiscated from organized crime, the prefect and director Caruso wrote some proposals to implement not only the organic structure of the Agency, but also to standardize the regulation of properties confiscated. It becomes essential, for the State,

to acquire free of charge confiscated companies, in order to avoid three types of problems:

- Revocation of bank loans: if the bank decides to revoke the bank credit, the company that starts the activity on a confiscated criminal asset fails to pursue their entrepreneurial activities. It could therefore be avoided by the establishment of a revolving fund to be utilized by the judiciary and the National Agency, to fund companies that have real opportunities to remain on the market;
- elimination of the orders: The proposal is to create a synergy between companies seized and confiscated for the rotation of the orders, in parallel with a virtuous network, involving associations of business categories, the company could be part of a circuit of legality, entrusting of specific contracts;
- increase of the operating costs: the “cost of legality” is definitely higher than a company operating in the market and mafia comes from regular invoicing of orders and the regularization of all labour relations. The request is to introduce specific incentives, both in terms of tax relief and in terms of de-contribution of labour relations, to allow not only the maintenance of the entire workforce, but especially new hires.

In addition, the National Agency hopes that, in the case of an inevitable closure of the company, it is possible to develop alternative models of welfare, to allow dismissed workers to be able to retake place into the labour market.

5.6. Actors involved in the process

ANBSC: since 2010 the Agency is the institution that is responsible to take charge the good from the time of seizure to the destination at the City of competence. The Agency has legal personality: it is a public body that pursues the interests of the state; It holds powers, rights and duties and obligations in particular legal situations. He has autonomy in the organization and accounting and it's subject to the control of the "Corte dei Conti". In general, the Agency collects and analyses all data and information on seized and confiscated assets, to carry out a review and a constant monitoring of the status of the proceedings. This path is used to guide the good to the destination to the cities and the subsequent assignment to an association or cooperative. To facilitate the transparency of all the seizure and confiscation orders, the Agency has created a database on its website, through which claimants can have information. During the seizure and confiscation procedure, the Agency is an official partner of the judicial authorities, and after the conclusion of the preliminary hearing directly administers the asset, making use of professionals chosen by a special Register. After the final confiscation, the Agency has ninety days in which to issue the decree of destination of the goods to the institution or the local authority that has requested it.

The Agency currently employs 30 employees on the payroll and other 100 to control unit or detachment: there are directors and official of the Civil Administration, officers and non-commissioned officers from the State Police, the Carabinieri Corps and Corps Guardia di Finanza. They are available to the Agency also directors and officers of the body of the fire brigade, needed for initial inspections of goods. The Director is chosen from the prefects and appointed by the President of the Republic, at the

proposal of the Minister of Interior, after consideration by the Council of Ministers. It has the fundamental task of outlining the operational guidelines and ensure their proper performance during the year; It has legal representation in institutional places and report every six months to the Ministers of Interior and Justice on the activities performed by the Agency. The board is chaired by the Director and is composed of one representative of the Ministry of Justice, a magistrate appointed by the National Anti-Mafia Prosecutor, two qualified experts in the field of corporate and asset management. They can also claim representatives of local authorities and associations involved in the seizure. The Council's program activity allocation and destination of goods in anticipation of the final decree of confiscation, and agree the outline of target plans. Annually verifies the use of the goods, from private and public bodies, which should comply with the allocation order issued by the Agency.

If the Board finds out a different use from agreed, it might decide to revoke the assignment and appoint a provisional administrator to a new assignment. It may sign agreements and protocols with public administrations, regions, local authorities, professional bodies, organizations and associations for the purposes put into relief by the regulations. The Agency, for activities related to the administration and allocation of the assets seized and confiscated also not yet been finalized, can avail, without new or increased burdens on public finances, the Prefectures territorial jurisdiction. It must also be made constant reference to the world of associations operating in the sector, which manages to give voice to the direct needs of the citizens.

Prefectures: one of the Agency's indispensable interlocutors is the prefecture that represents the institution able to delineate the territorial framework within which the national agency must move. Right to pursue

this purpose, in 2011 the executive board has provided for the creation of “Nuclei di supporto”. The idea pursued with the provision is to establish an institutional forum that can speed up the proceedings destination of the goods, through the contribution of the various public or representative organizations of civil society, removing the obstacles that, at the local level, make unattractive assets for the relevant government departments for their use. The concept is to define a body that, on the one hand, support the Prefect in monitoring in order to identify possible situations of degradation, of abandonment, distorted, inadequate use or the use by criminals of the same items that had been confiscated; on the other hand, facilitates the National Agency’s action in restoring the conditions of actual use for institutional and social purposes. The “Nuclei” can play an important role in providing an important part of criminal assets management blocked by various types of issues: judicial decisions in criminal proceedings and preventive; overlapping or consistent mortgages for which forms of settlement with the banks which grant loans are needed.

To find out optimal solutions in the nuclei of support there are representatives of the Agency of the State Property and local police forces. Two circulars issued by the Agency delineate precisely the initial phase of the supporting cores activities: special care is required from the monitoring of existing assets confiscated and disputes related to them, to mortgage liens, relations with local authorities as well as to activities aimed at the target of real estate such as inspections, eviction and assignments.

Cities: municipalities have the fundamental task of giving new value and characterization to typical municipal functions, related to the connection with the business ecosystem, and with the labour unions that represent

points of listening and sensitivity of great importance.

The involvement of municipalities in the evolution of the idea of widespread participation should enable them to preside with new awareness the specific moments of administrative actions that could become the driver, sometimes unconscious, of mafia infiltration and, conversely, can make a valuable contribution to action to prevent it. For all these reasons, the existing link between the Agency and local authorities is very tight, so as to constitute in different prefectures certain technical and institutional tables composed of: Judges of the preventive measures, representatives of the regions, provinces, municipalities and consortia of municipalities, members of the associations. Law no. 109 of 1996 provided for the conference services, which could speed up the target procedure and reuse of assets. The local authority, in almost twenty years of application of the law n. 109, proved to be a crucial subject in the resolution of problems that may be encountered in the steps confiscation and destination. With the new anti-mafia code the conference for services have been replaced by the “Nuclei di Supporto” at the Prefectures.

State Forestry Corps: the power of control and management, especially on land and farms, is exercised by criminal organizations even after confiscation. The purpose of an agreement signed in June 2010 by the State Forestry Department, the National Agency for the administration and the destination of assets seized and confiscated from organized crime, and Libera association include the preside on those territories with the purpose to bring them back to the law through projects for the reuse of criminal assets. The protocol, renovated on May 3, 2012, provides for a series of joint actions, including: education campaigns, initiatives, reports to spread culture of legality and on agro forestry and environmental

heritage; a census of agricultural land and rural and mountain areas confiscated from organized crime; a partnership for summer training camps and voluntary “E!state Liberi” promoted by Libera, that host young people from across Italy; the promotion of initiatives to empower the connection between “sports and legality”. As part of this last point, a national project now in its third edition is “Libera la Natura”: during the course students participate in sports events, on goods confiscated from the mafia, and training sessions in school, in the presence of witnesses of the sports of the state Forestry Corps and social antimafia associations. The project aims to spread a healthy sport that it is a vehicle of values such as respect for others, the rules and their own body, to combat and prevent lawlessness even in the sports world. Since the beginning, the project “Libera la natura” took place in Piedmont, Lombardy, Lazio, Marche, Abruzzo, Campania, Calabria, Puglia, Sicily. In 2013/2014 it took place in Veneto, Tuscany, Basilicata and Sicily for a total presence of over a thousand students.

Consortia: the creation of municipalities Consortia was an important tool to implement the legislation: put together municipalities ensures better management of seized assets and new opportunities for social redemption for the whole territory; the planning is, in this way, enlarged to an entire geographical area and the same cooperative can count on a greater share of land. The first consortium to be born was “Sviluppo e Legalità”, union of several municipalities of Alto Belice Corleone; this experience has the merit of having led the way in all subsequent experiences, which are highlighted below.

The Consortium for Development and Legality - Palermo (Consorzio Sviluppo e Legalità) was born May 30, 2000 on the initiative of the Prefect

of Palermo, to allow eight municipalities of the province (Altofonte, Camporeale, Corleone, Monreale, Piana degli Albanesi, Roccamena, San Cipirello, San Giuseppe Jato) to manage all property confiscated who insisted on their territory. The assets interested by the activity of the consortium were confiscated to important members of Cosa Nostra, including Salvatore Riina, Bernardo Provenzano, Bernardo Brusca, Giuseppe Genovese. In the initial project there were involved also Consorzio Lavoro Spa, Sudgest Consortium and the association Libera, for offer added value to the start-up costs. In over ten years of activity it started a fruitful collaboration with all the actors of the territory, to enable the rising of new social cooperatives for agricultural and agro-tourism. Today the lands that once represented the power of the criminal bosses in the area, are populated by young workers with a production of oil, pasta, wine and legumes: products marketed nationwide. The results of the action of social reuse can be finally “seen” and touched. They have become a tangible sign of the redemption of the land. Today, about 700 hectares of land, employs over 70 people, including members of cooperatives (“Placido Rizzotto”, “Work and not only”, “Pio La Torre”) and other connected industries that developed in the territory. A key objective of the Consortium is also to affect the awareness of the citizens through a full calendar of events involving the schools of member cities, the church and the ecosystem of associations in general; with the funds known as “PON Sicurezza” provided by the Interior Ministry, developmental paths with the students and their families were also financed, taking advantage of the contribution of new technologies and ITC. The staff of public administration has been able to take part in special events on topics related to the rule of law in administrative procedures and in public tenders.

The Consortium for Legality and Development - Agrigento has been constituted 28 October 2005, currently belongs to the towns of Agrigento, Canicattì, Favara, Licata, Naro, Palma di Montechiaro and Siculiana. All the mayors of the cities that are part of the Consortium compose the assembly. The Board consists of three members, and it is the policy-making organ of the administrative entity. The pilot project of this Consortium was Libera Terra Agrigento, funded in part by the PON-National Security Operational Program, and provides a number of different interventions: a memory garden in the town of Favara; It was established to provide social activities for young people in the municipality of Siculiana, just to mention a few. On June 26, 2012, was finally inaugurated in Naro, in Robadao area, the cooperative entitled to judge Rosario Livatino: it wasn't random the choice to recall the memory of the judge from the town of Canicattì, killed by Cosa Nostra. The commitment on the assets started with the opening of a base scout and a summer school in the building of the confiscated property. The attempt to develop a social community alternative to the criminal ecosystem has found the concrete support of the main foundations and organizations: Unicredit Foundation, Enel Cuore Onlus, Fondazione BNL, the Unipol Group, the Italian Farmers Confederation, the Faculty of Management Engineering of the University of Palermo, the Policoro project of the Italian Bishops Conference, Confcooperative and Confindustria Agrigento, which have provided the necessary advice to members of the cooperative to do their jobs.

The Consortium for Legality and Development - Trapani includes the cities of Trapani, Alcamo, Campobello di Mazara, Castelvetro, Castellammare del Golfo, Erice, Marsala, Mazara del Vallo, Trapani, Life and Calatafimi Segesta. After the foundation the consortium signed a commitment card

with Libera, the State Property Agency, CReSM Association, “Italia Lavoro” and some municipalities of the Consortium. The pilot project “Le Saline” was funded entirely by the PON Security, despite the considerable delay to negotiate with banks and redeem the mortgage on the land confiscated. In 2012 the Consortium has joined the project Libera Terra of Trapani and has published a call for selection for the start-up of a new social cooperative.

The Consortium Etneo for Development and Legality (Consorzio Etneo per la Legalità e lo Sviluppo) was set up in 2010 by the Regional Province of Catania and the municipalities of Aci Castello, Aci Catena, Belpasso, Calatabiano, Camporotondo Etneo, Castel di Judica, Catania Gravina di Catania, Linguaglossa, Mascali, Mascalucia, Misterbianco, Motta Sant’Anastasia, Piedimonte Etneo, Ramacca, San Giovanni La Punta, San Pietro Clarenza, Tremestieri Etneo, Viagrande for the joint management of the confiscated Mafia assets under the aegis of the prefecture of Catania. Some of the projects carried out by the Consortium are the creation of the youth aggregation centres in Mascalucia, in Gravina di Catania, San Giovanni La Punta and Camporotondo Etneo, a Center for shelter and assistance of people with physical and mental disabilities in Viagrande and the creation of social tourism centre for disabled young people and their families in the municipality of Linguaglossa. The last two projects received funds from the PON Security “2007-2013 Convergence Objective” co-financed by the European Union.

Consorzio S.O.L.E. Napoli - Development, Employment, Economical Legality - Paths of Legality” (Sviluppo, Occupazione, Legalità Economica - Cammini di legalità) starts thanks to the efforts of the province of Naples, to make more effective the implementation of Law 109/96 ensuring stricter

institutional agreement. The Consortium is committed to ensuring speed and transparency in the management of the assigned assets, program and promotes reuse projects for social purposes, coordinates the institutional actors, local economic and social. Currently it gathers the municipalities of Castellammare di Stabia, Portici, San Giorgio a Cremano, Casalnuovo di Napoli, Marano di Napoli, Melito di Napoli, Pomigliano d'Arco, Pollena Trocchia, Ercolano, Afragola, Sant'Antimo, San Sebastiano al Vesuvio, Villaricca, Torre del Greco, Arzano, Bosco Trecase, Nola, Saviano. Actually the consortium manage 20 immediately reusable assets, as well as an higher number of goods on which it is currently not possible to intervene for the presence of liens (mortgages, ownership, illegal occupation, etc.) or affected by state of decay. The First propriety managed by the Consortium and subject to significant restructuring and conversion activities is the former complex Rea in Giugliano in Campania (which extends over 32,000 square meters, awarded to the Consortium occupied by 32 families), today "Parco Ammaturo", in memory the director of the squad of the state police assassinated by the Red Brigades in 1982. Another important project leaded by the SOLE Consortium It is the development of a centre for integration for immigrants in the town of Castellammare di Stabia. The property has been confiscated from the organized crime during a police operation in May 2006 and is located in the historical centre of the city. It consists in two levels confiscated, from the third to the fourth floor of a building, with a total area of 167 square meters that includes a terrace that covers the entire area. The apartment was handed over to the Association "The House of Peace and Nonviolence" winner of the public notice for re-use for social purposes published by S.O.L.E. Consortium in collaboration with the town of Castellammare di Stabia and Libera. It has been transformed into the headquarters of the centre

for the reception and integration of immigrants “Asharam Santa Caterina.” The centre has 10 beds, 5 internet terminals, and even if the structure is not fully in operation, is now a point of reference and aggregation for migrants. An important project realized with the contribution of S.O.L.E. Consortium is the search for “Groundhog Day by Heritage” 2012-2013, which provides a photographic atlas of confiscated property belonging to the unavailable assets. They were monitored not only the assets transferred to the Consortium as well as those still in the full availability of city (the municipalities, in fact, may join the consortium but can fail to confer on it any good). It was made a photographic atlas with a concise technical statement that included the most important data: the description of the property; the details of confiscation and destination; the details of the measure of contribution to the Consortium, the state and the current use. The goal of the book is not only to bring out cases of neglect and decay but to know the experiences of the virtuous community of the Consortium. Mapping is also rebroadcast on online www.liberacampania.it website on the section “confiscated property”.

Consortium Agrorinasce - Caserta (Agrorinasce S.r.l.) is an agency for development, innovation and security of the territory, with wholly public capital. It was formed in October 1998 by four municipalities (Casal di Principe, Casapesenna, San Cipriano d’Aversa, Villa literno) in the province of Caserta, in order to empower the values of legality in an area characterized by high level of organized crime activities. In October 2005 the municipalities of San Marcellino and Santa Maria la Fossa joined the Consortium. The headquarter is based in Casal di Principe, at the “University for law and development” into the property confiscated to Camorra in Casal di Principe and recovered in 2000 for social and

public use by Agrorinasce society. The structure was the first property confiscated in Casal di Principe. It has been recovered for social and public purposes, with funds provided by the PON Security for the Development of the South, 1994-99 QCS, which is the Managing Authority of the Ministry of Internal. The company, in fact, was the final beneficiary and implementing body of the first pilot project at European level to enforce the law in an area characterized by high density of criminal activities through the aforementioned PON Security QCS 1994-99 for a total of about 3 million euro.

Later in the period between May 2006 and June 2008, the company itself was the final beneficiary of the pilot project called “Land of Work: Legality and Development” (Terra di Lavoro: Legalità e Sviluppo) part of the National Security for the development of the 2000/06 QCS South, with a budget of about 3.8 million euro. He is currently receiving additional three recovery projects in the social use of assets confiscated from the mafia financed by PON Security Objective Convergence 2007-2013 for further 3 million euro. The company was also the recipient of multiple interventions financed by the Region of Campania in the recovery of assets confiscated from the Camorra, in the creation of community safety projects and aid to innocent victims of crime. The main activities of Agrorinasce can be summarized in four areas:

- Dissemination of the culture of legality (eg. Are made annually animation initiatives in schools and solidarity and assistance to victims of crime, cycles of seminars on issues of legality and development in collaboration with Facoltà di Giurisprudenza di S. Maria CV, Facoltà Economia di Capua, Istituto Italiano per gli Studi Filosofici di Napoli, Ordine dei dottori commercialisti

della Provincia di Caserta.);

- Promotion and enterprise development (eg. Construction and management of an area equipped for business in San Cipriano d'Aversa, Sportello Creaimpresa, PIP area of San Cipriano);
- Social infrastructure and cultural activities (eg. Construction of a public swimming pool in Casal di Principe, community centers and libraries in all municipal shareholders, Legality Park of Casapesenna, Legality Park of San Cipriano d'Aversa);
- Recovery and management of assets confiscated from the mafia.

The website: www.agrorinasce.org shows all the activities carried out.

The Network “Avviso pubblico - Local Authorities and Regions for civil education against the Mafia” (“Avviso Pubblico. Enti locali e Regioni per la formazione civile contro le mafie”) starts in 1996 the Network as a virtuous network of local authorities, along with Libera, that supports the re-use of confiscated property and the dissemination of best practices. It has the purpose to connect and organize public administrators who concretely want to promote a culture of democratic legality in politics, public administration and in the territories governed by them. Avviso Pubblico currently has over 200 members including municipalities, provinces, regions and managed to establish working groups on the following themes: 1) procurement, racketeering and usury; 2) confiscated goods and support for cooperatives; 3) Municipalities dissolved for mafia; 4) corruption; 5) young people and culture; 6) security. It was also activated two projects called “Legami di Legalità” that aims to twin towns of the North-Central and Southern Italy and to generate international

relations aiming to twin Italian and foreign Cities. Avviso Pubblico also runs training courses for local administrators and staff in public services. Avviso Pubblico immediately recognized the importance of increasing the commitment of local authorities for the social re-use of assets confiscated from organized crime, through the adoption of specific regulations and the publication of public tenders for the allocation of the properties.

UnionCamere and the Chambers of Commerce system implemented in 2011, the national project “The Chambers of Commerce for the dissemination of legality”, in partnership with Universitas Mercatorum, the telematic universities of Chambers of Commerce. It also collaborates with the Agency and the Prefectures - through the National Agency supporting cores - in order to make more efficient the procedures for reuse social and productive purposes of assets seized from the mafia. Three lines of action have been identified:

- Governance and check up companies confiscated (classification of confiscated companies, elaboration of the governance model, check up quality / quantity, the final report and experimentation on companies identified jointly with the National Agency);
- Creation of new enterprises for the management of seized assets (regional projects in collaboration with the Chambers of Commerce);
- Consolidation works of existing businesses: a) development of the legality supply chain for mozzarella market in the province of Caserta; b) promotion of products Libera Terra and shops of “Saperi e Sapori della Legalità”.

To support the action of confiscated companies, Unioncamere will give continuity thanks to the “legality SOS” project, approved by the European Commission. The association Libera has signed protocols with the regional associations of Piedmont, Emilia Romagna, Veneto, Tuscany, Lombardy and Umbria; collaborated opening of the “Sportelli per la Legalità” with the Chambers of Commerce of Reggio Emilia, Catanzaro and Avellino. Following this successful collaboration, Unioncamere and Libera signed July 23, 2013 a national convention of three years. In detail, with regard to the management of seized assets, Unioncamere will undertake to provide a mentoring service and help to all those who will use new social cooperative businesses and confiscated property.

5.7. Sources of Funding

5.7.1. The season of PON - 2007/2013

The first tool implemented was the National Operational Programme “Security for the development of Southern Italy” (PON). This programme has as main objective to create conditions for security enforcement in the South of the Italian country.

The main challenge of the program is to give empower economic development, youth employment and in general improve the quality of life. At the time of the implementation of the program, Italy was the only European country that introduced a financial instrument for security, co-financed at 50% by the European Union (European Fund for Regional Development) and 50% by the Italian State. The PON requires strong interventions at the local level based on specific development objectives, while the state must guarantee a framework of adequate

security conditions.

After several studies on GDP, and pieces of research on the comparison with the European average, the four southern regions was classified as “Regions Convergence objective” and are recipients of special financial resources. The two streams of the strategic program concern the improvement of the context of the economic actors (against distortions of the competition between companies) and the improvement of the conditions of legality of the four regions, diversifying the actions from the labour market to the improvement of public administration, for the best use of confiscated property.

The National Agency has been affected by the PON Security Convergence Objective - 2007/2013 (operational objective 2.5 “Improving the goods confiscated from organized crime management”), whose budget has over 91 and a half million euro, divided in the four southern regions (Campania, Calabria, Puglia and Sicily) which were funded 70 projects for the restructuring and conversion of properties confiscated and for their reintegration into the production circuit.

Thanks to the use of objective operational funds 2.7 (“Strengthen the technological equipment of the public administration in order to improve the efficiency and transparency of management processes”), the agency would have to develop an ITC system know as R.E.G.I.O, (which It stands for “Realizzazione di un sistema per la Gestione Informatizzata ed Operativa delle procedure di amministrazione e destinazione dei beni sequestrati e confiscati alla criminalità organizzata”).

It had to be an ITC coordinated with the organizations and administrations involved in the administration and destination of confiscated property

(Ministry of Justice, Ministry of Interior, the State Property Agency, Equitalia, Justice, judicial Directors), in order to ensure a continuous exchange of data and information that will allow the optimization of individual workflow within their competence. It should have allowed, in addition, the Agency to continuously monitor events related to each asset, reconstructing the history of the restraint measure to its final destination and as well, including, therefore, also checks on procedures for the use by the beneficiaries and / or assignees; would have to ensure closer working relationship between the Agency and administrators of assets, guaranteeing them the possibility to access to the Agency's information management system and to enter data related to assets and any other descriptive information, transforming the database tool from static to dynamic tool.

The R.E.G.I.O. project it was designed to support the two main functions entrusted by law to the Agency:

- Support to the judicial authority in the custodial phase and administration of seized assets;
- Support to administration and destination of confiscated property.

REGIO has never been realized.

5.7.2. State funding, funds and regional laws

The contribution of local authorities in the process of destination of confiscated property has been necessary with the growing trend of seizures. In recent years the many regions approved regional laws to sustain the process of social re-use of confiscated criminal assets.

Piedmont: on June 18, 2007 Piedmont Region adopted Law No. 14 “Interventions in favour of crime prevention and establishment of the Regional Day of memory and commitment to remember the victims of the Mafia”. Article 7 provides funds for the recovery of assets seized in the region and an agreement with the competent public actors in order to facilitate the exchange of information and to speed up the social valorisation of the assets.

Piedmont Region has envisaged a stable revolving fund for the financial coverage of loans and for the implementation of projects and initiatives related to social re-use. This fund has been implemented as well as a tool to cover guarantees for loans and mortgages for the upgrading and restructuring of assets up to 75% of the coverage.

Calabria: in Calabria the regional law of 22 February 2011 (amending L.R. 3/2005 “Plan of Interventions on property confiscated from the mafia”) established the Regional Agency for the Assets Confiscated from Criminal Organizations in Calabria. This Regional Agency was developed to interface and enforce the Region and the National Agency to improve the effectiveness and make agreements on time. According to the regional law, the lawmaker unequivocally underline the need to establish a permanent link with the central institutions, through deliverable and agreement, to ensure the proper reuse of assets confiscated by eligible persons and the actual correspondence between the destination and usage. The Region of Calabria recognizes a share of not less than 5% of the loans related to regional public works plans. Also through the POR Calabria 2007-2013 ERDF intervention Line 4.3.1.2 Integrated Project Regional Development “Goods confiscated from organized crime,” the region developed a “park” of projects implementable on assets confiscated from organized crime

on the basis of a logic “on the shelf”.

Lazio: in October 2009, the Region of Lazio has established its regional agency to promote the use of real estate confiscated from organized crime with L.R. 24/2009 “Law introducing ABECOL - Regional Agency for Confiscated Assets in Lazio”, amending L.R. 5/2005 “Measures to encourage reuse and social use of goods confiscated from organized crime.” The Agency presents itself as an innovative operational and administrative coordination-fitting tool developed by the administrations and the social partnership. The objective of the agency is to give continuity to public action on the seized goods, to enforce the implementation of the laws and allow the efficient re-use of assets seized from criminal organizations in the programming and implementation of social and health policies. The Agency also offers technical assistance and institutional partnership for the re-use of confiscated assets to secure publicity and transparency in allocations, to support local authorities, associations and cooperatives in the presentation of sustainable projects and in search of financial resources, in order to ensure the effective use and development of property and businesses confiscated. Actually the regional agency has been suppressed.

Lombardy: after the start of the National Agency, other regions enforced their anti-Mafia legislation in relation to the re-use of confiscated criminal assets. Lombardy established the Fund for the Destination, the Recovery and Use for Social or Institutional Purposes of Assets Confiscated from Criminal Organizations and promoted partnership and agreements with ANBSC. The Region of Lombardy in July of 2013, has called a tender for the development of a “managerial training model for the management of the phenomenon of assets, with specific reference to property”. The

project co-financed by a European Union project, includes three different lines of action:

- Analysis of the context and benchmarks;
- Training and guidance in relation to the management of seized assets;
- Intervention monitoring, model evaluation and dissemination of results.

The project is still on going.

Apulia: the Apulia Region represents an experience of success. As part of its youth policy program “Bollenti Spiriti,” it has promoted with the Councillor for Transparency and Active Citizenship, the initiative “Libera il Bene”. This program promotes recovery, conversion and reuse of assets confiscated from organized crime in Apulia for social, economic and environmental protection. A partner in the initiative is the association Libera. The region has put together all the necessary tools to ensure that the confiscated property would then be in a state of abandonment or degradation, due to the shortage of economic or technical resources of local authorities which it is addressed; public actors of civil society, especially young people who are entering the world of work, should become active participants in the combating of organized crime through the creation of positive collaboration networks between organizations and local institutions. With a call addressed to Apulian local authorities, “Libera il Bene” finances the costs of restructuring and conversion of good and covers the management costs for the first twelve months of operation in areas that need projects for the protection and enhancement of the

territory, social inclusion and active citizenship and development of new business initiatives. The second edition of “Libera il Bene”, after the first step dated 2008, aims to “liberate” the information on the seized assets, make them accessible to non-experts and promote and disseminate best practices for reuse of the goods themselves. To do this, the Region of Apulia and Libera, together with other associations (ANCI and “Avviso Pubblico”), created a virtual platform: that is a website collector of experiences and emerging issues, moment of collective reflection about state of the art in Apulia. This platform is intended as a reference point for the dissemination of reliable and detailed information on every aspect of social reuse of assets confiscated from organized crime and, in general, on the promotion of culture of nonviolence and legality. The same platform also shows a map of the assets confiscated from the mafia and made available to the Apulian local authorities. The map is progressively updated. Each asset is marked by the symbol of a key and a colour that indicates the state of the goods. Mapping, of course, is the most complex phase and, together, the most important of the project and is still on going (also due the growing number of confiscated property).

Campania: the Region of Campania with the law n. 7 of 16 April 2012 (amending L.R. 23/2003 “Interventions in favour of the municipalities to which the goods confiscated from organized crime have been transferred”) focuses on the valorisation of seized and confiscated assets from organized crime. This measure provides for the creation of three different funds:

- Provision for the exploitation of assets, both in the case of new recycling initiatives and in case of empowerment and expansion of existing activities; local authorities, their consortia, the subjects that manage the assets, associations and cooperatives

that promote events whose objective is the enhancement of confiscated property can access to the Fund. The main criteria for the allocation of the contribution is the development of territorial networks, partnership and joint ventures;

- Revolving Fund for the preparation of plans for the use and feasibility studies, as well as for the technical design of the works necessary to adapt the properties to social and productive goals; the fund is fed by provinces and municipalities;
- Provision for amortization of loans and the coverage of quotas to be paid by local authorities assignees of assets.

The law also establishes a regional observatory on the use of confiscated property, which allows the promotion of the projects, the consultation of good practice and support the goods by the economic and financial world.

Sicily: the Region of Sicily has provided financial support for cooperative societies that manage assets seized by the regional law n. 15/2008 “Measures to combat organized crime” and through the “Call for the training and coaching of staff of local governments in the management of confiscated assets” (Avviso per la formazione e l’accompagnamento del personale degli Enti territoriali in materia di gestione dei beni confiscati)
- Operational Programme FSE Objective Convergence 2007-2013.

Emilia Romagna: Emilia Romagna has introduced “Actions aimed at the recovery of confiscated property” by the regional law n. 3 of 9 May 2011.

5.7.3. **The Action Plan for Cohesion 2014-2020**

The available data and experience lead us to an important consideration: the reuse of confiscated property cannot be relegated to a role of symbolic testimony. The property and businesses confiscated can be resources for the development of communities and territory. In this sense goes the decree approved on 15 August 2013 - 80 million euro, in the period 2013-2015, aimed at the exploitation of public goods, in particular the assets confiscated from the mafia, thanks to Plan of cohesion action.

The Action Plan for Cohesion and the subsequent reprogramming of the Structural Funds 2007-2013, implemented by the Ministry for territorial cohesion, were the key to put the political interventions for legality in high school dropout areas and for promotion and realization of projects for youth, social infrastructure and for the enhancement of public assets in the South.

The calls “Youth for the social” and “Youth for the enhancement of public goods” have found a consensus and a high level of participation and did certainly examples of how have to go in the future on this direction.

Thanks to the agreement signed by the Minister for Territorial Cohesion, the Minister of Education and the Minister of the Interior, also the Plan of Action For Youth, Security and Legality, which collects the resources transferred by the PON Security, represents a turnaround from the previous management mode. The document “Methods and objectives for effective use of EU funds 2014- 2020”, presented by the Minister for Territorial Cohesion in December 2012, in agreement with the Minister of Labour and Social Policy and the Minister of Agriculture, food and Forestry, has allowed to start the comparison between the central, regional and

local authorities and for economic and social partnership. The method is renewed around seven key words:

- Expected results;
- Actions;
- Schedule and monitored;
- Openness;
- Mobilized partnership;
- Impact assessment;
- Strong national presidium.

The seven innovations of method described in the document match with purposes that concern “how to spend” the funds for each of the eleven thematic areas identified by the European Union. For each theme, addresses, expected results, actions and partnership are indicated. In the thematic areas “Employment” and “Social Inclusion”, among the actions there are also references to the assets confiscated to organized crime. In particular the actions describe how in the areas in which the pervasive presence of organized crime continues to prevent the exercise of citizenship rights and freedom of enterprise, an important contribution can come from reuse projects of confiscated property, even as a tool for promotion of the social economy.

The possibility of a non-episodic financing on these projects depends however on the ability to deal with nodes that prevents the widespread use (e.g. ownership, management, sustainability and access to credit.

Among the others to be activated, innovative actions are planned: in the field of enhancement of public goods, the dissemination of culture of legality (together with direct incentives aimed to self-employment and self-employment) and social economy promotion, dissemination of good practices on the issue of legality carried out by third sector organizations in collaboration with the central government and local and also reuse projects of assets confiscated from organized crime.

The actions and the aforementioned purposes have been transferred within the Partnership agreement draft that the Italian government presented to the European Union.

5.7.4. **Private financing and Foundations**

Mutualistic funds: among the various experiences that support cooperatives and the management of confiscated criminal assets, are undoubtedly mentioned mutual funds for development cooperation, established under the Law No. 59/92. Fondosviluppo Spa is a joint-stock non-profit organization, founded in 1993 and promoted by Confcooperative. The Fund is composed by the flow of income from the 3% of the profits for the year from all the cooperatives subscribed. The Fund implements the main foundation of the cooperative method that consists in solidarity among enterprises. Another important Fund to the cooperatives is Coopfond, a company that manage the mutual fund fed by all the cooperatives belonging to Legacoop (National League Cooperatives and Mutuals) and the residual assets of all those placed in liquidation. The fund's mission is to contribute to the creation of new cooperative enterprises especially in the poorest areas with high crime rate and to work for the dissemination of cooperative values and principles. In the case of existing cooperatives, Coopfond

finances investment to improve management and produce an increase in business and employment; it supports the credit access to medium and long-term cooperatives on concessional terms; currently it is operating several agreements including one with Ethics Bank supporting social cooperatives of type B (who among disadvantaged people as members).

The Tertio Millennio Foundation - Onlus is an expression of the “Credito Cooperativo italiano “. In 2003 the Terzio Miellennio Foundation launched the “South Laboratory” project, aimed at promotion of job creation initiatives in the South. One of the elements that characterize the program is the collaboration with the project “Policoro” of the Italian Episcopal Conference, with the purpose of develop networks to share experience also different from each other but with a common matrix. In particular, the Foundation Tertio Millennio delivers grants for youth enterprises: in ten years have supported over 50 projects that create more than 200 permanent jobs, to July 2013 the grant had surpassed 800 thousand euros. Fundamental is the tutors’ role. The tutor are retired executives from the “Credito Cooperativo” retired executives, members of the Association “Seniores BCC”. Retired Executives put their know-how available and free of charge to companies in start-up phase. In this context, primary for the Foundation is the relationship with cooperatives that manage confiscated criminal assets: the “Tertio Millennio” actively supports a number of cooperative as “Valle del Marro” in Calabria, “Terre di Puglia”, “Le Terre di Don Peppe Diana” in Campania, “Beppe Montana” in Sicily and the brand “Libera Terra”. In the summer of 2013 some “Senior” conducted training activities as tutor at the volunteer and training fields under the framework of the “E!state Liberi” on assets confiscated from organized crime. They presented the meaning and the value of credit unions and

spoke about a participatory and responsible use of money.

The Vodafone Foundation has supported the establishment of the new cooperative “Beppe Montana - Libera Terra” on propriety confiscated from the mafia in the provinces of Catania and Syracuse. It is more than forty hectares of arable land and thirty hectares of citrus groves along with several properties in disposal. The overall objective was to redevelop local products, in particular a special typology of orange with red pulp and the products derived. The new cooperative project on confiscated land in Naro (Agrigento) has won the support of Enel Cuore Onlus. The cooperative “Rosario Livatino - Libera Terra” begins its journey with the management of a property of about six hectares; it was planned to activate a multifunctional centre for social aggregation and cultural organizations, able to enhance human, social, cultural, professional skills and typical Sicilian traditions in the province and in the region. The same cooperative was supported by Unicredit Foundation, which funded the works for the safety of some parts of the confiscated complex.

Unipol Banca in cooperation with the **Unipol Group** and **Unipolis Foundation**, has renewed for 2013 its contribution to support the creation and development of cooperatives on Confiscated Criminal Assets. In 2012, for every new bank account, Unipol Bank shared 1 euro in favour of “Libera Terra - Crotone”. The funds led to creation of a new cooperative of young people who manages a large area located in the municipalities of Isola Capo Rizzuto and Ciro in Calabria. From 2013 Unipol Banca supports a project know as “Trapani - Libera Terra”: a new cooperative dedicated to the memory of the young witness to justice, Rita Atria. In five years, more than 700 thousand Euros have been designed to support cooperatives on lands confiscated from criminal organizations in Sicily, Calabria, Puglia,

Campania, an important concrete result against the Mafia for the rebirth of the Southern part of Italy.

Telecom Italia Foundation is a corporate foundation, which operates on the Italian national territory and in the territories where the Telecom Italian Group is institutionally present. The Foundation pursues its objectives through the allocation of contributions to initiatives proposed by individuals and non-profit associations, in the following areas: education, training, scientific research, social activities and protection of Italian historical and artistic heritage as cultural activities. Even the Telecom Foundation has supported the project Libera Terra Crotone, which saw the birth of the cooperative on January 31, 2013.

BNL Foundation was established in 2006. Its mission is to support, promote and carry out initiatives in the field of social utility, with special attention to areas such as art, culture, solidarity and health. It supported the dairy in Castel Volturno, managed by the social cooperative “The land of Don Peppe Diana” and gave new agricultural machines to the social cooperative “Livatino Rosario Free Land” in the province of Agrigento. The Foundation has supported the Rosario Livatino social cooperative Libera Terra through the purchase of hives for the production of organic honey.

The Foundation “Con il Sud” starts in November 2006 as “Fondazione per il sud”. It is a non-profit private organization rising from the alliance between the banking foundations and the world of the third sector and voluntary sector. The purpose of this joint organization is to promote new social infrastructure in the southern part of Italy, social cohesion and paths for development. The Foundation supports best practices for the education, to combat early school dropout and for young talents. It

supports actions that attract “brains” in the South, protect and enhance common assets (historical, artistic and cultural heritage, environment and land), produce social and health services for the integration of immigrants and that promote community welfare.

Since 2006, the Foundation has supported over 300 projects and volunteer programs, the start-up of the first 3 Southern Foundations of Communities, involving more than 4,500 different organizations and over 160,000 “direct recipients”, especially young people. One of the exemplary projects of the Foundation has been launched in 2010 for the development and self-sustainability of the assets confiscated from the mafia. The Foundation provided a total of 3.5 million euro to voluntary organizations and third sector assignee of properties in the provinces with the highest Mafia infiltration. The funds have been provided to start new activities or to enforce those already started. Fundamental objective of the call was to integrate the economical and social networks in the fields of health, education, legality, integration of immigrants and exploitation of “commons”, finding out renewed networks and innovative solutions in the fight against organized crime. The call was implemented in the four southern Italian regions affected by high density of organized crime (Apulia, Calabria, Campania and Sicily). 51 proposals for participation came to the Foundation. The funded projects were a total of nine: 3 in Palermo, 3 in Naples, 1 in Salerno, Bari and Reggio Calabria. The organizations involved in the projects have been around 66, gathered in different forms of partnership. In June 2013, the “Con il Sud” Foundation published a new call to support social projects with the reuse of assets confiscated from organized crime, allocating a total of 4.5 million of Euro.

The project Policoro starts from the vision of Don Mario Operti as a

project for unemployed young people in the South. In the awareness of “being inside the story with love”, immediately after the Palermo National Ecclesial Convention, in December 1995 the National Office for Social Problems and Work (headed by Don Mario Operti), the National Pastoral Service of Youth and the Italian Caritas met in Policoro (Mt) with diocesan representatives from Calabria, Basilicata and Puglia to reflect on youth unemployment, in the sure hope that “the country will not grow, if it doesn’t do it together.” In this way starts the Policoro Project as an ecclesial initiative based on the presence of the three promoters offices at various levels, which together with the associations and the relevant contribution of “community leaders” working together to evangelize, educate and give concrete gestures (as business ideas and reciprocity).

Today various dioceses, diocesan Caritas and associations use the goods confiscated from organized crime for the educational, training, inclusion and cultural promotion transforming places of violence and death in the signs of new life and hope.

According to the description of the project, the use of seized assets is also an opportunity to work for young people, combining and integrating the economical, social and ethical dimensions. The project “Libera il Bene - Dal bene confiscato al Bene Comune” promoted by Libera and supported by the Italian Bishops’ Conference, in collaboration with the National Office for Social Problems and Work, the National Pastoral Youth Service and Italian Caritas, intends to foster and enforce the efforts to raise awareness and support the management of assets confiscated from the mafia, to spread the idea of a social redistribution of resources unlawfully removed from the community.

The project has 45 dioceses as target areas and support the spread of the culture of legality within the local churches. The project proposal is inspired by the principles of pastoral note “Educating for legality” of 1991 and the document “For a united country. Italian Church and the South” in 2010 and turns his attention to the commitment of many citizens and young people of our country. The planned activities are of two types:

- Collection of good experiences and good practices already implemented by the various expressions of the Church with the purpose of encourage reciprocal pathways and support in the awareness that many of these practices are actually weak and some of them have suffered intimidation and damage by criminal organizations;
- Animation and training to promote new opportunities for re-use of confiscated property.

These activities want to enforce the networks of large national associations, local authorities, and social entrepreneurship actors. In parallel with these activities the project planned informative seminars involving the dioceses. Policoro project constitutes a new form of solidarity and sharing network, which seeks to combat unemployment, child exploitation and illicit economy. Its results are encouraging dioceses and entrepreneurial actors, some of whom work on assets confiscated.

Banca Etica is a financial actor driven by ethical purposes. According to the vision, legality is a *conditio sine qua non* of their economic and social activities. The bank is driven by the principle of legality in its operations, activities and in the network of relationships. Concretely, the bank pursues the principle of legality, taking care:

- The origin of the money: since money is the result of economic activity, it should be verified that this activity has been performed in full respect of the people, of environment and in the awareness of the principles that rule the peaceful coexistence of peoples. This also implies a capacity for analysis and management of financial flows, direct and indirect illicit actions, (e.g. terrorism and organized crime) or unacceptable from an ethical point of view (e.g. war).
- The use of money: the evaluation of projects for funding implements an analysis methodology that goes beyond the purely economic and technical aspects and ensures assessment of the roots of the actors in the territory and their ability to produce social value;
- To finance social cooperatives working with assets confiscated from organized crime.

Banca Etica adheres and supports directly Libera. It also participates in the project Score (which stands for Stop Crime on renewable energy), whose objective is to monitor and prevent the involvement of crime in the renewable energy sector. The action taken over the years in support of cooperatives and associations that operate on land confiscated from organized crime, were aimed at consolidating the corporate structure with capitalization shares, and to support the development of activities with investments.

5.8. Italian legislative framework

On the basis of the analysis of the evolution of the legislative framework in Italy, the research shows that the main law that rules the application of seizure and confiscation in Italy is the Legislative Decree 159 of 6 September 2011 “Codice delle leggi antimafia e delle misure di prevenzione, nonché nuove disposizioni in materia di documentazione antimafia”⁷⁸. Inside this legislative codex, some articles enable two main reuse processes, institutional and social reuse, and two different processes for confiscated real estate and confiscated companies.

The method used for drawing the plot of processes consists, for real estate, in matching the legislative framework that describe the “available options” with the institutional dataset of destinations collected by Italian Department of Statistical data and Monitoring of General Directorate of Criminal Justice / Department of Justice; for companies the method consists in matching the legislative framework that describe the “available options” with the sectors of business activity of criminal organizations collected by the Unity of Research “Transcrime” on a sample of 1530 businesses confiscated from 1983 to 2012 divided into ATECO classification.

Article 48 comma 8 of the dl 159/2011 regulates the seizure of enterprises. According to Article 8 “company assets are maintained to the heritage of the State and destined, with the Agency’s decision which governs the operating modalities”.

The confiscated business may be destined:

78. “Codex of anti-Mafia laws and preventive measures, as well as new rules that concern anti-mafia documentation”

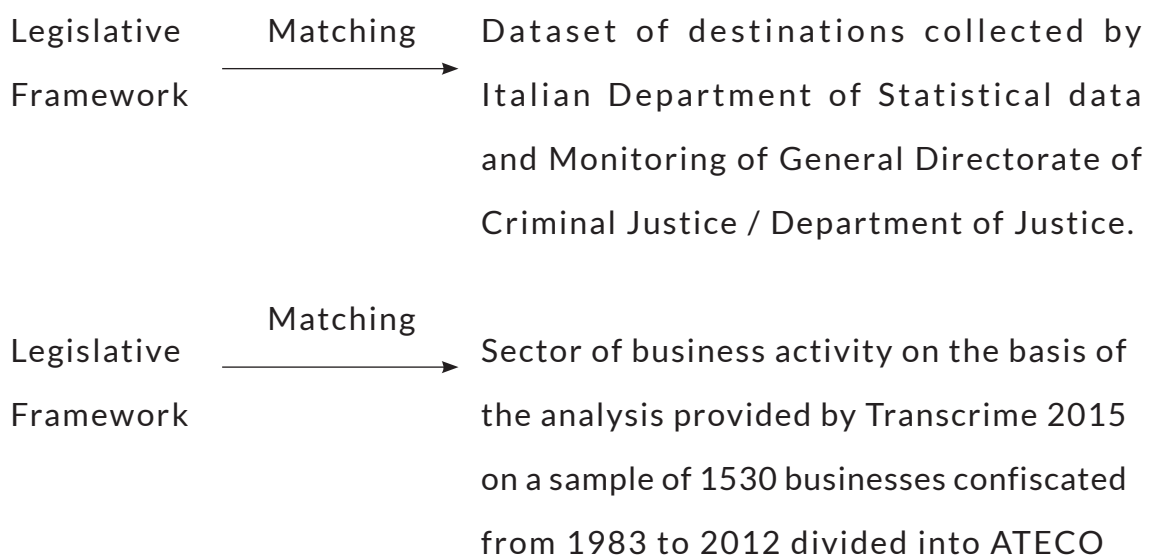
- a) for rent” when there are well founded prospects of continuation of the activity or recovery of production, for valuable consideration, to companies and to public or private companies, or free of charge, at no cost charged State, to cooperatives of employees;
- B) the sale, at a price not less than that determined by the Agency through an estimation of the value, to individuals who have made the request, if there is a greater benefit to the public interest or if the sale is finalized the compensation of victims of mafia-type crimes;

FIG. 27: METHOD AND MATERIALS FOR REDRAW THE PROCESS

Purpose: Redraw the process of destination of confiscated assets;

Method: matching “Norms”, “destinations” and “finality” that show the “available options” and a set of aggregated data related to the destinations;

Materials: Norms, aggregated dataset from Ministry and previous researches (Transcrime, 2015);



- C) liquidated, if there is a greater benefit to the public interest or if the same clearance is aimed to compensate the victims of Mafia-type crimes, with the same procedures' referred to in point b);

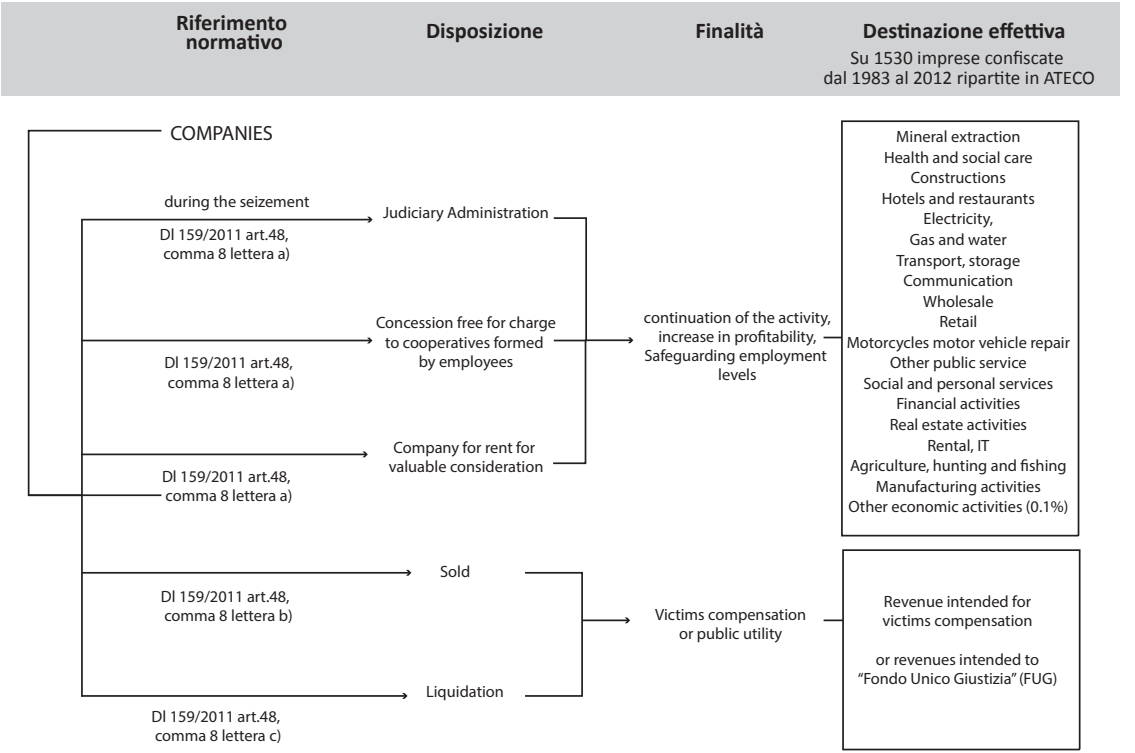
- According to comma 9 "The income from the leasing, the sale or liquidation of the assets referred to in comma 8 flows into the FUD, excluding costs incurred, to be transferred to the specific section of the entry of the state budget and reassigned for the purposes laid down in Article 2, paragraph 7, of law decree 16 September 2008, n. 143, converted by Law 13 November 2008, n. 181. "

- According to the comma10 "the amounts derived from the sale of the assets referred to in comma 5, after deduction of expenses for the management and sale of the same, flow to the Fund only justice to be reassigned, after paying the entrance of the state budget, in the amount of 50 per cent to the interior Ministry for the protection of public safety and public aid and, in the remaining amount of 50 per cent, the Ministry of Justice, to ensure the functioning and strengthening of judicial and other institutional services offices in line with the objectives of stability 'of public finance. "

Based on a sample of 1530 businesses confiscated in the period between 1983 and 2012, the report "Project PON 2007-2013 Safety - Investments mafias", identifies the prevailing economic sectors by organizing them according to the ATECO classification: community, social and personal services (5.2%), health and social assistance (1.2%), real estate activities, computer rental (9.0%), financial activities (1.6%), transport storage and communications (3,9%), hotels and restaurants (10.5%), wholesale and retail trade, repair of motor vehicles and motorcycle (29.4%), construction

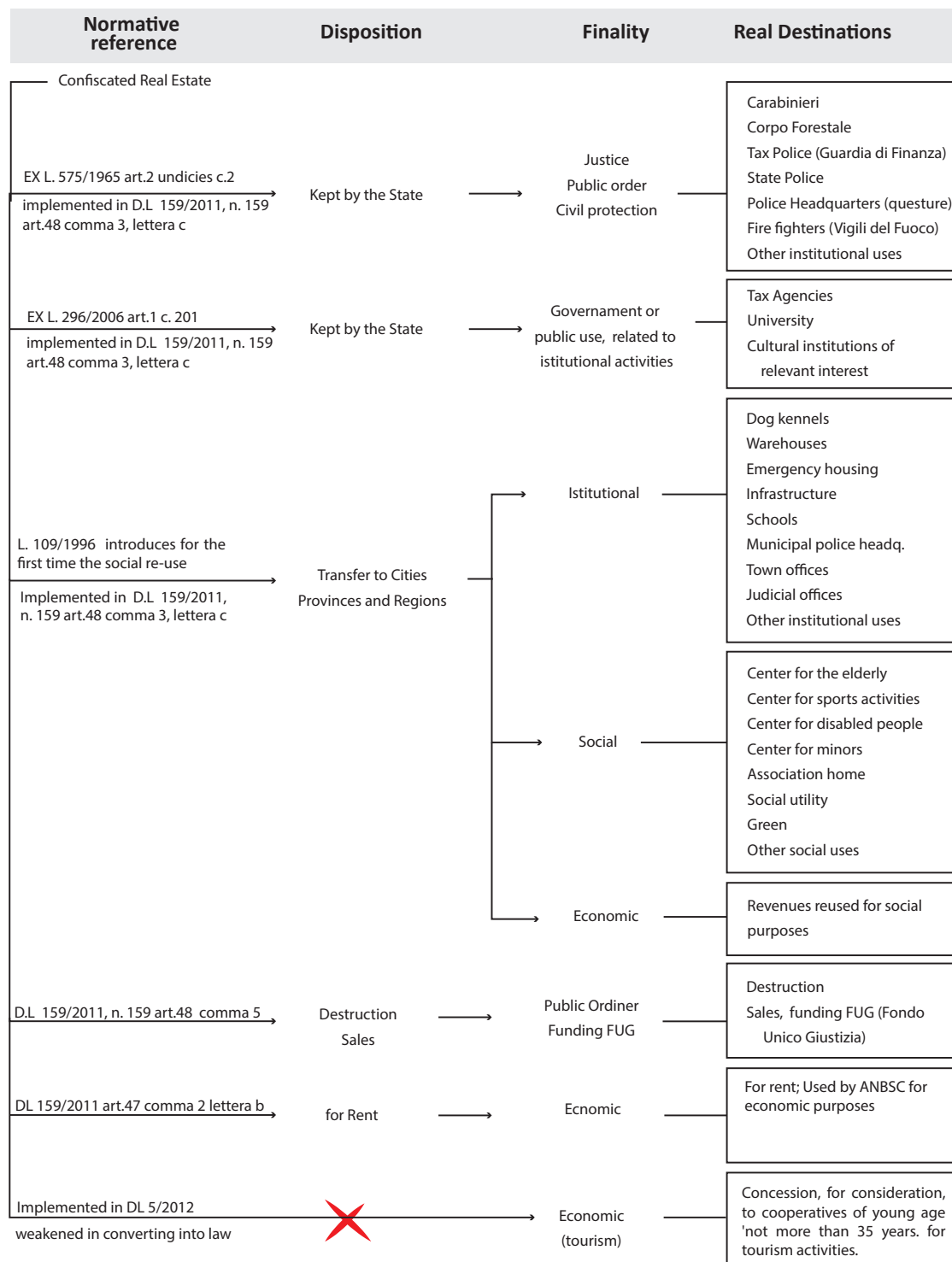
28.8% electricity, gas and water (0.4 %), manufacturing activities (2.2%), extraction of minerals (1.4%), agriculture, hunting and fishing (6.5%), other sectors (0.1%). Previous studies emphasize the need to recognize businesses that have no real value and no chance to be reinserted in a healthy economy and companies for which it is possible to imagine a new productive life unbound to criminal economies in the awareness of the need to enhance the “healthy” economic activities, improve profitability, where possible, during the seizure stages and safeguard employment levels after the seizure. The results of this research help us to recognize, clarify

FIG. 28: ITALIAN LEGISLATIVE FRAMEWORK ANALYSIS - COMPANIES



Normative reference, destinations and finality explained in the law are connected with the sector of business activity on the basis of the analysis provided by Transcrime in 2015 on a sample of 1530 businesses confiscated from 1983 to 2012 divided following the ATECO classification.

FIG. 29: ITALIAN LEGISLATIVE FRAMEWORK ANALYSIS - REAL ESTATE



Normative reference, destinations and finality explained in the law are connected with dataset of destinations collected by

Italian Department of Statistical data and Monitoring of General Directorate of Criminal Justice / Department of Justice.

and qualify the activities embedded in confiscated criminal companies and have a complete overview of the issue.

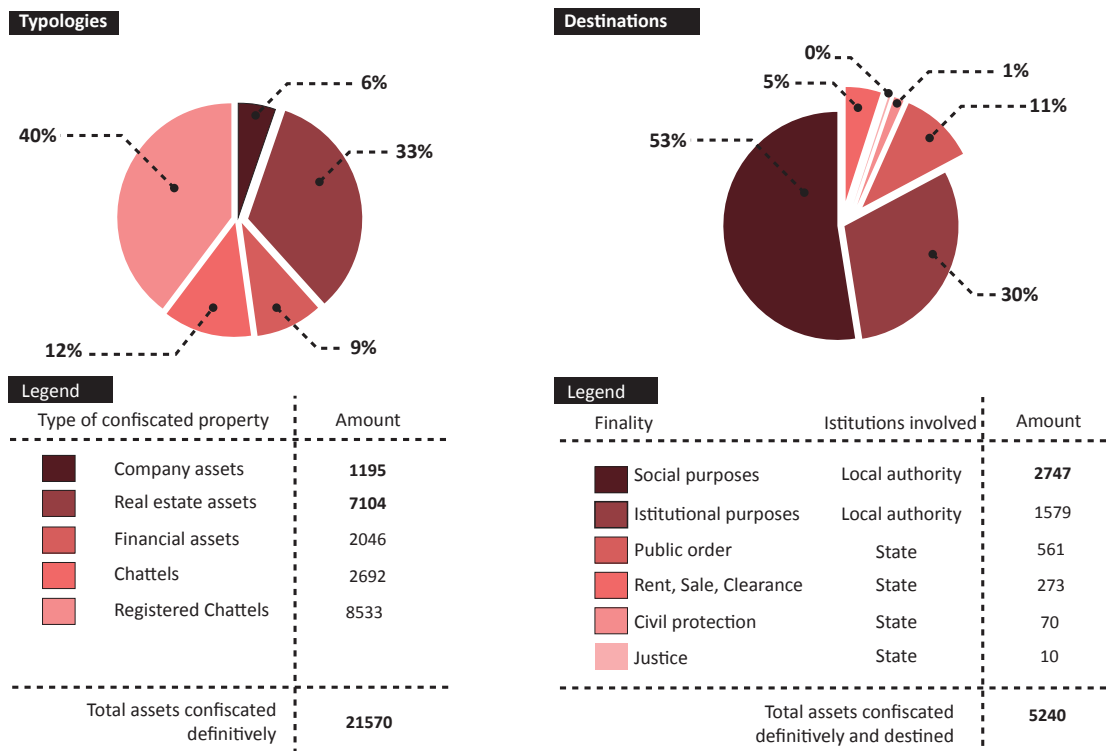
On the other side on the basis of the present analysis, the processes for confiscated real estate and lands are:

- on the basis of the Law No. 159/2011 art 48 comma 3, lettera C, kept by the state and reused for justice, public order and civil protection purposes; on the basis of the official data provided by the ministry this provision has led to the transfer of real estate to “Carabinieri”, Forestry Corps, Tax Police (“Guardia di Finanza”), Police Headquarters (questure), Fire Fighters (“Vigili del Fuoco”) and to other institutional actors not described in the public dataset;

- on the basis of the Law No. 159/2011 art 48 comma 3, lettera C, Kept by the state and reused for government or public uses related to institutional activities; on the basis of the official data provided by the ministry this provision has led to the transfer of real estate to Tax Agencies, University, Cultural Institution of relevant interest. The public dataset doesn’t provide a description of the University or Cultural Institution that actually manages confiscated criminal assets.

- on the basis of the Law No. 159/2011 art 48 comma 3, lettera C, trasfered to Cities, Provinces and Regions for institutional purposes; on the basis of the official data provided by the ministry this provision has led to the transfer of real estate to for Dog Kennels, warehouses, emergency housing, infrastructure, schools, Municipal Police Headquarters, Town Offices, Judicial offices and for other institutional uses not described in the public dataset.

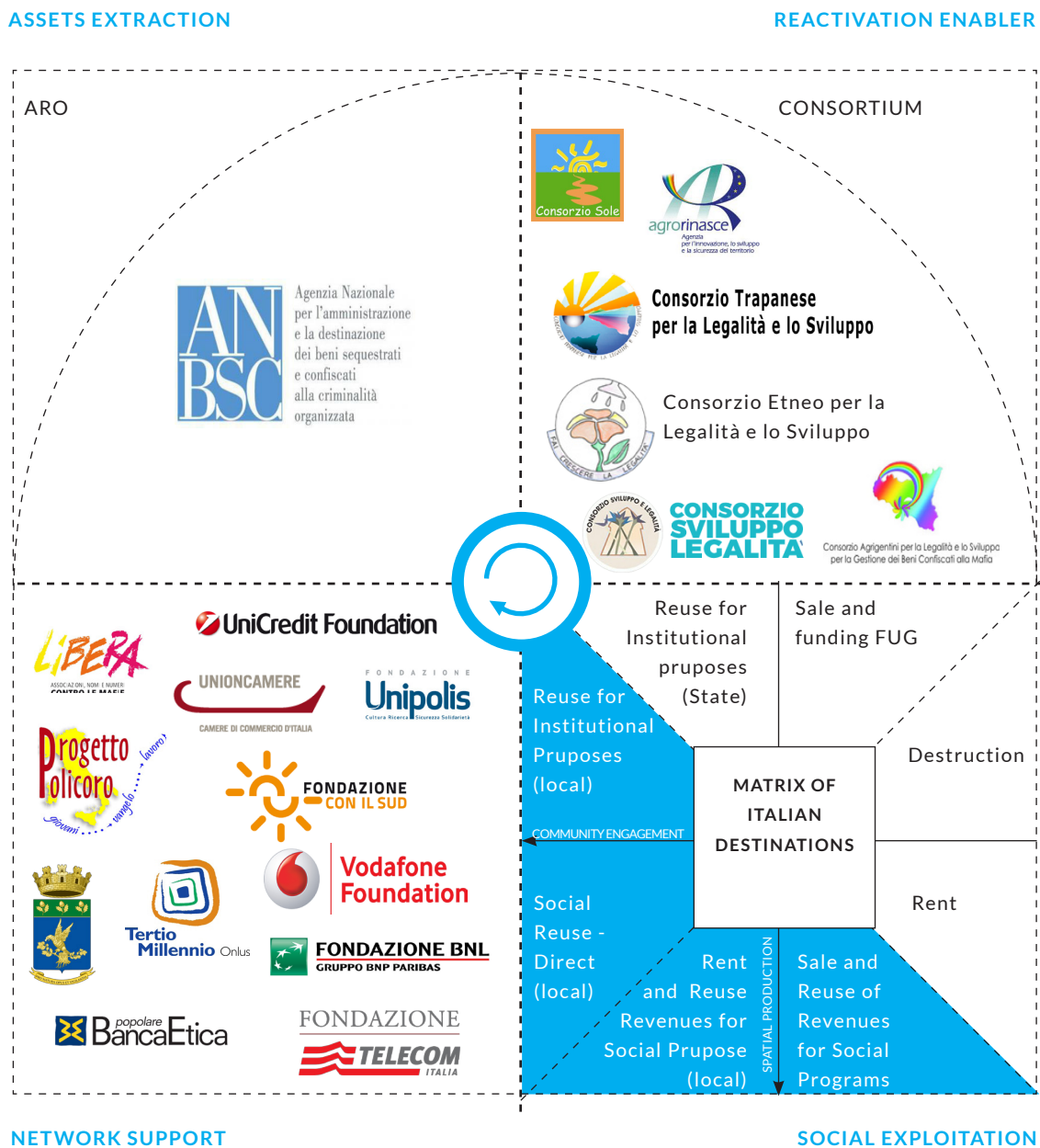
FIG. 30: CONFISCATED CRIMINAL ASSETS - TYPOLOGIES, DESTINATIONS, AMOUNT



Confiscated criminal assets in Italy organized in typologies, destinations and amounts; Graphic representation of the public dataset delivered by the 1st

Office, Department of Statistical data and Monitoring of General Directorate of Criminal Justice / Department of Justice updated in February 2015.

FIG. 31: ITALIAN ECOSYSTEM OF SOCIAL REUSE OF CONFISCATED ASSETS



The graph shows the Italian ecosystem involved in Social Reuse. The second quadrant shows the Offices involved in the assets "extraction" that act as an hinge between with the Judiciary System and the ecosystem involved in social reuse; the first quadrant shows the Consortium

of Cities that enable the reactivation. The third quadrant shows the matrix of destinations provided by the law; the last quadrant shows the network that support thsocial exploitation of confiscated criminal assets with founding and know how.

on the basis of the Law No. 159/2011 art 48 comma 3, lettera C, trasfered to Cities, Provinces and Regions for social purposes; on the basis of the official data provided by the ministry this provision has led to the transfer of real estate to for Centers for Elderly, Centers for Sports Activities, Centers for Disabled People, Centers for Minors, Associations Homes; the public dataset shows also other real destinations as Social Utility, Green, and other social uses without providing any specific description even in this case;

- on the basis of the Law No. 159/2011 art 48 comma 3, lettera C, trasfered to Cities, Provinces and Regions for economical purposes; on the basis of the official data provided by the ministry this provision has led to the transfer of real estate for economical purposes but the public dataset doesn't provide any specific description;

- on the basis of the Law No. 159/2011 art 48 comma 5, lettera C, destructed or sold for public order and for founding the FUG "Fondo Unico Giustizia", the central fund for Justice; on the basis of the official data provided by the ministry this provision has led to the destruction of proprieties that can be dangerous for citizens; the public dataset doesn't provide any specific description and it's reasonable to think that this norm is implemented especially for movable assets or drugs stocks; the same norm provides also the sale and the transfer of proceeds to the FUD but the public dataset doesn't provide any specific description even in this case;

- on the basis of the Law No. 159/2011 art 47 comma 2, lettera B, rented for economic purposes; on the basis of the official data provided by the ministry this provision has led to the rent of real estate for sustain

the activity of ANBSC; the public dataset doesn't provide any specific description;

- on the basis of the Law No. 5/2012, concession for charge, for economical activities carried out by cooperatives of young age not more than 35 years, for tourism activities; on the basis of the legislative framework analysis this disposition was weakened in the process of conversion in law of the State and it was brought back to the re-use for social purposes thus making it unnecessary.

From a quantitative point of view, according to the public aggregated dataset delivered by the 1st Office, Department of Statistical data and Monitoring of General Directorate of Criminal Justice / Department of Justice, on February 2015 the total amount of assets confiscated definitively was 21570. 1195 company assets, 7104 real estate assets, 2046 financial assets, 2692 chattels and 8533 registered chattels. On the other side, the total amount of assets confiscated definitively and involved in a destination process, were 5240: 2747 for social purposes, 1579 for institutional purposes, 561 for public order, 273 for rent, sale or clearance, 70 for civil protection, 10 for justice. According to this dataset on February 2015 16330 assets were not used.

6.

CASE ANALYSIS

Extracting Recurrent Pattern

The previous analysis of the Italian legislative framework shows that in February 2015 confiscated criminal assets reused for social purposes in Italy are 2747. According to the objective and to the methodology of present research, this information can be useful to define the data pool for undermining practices and draw the model. Otherwise the analysis of the dataset published by the Department of Statistical data and Monitoring of General Directorate of Criminal Justice / Department of Justice of the Italian Ministry shows aggregate pieces of information. Such aggregated information are not sufficient to localize and analyse each case and are not even enough to find out emerging cases that present a productive dimension from the social, economic and environmental point of view. To proceed with the definition of the cases useful for the model has been necessary to identify different sources.

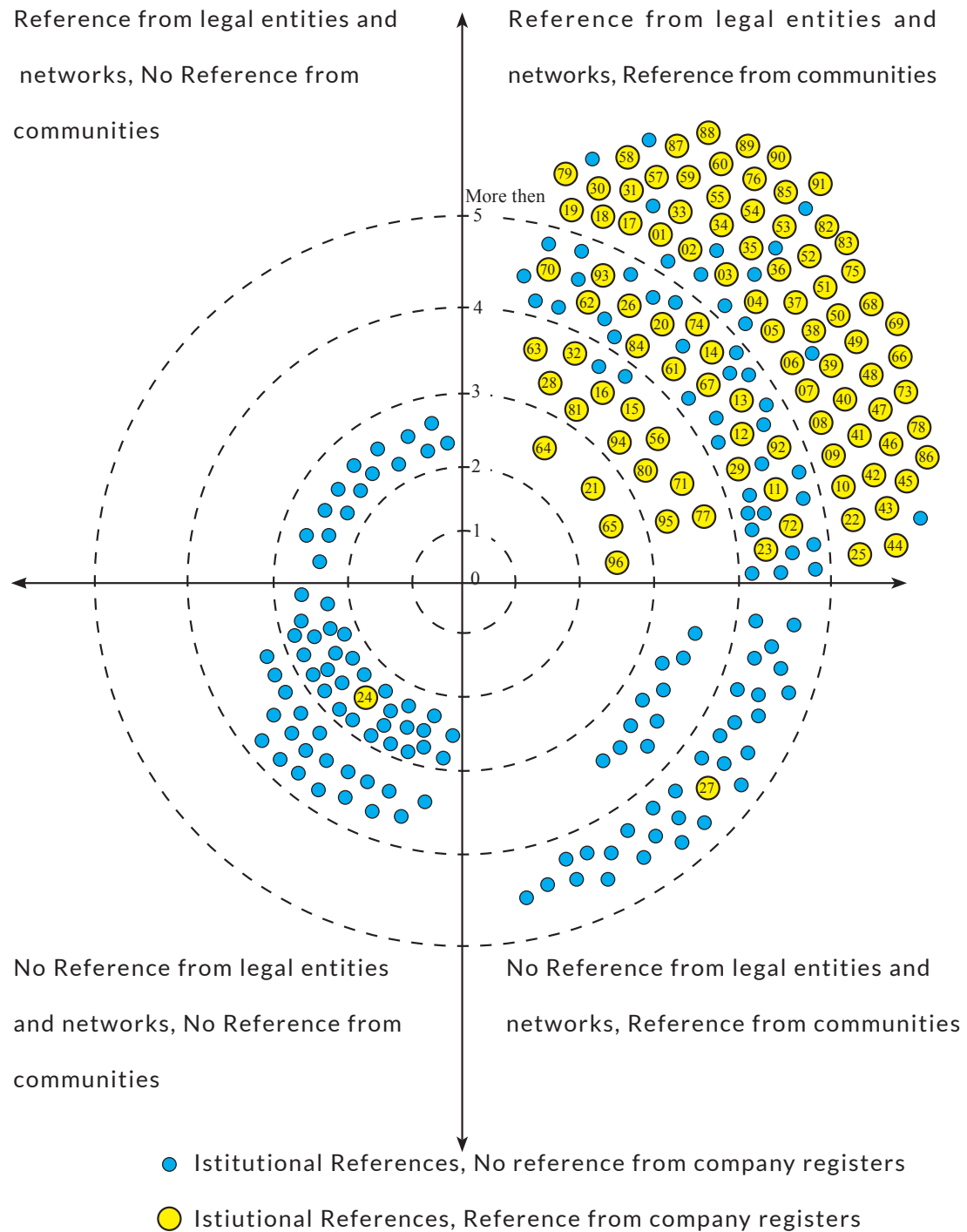
6.1. Sources, issues and triangulation

Quantitative data and qualitative information recovered about every single case came from crossing and validating 4 sources:

Sources 1: references in government reports, in destinations decree, in official statistics, in previous pieces of research.

Source 2: references from websites of legal entities that uses criminal assets; references from website of networks of legal entities that uses

FIG. 32: CASE ANALYSIS - SOURCES VALIDATION FROM REFERENCES



Validation sources from references: every the point represents the identification number for productive reactivations. the point represent an experience of reuse of criminal assets recorded. The number inside

confiscated criminal assets.

Source 3: online maps developed with social engagement or totally developed by communities that collect pieces of information and localize confiscated criminal assets; local and national newspapers, social balances of foundations that funded confiscated criminal asset reactivation. Source 4: Italian register of companies.

It was necessary to operate a complex work of selection of sources on the basis of a main problem related to Source 1: institutional sources give different data values. There are three main institutional data sources: ANBSC, from Agenzia Nazionale dei Beni Sequestrati e Confiscati”, SAC, from Servizio Analisi Criminale (SAC) of “Direzione Centrale della Polizia Criminale del Ministero dell’Interno”, and SIPPI (SIT-MP), “Sistema Informativo Prefetture e Procure d’Italia” SIPPI of Ministero della Giustizia⁷⁹. As reported by previous studies⁸⁰ these databases have functional autonomy because are used for different police investigation or judiciary functions. The most important evidence that emerges is that these databases contain a different number of confiscated criminal assets. For the present topic the database with useful detail came from ANBSC but also in this dataset there were some issues. Confiscated lands or building are recorded five or six times. Sometimes 5 or six connected lands or estate are gathered in one record. In some cases 5 or 6 records are related to the same cadastral sheet, particle and sub. If propriety

79. Transcrime, *Progetto PON Sicurezza 2007-2013, gli Investimenti delle Mafie*, Ministero dell’interno, 2013: 96-97. See chapter “Le fonti utilizzate: le banche dati”

80. Ibidem

are confiscated from 5 or 6 different persons sometimes are recorded many times. The conclusion of the analysis performed on the existing institutional sources is that these data can be useful for sampling but for a case-by-case study other sources are needed in order to aggregate many cadastral data into a single datasheet that describe a single project. Finally, we must consider that due to the presence of these repetitions in data recording, the “2747” aggregated data intended for social use, reported by the Ministry may be overestimated.

On the basis of the data gathering issues, the research used a qualitative-quantitative mixed method to triangulate different sources based on references. The graph in fig.32 shows how many times a project have online references. Every project is signed with a numbered point. All project signed in the graph have references from institutional sources (source 1). In the bottom left quadrant there are project that don't have any Source 2 and Source 3. These data are not useful for modelling the productive reactivation phenomenon and probably they concern destinations that have institutional purpose. In the top left quadrant there are project that don't have any references for sources 2 but have reference in sources 3. These cases are analysed and are related to confiscated criminal assets where legal entities that manage criminal assets don't say in their webpage that they work in a confiscated criminal assets, that are outside networks related to the promotion of the culture of legality but the local community though online maps have identified assets and entities. In the bottom right quadrant there are project that have references in their website but information is not confirmed by any community map from third parts. These cases are project in early stage or start-up phase. In the right up quadrant there are project that are confirmed by maps developed

by communities with references in their website and in networks that promote the culture of legality. Source 4 is used in two different way: first of all as a Boolean operator “true, false” that validate the existence of an economic activity provided by the actor involved in re-activation of criminal asset, and finally as a tool to validate the identity between localization of criminal asset and localization of productive unit of legal entity involved in re-activation. Projects with source 4, which report a positive indication are signed in yellow and are cases of productive re-activity, useful for modelling the phenomenon. Cases with more then 5 mixed references (with the exception of bottom left quadrant) are recorded and are collected though a specific iterative process in datasheet type 1 (see Fig.33 “Datasheet type 1 for data gathering, collecting, measuring”). Information related to projects signed positive for source 4 have a second step of data collecting though the datasheet type 2 (see Fig.34 “Datasheet type 2 for Productive Cases) Datasheet for data gathering, collecting, measuring”).

The selection of the representative sample for gathering a reasonable number of cases was made on the basis of data published by ANBSC. The research uses data of real estate actually destined in order to obtain a percentage on a regional basis. This percentage is on a regional basis and is used to define a representative sample formed by 400 assets. On the basis of the data published by ANBSC the real estate destined in Italy are 5823. It's useful to remember as wrote in the previous chapter that the records of ANBSC database shows the same cadastral many times, or sometimes in an aggregated form, so this value can be affected by an overestimation. The table 10 shows the real estate confiscated and destined with a regional arrangement. Data show that in Piedmont there are 82

FIG. 33: DATASHEET TYPE 1 FOR DATA GATHERING, COLLECTING, MEASURING

Data Label		Description and replicability
GENERAL INFO	Id_n:	Numbering case with an identification number;
	Phase:	Seven labels identify the situation in 01/01/2015 Planning /Design/Funded/Startup/Re-Active/ Activity ended/re-sequestered;
	Criminal Assets Name:	The name by which such property is known in local and national newspapers, the name given during the inauguration. Data collected through newspapers and web search engine;
	Person subject to confiscation measure:	Name of person who was subject to confiscation, data collected through newspapers and web search engine;
	Criminal organization:	Criminal organization details, data collected through newspapers and web search engine.
LOCALIZATION	State:	“Localization” shows all information required to identify the geographic location of the property.
	Region:	Data collected through the websites of legal entities that manage these assets confiscated
	City:	and crossing the informations from the italian register of companies, identifying the business
	Address:	unit that operates in the confiscated property;
	Cap:	The assets are identified through short link that redirect to google maps and geographic
	Gis coordinate:	coordinates related to the system WGS 84.
	Google Map link:	

FIG.33: DATASHEET TYPE 1 FOR DATA GATHERING, COLLECTING, MEASURING

	Data Label	Description and replicability
PHISICAL AND ECONOMICAL SIZE	K_bene:	K_bene is the identification number in ANBSC
	Typology:	dataset. The dataset is not public but data can
	Area (mq):	be collected from an intense scraping of the
	Built-up area (mq):	information in the published on the website of
	Non built area (mq):	ANBSC ("Decreti di destinazione").
	Estimated Value:	Other informations can be collected crossing the
	Date of estimation:	data in the websites of territorial authorities,
CADASTRAL	Unitary value:	decrees of destination to associations and cooperatives, in newspapers, and in the web pages of legal entities that manage the assets;U.V. is calculated (Estimated value)/ (builtup Area + non built area).
	Sheet:	Sheet, particle and subordinate are cadastral
	Part:	identificative. Data can be collected crossing
TIME	Sub:	information in the websites of territorial authorities, decrees of destination and in the website of legal entities that manage the assets
	Confiscation date:	Data can be collected crossing information in
	Final confiscation:	the websites of territorial authorities, decrees
	Destination date:	of destination and in the website of legal
	Assignment date:	entities that manage the assets. Activation date
	Activities starts:	can be collected from the register of companies, identifying the business unit that operates in the confiscated property.

FIG. 34: DATASHEET TYPE 2 FOR PRODUCTIVE CASES

Data Label	Description and replicability
GENERAL FEATURES	<p>Name: All confiscated property are reactivated through a project and a funding program. The name of</p> <p>Context: this project is public. Data are collected through newspapers, web search engine, decrees of destination to associations or cooperatives, websites of legal entities that manage assets and through regional web maps that provide information about criminal assets recovery.</p>
	<p>Legal Entity involved : Legal person name (can be multiple); data collected in the website of legal entities that manage the assets.</p> <p>Legal Entity Type: Typology of legal person: association, social cooperative, consortium, ATS.</p> <p>Legal Entity Address: Data collected from the italian register of companies.</p> <p>Vat Number: All legal person that manage criminal asset for productive activity have Vat Number (partita iva). Data collected from the italian register of companies.</p>
ACTORS	<p>Description: All project analyzed starts with an idea of new activities in the confiscated property (re-activities). Data can be found in the website of legal entities that manage the assets. Data are</p>

FIG. 35: DATASHEET TYPE 2 FOR PRODUCTIVE CASES

	Data Label	Description and replicability
PROCESSES	Reactivated Cycles:	gathered in 24 activities. All the activities are organized in six main reactivated cycles: creative production and distribution (FAB), cultural production and fruition (CULTURAL), costal production and fruition of watercourses and wetlands (IDRO), multifunctional agriculture (AGRI), production of renewable energy and waste treatment (ENERGY), second level welfare and personal care services (HUMAN).
	Funding:	Description of the funding program. This data can be found in the websites of legal entities that manage the assets and in the social balance of Foundation that finance criminal assets recovery project.
CONTACTS	Pec Mail	Data collected from the italian register of companies.
	Mail, Contact:	Data collected from websites of legal entities that manage the assets.
	Telephone number:	Data collected from web research engine.
	Website:	Online sources used for every single project.
	Online sources:	

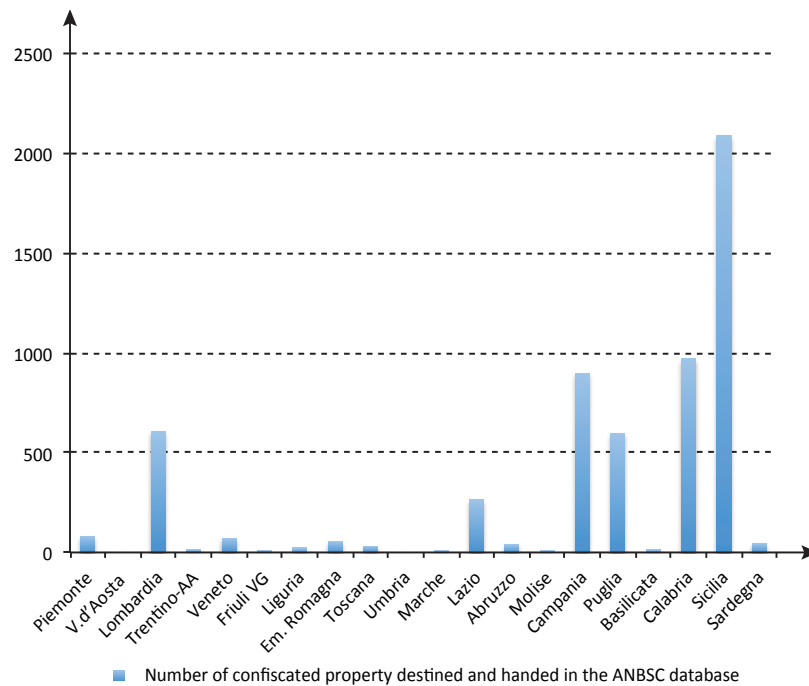
assets confiscated assigned, no one in Valle d'Aosta, 606 in Lombardy, 16 in Trentino Alto Adige, Veneto 71, 8 in Friuli Venezia Giulia, 23 in Liguria, Emilia Romagna 55 32 Tuscany, no one in Umbria, 7 in Marche, 264 in Lazio, 41 in Abruzzo, 2 in Molise. 899 in Campania, 598 in Puglia,

TABLE 10: REAL ESTATE CONFISCATED AND DESTINED IN ITALIAN REGIONS

Regional Id (ISTAT)	Region	Population	Area (km ²)	IPM Index (Transcrime)	Real Estate Destined and assigned (ANBSC)
1	Piemonte	4.424.467	25.387,07	6,11	82
2	V. d'Aosta	128.298	3.260,90	0,57	0
3	Lombardia	10.002.615	23.863,65	4,17	606
4	Trentino-AA	1.055.934	13.605,50	0,37	16
5	Veneto	4.927.596	18.407,42	0,41	71
6	Friuli VG	1.227.122	7.862,30	0,42	8
7	Liguria	1.583.263	5.416,21	10,44	23
8	Em.-Romagna	4.450.508	22.452,78	1,44	55
9	Toscana	3.752.654	22.987,04	2,16	32
10	Umbria	894.762	8.464,33	1,68	0
11	Marche	1.550.796	9.401,38	0,67	7
12	Lazio	5.892.425	17.232,29	16,83	264
13	Abruzzo	1.331.574	10.831,84	0,74	41
14	Molise	313.348	4.460,65	0,31	2
15	Campania	5.861.529	13.670,95	61,21	899
16	Puglia	4.090.105	19.540,90	17,84	598
17	Basilicata	576.619	10.073,32	5,32	15
18	Calabria	1.976.631	15.221,90	41,76	970
19	Sicilia	5.092.080	25.832,39	31,8	2088
20	Sardegna	1.663.286	24.100,02	0,7	46
Totale		60.795.612	302.072,84	204,95	5823

data relative to the regional area and the number of confiscated property in the region, interesting data emerge from a territorial point of view: 2088 confiscated and reactivated assets, the 35,9% of total assets seized reactivated, is located in Sicily, however, in relation to the extension of

FIG. 36: CASE ANALYSIS - REAL ESTATE CONFISCATED AND DESTINED IN ITALIAN REGIONS



the territory, the region that has a higher density of assets confiscated is Campania and not Sicily with a normalized index of 29,9 followed by Calabria with 20,4. The definition of the number of assets confiscated and allocated in different Italian regions is useful us to define the number of case studies to be analysed in each region recalculated on the basis of a reasonably representative sample of 400 assets seized. The cases are analysed following the method showed in Fig.55 and with the materials in Fig 56, 57, 58 and 59. Fig. 56 and 57 shows the first datasheet that present research uses to analyse every case study. It is divided into five

sections: General Info, localization physical and economical size, cadastral, time. The first section shows: the identification number, the phase, the criminal asset name, the person subject to confiscation measure, the criminal organization that developed the asset; The second section shows

TABLE 11: SAMPLING PRODUCTIVE CASES - QUANTITATIVE OVERVIEW

Regional Id (ISTAT)	Region	Real Estate Destined and assigned (ANBSC)	Sample (on 400 beni)	Subset	Projects found	Productive Cases
1	Piemonte	82	6	Learning Subset	9	5
2	V. d'Aosta	0	0		0	0
3	Lombardia	606	42		41	6
4	Trentino-AA	16	1		1	0
5	Veneto	71	5		2	0
6	Friuli VG	8	1		0	0
7	Liguria	23	2		3	2
8	Em.-Romagna	55	4		2	1
9	Toscana	32	2		6	3
10	Umbria	0	0		1	1
11	Marche	7	0		2	2
12	Lazio	264	18		16	12
13	Abruzzo	41	3		1	0
14	Molise	2	0		0	0
15	Campania	899	62		47	25
16	Puglia	598	41	Confutation Subset	32	10
17	Basilicata	15	1		1	0
18	Calabria	970	67		50	10
19	Sicilia	2088	142		42	18
20	Sardegna	46	3		2	1
Total		5823	400		258	96

the State, Region, City, the address, the CAP, the GIS Coordinate, the Google map short url; the third section shows the identification numbers of the propriety in ANBSC dataset, the typology, the area confiscated, the built-up area, the non built area, the estimated value of the propriety, the date of the estimation, the unitary value; the fourth section shows the cadastral Italian data organized in Sheet, Part and Sub; the fifth section shows the time between confiscation and reactivation, the confiscation date, the final confiscation, the destination date, the assignation date and when the activities starts. The datasheet in Fig 57 and 58 is available for productive cases and it's divided in six sections: General features, actors, processes, resources contacts. The first section shows the name and the context in witch the activities take place; the second section shows the legal entity involved, the type of legal entity, the address where the legal entity is based, and the VAT number collected from the Italian register of companies; the third section shows the description of the project, the activities the cycles reactivated from the territorial point of view; the fourth section shows the founding involved in the reactivation, the fifth section shows the contacts as pec e-mail, collected from the register of company, the e-mail collected from the website, the website, and the online sources used to collected data. Table 12 shows the sample and the productive cases extracted from a quantitative point of view. Table 13 shows a qualitative list of the cases. The following chapter shows the Atlas of Productive cases.

TABLE 12: SAMPLING PRODUCTIVE CASES - QUALITATIVE OVERVIEW

Region	Id_n	Productive Cases (Learning Subset)
Piemonte	1	“Bar Italia Libera”
	2	“Cascina Caccia”
	3	“Cascina Arzilla”
	4	“Castello di Miasino”
	5	“Cascina Graziella Campagna”
Liguria	6	“Bottega solidale In scia stradda”
	7	“Ghigliolo Terre Libere”
Lombardia	8	“Bosco dei 100 passi in Gaggiano”
	9	“Casa Chiaravalle”
	10	“Spazio Cangiari”
	11	“Bar della stazione di Garbagnate”
	12	“Spazio Momigliano”
	13	“Il Coniglio Rosa”
Em.Ro.	14	“Villa Berceto”
Lazio	15	“Ex deposito”
	16	“Città dei Mestieri”
	17	“Nuovo Cinema Aquila”
	18	“Inviolatella Borghese”
	19	“Collina della pace Peppino Impastato”
	20	“Opera casa accoglienza Don Giustino M. Russolillo”
	21	“Impianto sportivo in località Due Ponti”
	22	“Punto vendita Made In Jail”
	23	“Villa Sandra”
	24	“Ex Studios cinematografici De Paolis”
	25	“Fattoria didattica Campo Libero”
	26	“Crocevia: agricoltura sociale, cooperazione, inclusione e legalità”

Toscana	27	“Suvignano S.R.L.”
	28	“Ex Spacel di Giordano Maria & C. S.N.C.”
	29	“Ex raffineria in Macchino”
Marche	30	“Fattoria della Legalità”
	31	“Fattoria Didattica - Podere Tufi”
Umbria	32	“Covo freddo Col de la Pila (S.A.F.I. S.R.L.)”
Campania	33	“Tenuta agricola - Integra la Legalità in Movimento”
	34	“Tenuta agricola Ferrandelle”
	35	“Area in Vignale in prossimità del fiume Volturno”
	36	“Mercato Federico del Prete”
	37	“Parco della Vittoria”
	38	“Auditorium Parco della Legalità in località Fiume Morto”
	39	“Fattoria didattica Terra Verde”
	40	“Centro agricoltura sociale A. Di Bona”
	41	“Centro Avviamento Agricolo”
	42	“Università della Legalità e Sviluppo”
	43	“Fattoria didattica "A. Varone"”
	44	“Centro Euromediterraneo e Ostello della Gioventù”
	45	“Meta. Fattoria Didattica NNS - ex Masseria del Villano”
	46	“Casa di Alice”
	47	“Bene Liberato Jerry E. Masslo”
	48	“Fattoria Cento Moggia ex Masseria Nuova”
	49	“Le Terre di Don Peppe Diana - ex Masseria Pratilli”
	50	“Fattoria Aria Nuova - ex Villa Ligato e pescheto”
	51	“Le Vie di Don Peppe Diana”
	52	“Fattoria didattica ex Zaza”
	53	“Villa Alta Chiara e Maglificio Cento Quindici Passi”
	54	“Complesso residenziale La Gloriette”
	55	“La fabbrica delle idee - Ex Villa Spierto”
	56	“Parco delle Querce”
	57	“Bene Liberato Selva Lacandona - Amato Lamberti”

DATASHEET 1 - ID 1: "BAR ITALIA LIBERA"

Data Label	Description
Id_n:	001
Phase:	Startup
Criminal Assets Name:	"Bar Italia Libera"
Person subject to confiscation measure:	Giuseppe Catalano
Criminal organization:	'Ndrangheta
State:	Italia
Region:	Pidemont
City:	Turin
Address:	Via Veglia, 59/A
Cap:	10136
Gis coordinate:	45.052707, 7.624397
Google Map link:	https://goo.gl/maps/RmIRn
K_bene:	Not Available
Typology:	Business premises
Area (mq):	Not Available
Built-up area (mq):	Not Available

DATASHEET 1 - ID 1: "BAR ITALIA LIBERA"

TIME	Data Label	Description
	Non built area (mq):	Not Available
	Estimated Value:	Not Available
	Date of estimation:	Not Available
	Unitary value:	Not Available
	Sheet:	Not Available
	Part:	Not Available
	Sub:	Not Available
	Confiscation date:	Not confiscated, managed while seized;
	Final confiscation:	Not confiscated, managed while seized
	Destination date:	01/02/2013
	Assignment date:	03/05 2013
	Activities starts:	03/05/2013

DATASHEET 2 - ID 1: "BAR ITALIA LIBERA"

Name: "Bar Italia Libera"

Legal Entity involved : Cooperativa Nanà

Legal Entity Type: Social and Consumer Cooperative

Legal Entity Address: Via Marsigli 14 - 10141 Torino (To)

Vat Number: 9349750019

Description:

The "Bar Italia Libera" is an asset seized to the 'Ndrangheta in the operation Minotaur. Is now returned to the community and turned into a place of conviviality, aggregation and dedicated to food. The Italian bar Libera is part of the association's network Libera. The operation Minotaur, with over 150 arrests was the largest investigation against the 'Ndrangheta of Piedmont. Processes born from this operation are still ongoing. The Italian bar, according to the prosecutor of Turin was a real "meeting room" where the elite of the 'Ndrangheta in Turin went through its affiliate rites, assigning roles and tasks, business and procurement, extortion and violent crime. With the aim of giving back to the community the good subtracted from organized crime - as stated in the law 109/96 promoted by Libera with the collection of a million signatures - from February 1, 2013, thanks to the joint work of Libera and the Court of Turin, the Italian Bar has been granted use of to the social cooperative and consumption "Nana" as an emblem of the legal economy and a healthy employment opportunity. The bar aims to involve the

DATASHEET 2 - ID 1: "BAR ITALIA LIBERA"

citizens and become a meeting place, also a place for breakfast, enjoy a good lunch or a snack and have a drink. Weekly thematic and ethnic dinners and aperitifs and wine tastings are organized. The products used are of both the territory of the circuit cooperative Libera Terra, born on land confiscated from the mafia in Italy. The bar is available for private and public events.

Activity Bar, aggregative center

Reactivated Cycles: Aggregation, Food and Culture

Funding: Self-Funding

Pec Mail coop.nana@legalmail.it

Mail, Contact: info@liberapiemonte.it

Telephone number: 3384063319

Website: <http://bar.nanacoop.it/>

Online sources: <http://www.libera.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/8130>

<http://www.ilsole24ore.com/art/notizie/2013-09-04/imprese-territori-confiscati-mafia-140313.shtml?uuid=AbzsVFTI>

DATASHEET 1 - ID 2: "CASCINA CARLA & BRUNO CACCIA"

Data Label	Description
Id_n:	002
Phase:	Active
Criminal Assets Name:	"Cascina Carla & Bruno Caccia"
Person subject to confiscation measure:	Domenico Belfiore
Criminal organization:	'Ndrangheta
State:	Italia
Region:	Pidemont
City:	S. Sebastiano da P
Address:	Via Serra Alta, 6
Cap:	10020
Gis coordinate:	45°09'32.6"N 7°55'58.6"E
Google Map link:	https://goo.gl/maps/2Eb41
K_bene:	19085, 19097
Typology:	Villa, Wodded Area
Area (mq):	11490 mq
Built-up area (mq):	330 mq

DATASHEET 2 - ID 2: "CASCINA CARLA & BRUNO CACCIA"

TIME	Data Label	Description
	Non built area (mq):	11160 mq
	Estimated Value:	Villa: 887915,67 €
		Wodded Area: 13832,78 €
	Date of estimation:	Not Available
	Unitary value:	Villa: 2691€/mq
		Wodded Area: 1€/mq
	Villa Wodded Area	
	Sheet:	12 12
	Part:	84 308-313-315-318-319-320-324-
	Sub:	3 327- 329-330-331
	Confiscation date:	15/12/1999
	Final confiscation:	26/01/2001
	Destination date:	18/02/2005
	Assignment date:	Non Available
	Activities starts:	12/07/2008

DATASHEET 2 - ID 2: "CASCINA CARLA & BRUNO CACCIA"

Name: "Cascina Carla & Bruno Caccia"

Legal Entity involved : Associazione Acmos

Legal Entity Type: Association

Legal Entity Address: Via Leoncavallo,27 Torino

Vat Number: 8480610016

Description:

"Cascina Bruno and Carla Caccia" is a property confiscated from the mafia in San Sebastiano da Po. This property belonged to the 'Ndrangheta of Belfiore family: Domenico Belfiore was shown by several cooperating witnesses - trusted by the Turin Court - as regent of a real mafia association know as the "Local": peripheral structure of the 'Ndrangheta located in the north of the province of Turin but with the control in the whole metropolitan area of drug trafficking, usury, kidnapping, gambling and betting. Domenico was jailed for life in 1993 as the instigator of the murder of the Chief Prosecutor of Turin Bruno Caccia, killed June 26, 1983 in Turin. Following the arrest, the asset investigation led to the confiscation of the goods Belfiore, payable in reality to Francesco, the youngest of seven brothers. The preventive measure on assets as the Cascina was issued in 1996 (the final confiscation in 1999) but only in 2007 the Belfiore family leaves the house allowing the social re-use. In this time the family tried to obstruct the confiscation with a double signature campaign in the country. The situation became serious

DATASHEET 2 - ID 2: "CASCINA CARL & BRUNO CACCIA"

to the point that he was named a prefect for deeds, which together with the local administration of San Sebastiano da Po has allowed the assignment of the asset to the association Gruppo Abele in 2007, who then entrusted the management ACMOS in 2008. The property consists of a nineteenth-century Villa with different stratifications, a renovated barn of about 200 sqm, a barn, on whose roof is placed a photovoltaic system and a hectare of land. Conceived as a family house, the Cascina is on three floors, with a total area of 850 square meters. The ground floor and the first floor are now available to groups with overnight accommodation (25 beds) and use of the kitchen and to the activity room; the attic is the dwelling of the residents. The cellar houses a permanent exhibition. The land available includes hazel trees, a vegetable garden, space for fifty families of bees and an area that includes some of the farm animals.

The asset was dedicated to the memory of Bruno Caccia and his wife Carla because right from Cascina started the order to kill him and is therefore a symbol of the fight against the mafia in Northern Italy; Carla family because she was also a victim of mafia long wanted the truth on the murder of her husband. Today Cascina Caccia is primarily a house inhabited by young people who care for them, transforming it into a space that wants to be shared and open to all: a comfortable community that seeks to extend the sense of community to the territory in which it is inserted and people wishing to stay for short or long periods. The spaces of the farmhouse have been subdivided to allow the cohabitation of the most residential areas:

DATASHEET 2 - ID 2: "CASCINA CARL & BRUNO CACCIA"

the attic is destined to the community of residents who carry out the project activities; some rooms for the reception of individuals who wish to cooperate and support the project; the dormitories for groups and school groups visiting the confiscated property, so that they can be formed on issues of legality and contribute to the life on the farm. This choice of sharing and hospitality stems from the belief that places like this are to be trading theater and participation, in which everyone can commit "for as it can and as you know," and that stopping in this place one can feel "at home". To date the asset is one facing the education space to legality, but not only that: it is an area in the service of the whole community of San Sebastian and surrounding municipalities. The confiscated property is therefore the scene of self-managed courses and workshops that are in addition to thousands of students from all over Italy who annually visit the greater good confiscated in northern Italy. Finally on the ground, as well as an area dedicated to the garden for hazelnut and some small farm animals, it was created a space for the bees. Now are fifty families that allow for the first product brand Libera Terra Northern Italy, honey.

Activity: Guesthouse, cultural educational activities;

Agricultural Production, Honey, Beer, Nougat;

DATASHEET 2 - ID 2: "CASCINA CARL & BRUNO CACCIA "

Reactivated Cycles: Aggregation and Culture

Tourist accommodation

Agricultural and food production

Funding: Self-Funding

Pec Mail Not Available

Mail, Contact: cascina.caccia@acmos.net

Telephone number: 347.46.76.501; 0112386330;

Website: <http://cascinacaccia.net/>

Online sources: <http://cascinacaccia.net/>

DATASHEET 1 - ID 3: "CASCINA ARZILLA"

Data Label	Description
Id_n:	003
Phase:	Startup
Criminal Assets Name:	"Cascina Arzilla"
Person subject to confiscation measure:	Vito Riggio
Criminal organization:	Drug lord
State:	Italia
Region:	Pidemont
City:	Volvera
Address:	Regione Serafini, Volvera,TO
Cap:	10040
Gis coordinate:	44°56'56.9"N 7°29'23.4"E
Google Map link:	https://goo.gl/maps/SHULV
K_bene:	54071, 54075; 7750; 54061, 54067;
Typology:	Building; Farmland, farmland with rural building;
Area (mq):	1.177 sq.m. building, 2.900 sq.m. farmland, 5.251 sq.m. agricultural land with rural building
Built-up area (mq):	1.117 sq.m.

DATASHEET 1 - ID 3: "CASCINA ARZILLA"

TIME

Data Label	Description																
Non built area (mq):	8151 sq.m.																
Estimated Value:	Building: not available																
	Farmland: 100.000 €																
	Farmland and building: 419.744 €																
Date of estimation:	Not Available																
Unitary value:	Building: not available																
	Farmland: 34 €/sq.m.																
	Farmland and building: 80 €/sq.m																
	<table><tr><th></th><th>Building</th><th>Farmland</th><th>Farmland and building</th></tr><tr><td>Sheet:</td><td>34</td><td>34</td><td>34</td></tr><tr><td>Part:</td><td>45. 48</td><td>47, 49</td><td>46</td></tr><tr><td>Sub.:</td><td></td><td></td><td></td></tr></table>		Building	Farmland	Farmland and building	Sheet:	34	34	34	Part:	45. 48	47, 49	46	Sub.:			
	Building	Farmland	Farmland and building														
Sheet:	34	34	34														
Part:	45. 48	47, 49	46														
Sub.:																	
Confiscation date:	07/05/1996, 08/05/1996 , 9/05/1996																
Final confiscation:	04/06/1996, 05/06/1996, 06/06/1996																
Destination date:	30/09/2004																
Assignment date:	21/10/2004																
Activities starts:	16/05/2009 (inauguration 01/06/2010)																

DATASHEET 2 - ID 3: "CASCINA ARZILLA"

Name: "Cascina Arzilla"

Legal Entity involved : Associazione Acmos

Legal Entity Type: Association

Legal Entity Address: Via Leoncavallo,27 Torino

Vat Number: 8480610016

Description:

This property is located in Volvera, is now known as Cascina Arzilla and is managed by the association Acmos. The ultimate goal of the restructuring of the "Cascina Arzilla" project is the return of this property to the local population as a multi-purpose center for the development of cultural, aggregative and fun recreational. Cascina Arzilla is one of the first property seized that has actually been reused. Cascina Arzilla is one of the first property seized that has actually been reused. Numerous efforts have allowed to use the facility as a witness of the work of education to legality, done by Acmos with Libera Piedmont, such as awareness-raising instrument inserted within the PEL (the plans of education law), with which Acmos and Libera Piedmont elaborate educational courses for children of elementary school and junior high and high school and as a place for small productions, handled and administered to groups of local volunteers in a training program that also provides for the continued active engagement in the field: jams of various types and cultivated pumpkins and vegetables were produced. This

DATASHEET 2 - ID 3: "CASCINA ARZILLA"

production have animated the first two editions of the "dinner of legality" organized in collaboration with Slow Food to raise funds in favor of the farmhouse and the project. Also "Cascina Arzilla" hosted the summer work camps organized by Libera in collaboration with Legambiente. The fund-raising work done in recent years has allowed the 16.05.2009 to start the restructuring of Cascina Arzilla restructuring. The work of securing and reconstruction of the property that also saw the contribution of numerous volunteers has allowed in 2010 the summer to host the first National Meeting of the "Giovani di Libera".

Activity: Fun recreational, educational, Parties, cultural educational activities;

Reactivated Cycles: Agricultural Production (Startup)

Aggregation and Culture

Funding: Self-Funding, crowdfunding

Pec Mail: Not Available

Mail, Contact: cascina.arzilla@acmos.net

Telephone number: 347.46.76.501; 0112386330;

Website: <http://cascinaarzilla.liberapiemonte.it/>

Online sources: <http://cascinaarzilla.liberapiemonte.it>

<http://liberapiemonte.it/geobeni/>

<http://www.libera.it/flex/cm/pages/>

[ServeBLOB.php/L/IT/IDPagina/3245](#)

DATASHEET 1 - ID 4: "THE CASTLE OF MIASINO"

Data Label	Description
Id_n:	004
Phase:	Activity Ended
Criminal Assets Name:	"The Castle of Miasino"
Person subject to confiscation measure:	Pasquale Galasso
Criminal organization:	Camorra
State:	Italia
Region:	Pidemont
City:	Novara
Address:	Via Raimondo Allegra, 10, No
Cap:	28010
Gis coordinate:	45°47'48.5"N 8°25'51.9"E
Google Map link:	https://goo.gl/maps/rnijc
K_bene:	205061, 205059;
Typology:	Castle; Farmland;
Area (mq):	1.789 sq.m. castle, 15.000 sq.m. farmland,
Built-up area (mq):	1789 sq.m.

DATASHEET 1 - ID 4: "THE CASTLE OF MIASINO"

TIME

Data Label	Description
Non built area (mq):	15000 sq.m.
Estimated Value:	4.600.000 €
Date of estimation:	07/12/2010
Unitary value:	Not available

	Villa	Farmland
Sheet:	5	5
Part:	320	582, 437
Sub.:	4	

Confiscation date: 14/06/2007

Final confiscation: 11/03/2009

Destination date: Not available

Assignment date: Not available

Activities starts: Not available

DATASHEET 2 - ID 4: "THE CASTLE OF MIASINO"

Name: "The Castle of Miasino"

Legal Entity involved : Castello di Miasino s.r.l.

Legal Entity Type: S.r.l.

Legal Entity Address: Via r. Allegra, 10, 28010, Miasino

Vat Number: Activity Ended

Description:

The Castle of Miasino, 1,700 square meters and 41 thousand of the park, was built by the Marquis Solaroli in 1867: it had then bought Pasquale Galasso, who was arrested in 1992 and became collaborator of justice. The wife of Galasso, Scalise Grace, founded the company "Castello di Miasino Ltd." and since 2002 has maintained the structure transformed into a location for weddings and parties. In that year the Court of Assizes of Naples authorized the stipulation of a lease agreement with the company of 36 thousand euro per year, but reduced by 80% for more than five years. The Galasso also petitioned for the return of the goods, but has been rejected definitively in March 2012. The castle "Galasso" in Miasino and the sequestered tower to a mafia member in Borgomanero were the focus of a session of the Parliamentary Commission of Inquiry on the mafia phenomenon promoted by democratic parliamentary Franco Mirabelli. With 800 million and a credit facility granted by the Istituto San Paolo, the collaborator of justice through a nominee, bought the estate, including the six hectares of land sloping down

DATASHEET 2 - ID 4: "THE CASTLE OF MIASINO"

towards the lake. In 2002 the Court of Assizes of Naples authorized the stipulation of a lease agreement with the company of Miasino Srl Castle, which intends to use the property "as a guest house and hotel", and make it new. The cost of the rent is 36,000 euro per year. It is, however, also agreed that for six years (ie until the end of 2008) the fee is reduced by 80 percent, "to meet the needs of the conductor into account the necessary and costly renovations". Since 2009, the fee should have been restored to 100 percent, but from that year's budget does any increase. Which suggests a loan from the state. Last title search, the sole director of the company was to be Galise Grace, was born in Pompeii in '59, wife of Pasquale Galasso. Even before the Libera association had organized initiatives to denounce the issue.

The discussion started from Miasino castle: "This - said Mirabelli - was mortgaged, for which the municipality could not take charge, and was assigned to a management company to make it a center for ceremonies and receptions. Today in this society were detected large shares by family of the person to whom the property was seized. "

Today, the castle was finally removed from the Galasso family. The confiscated property has been the subject of renewed interest by the Piedmont Region and by numerous civic actors who organized participatory events with the purpose to turn the spotlight on the issue and the future of the castle miasino.

DATASHEET 2 - ID 4: "THE CASTLE OF MIASINO"

Activity Events, festivals, conferences, fashion shows, concerts

Reactivated Cycles: Fruition of green and leisure
Aggregation, Food, Culture

Funding: Not Available

Pec Mail Not Available

Mail, Contact: Not Available

Telephone number: Not Available

Website: <http://www.castellodimiasino.com/>

Online sources: Coppola A. Ramoni I, Per il Nostro Bene, Chiarelettere, 2013;

<http://www.lastampa.it/2014/02/07/edizioni/novara/il-castello-del-boss-a-miasino-confiscato-solo-sulla-carta-huX5bppHrEj9z952Q7Vtwl/pagina.html>;

<http://www.oknovara.it/news/?p=113498>

DATASHEET 1 - ID 5: "CASCINA GRAZIELLA CAMPAGNA"

Data Label	Description
Id_n:	005
Phase:	Startup
Criminal Assets Name:	Cascina "Graziella Campagna"
Person subject to confiscation measure:	Pace Francesco
Criminal organization:	Camorra
State:	Italia
Region:	Pidemont
City:	Moncalvo (Asti)
Address:	Via S. Maria, 49
Cap:	14100
Gis coordinate:	Not Available
Google Map link:	Not Available
K_bene:	19273; 19281; 19262, 19289;
Typology:	Farmland; Farmland; Building;
Area (mq):	5,970 sq.m. Farmland; 42,910 sq.m farmland; 310 sq.m building
Built-up area (mq):	310 sq.m.

DATASHEET 1 - ID 5: "CASCINA GRAZIELLA CAMPAGNA"

	Data Label	Description
TIME	Non built area (mq):	48880 sq.m.
	Estimated Value:	Farmland 6145,8 €
		Farmland 47049,3 €
		Building 93737 €
	Date of estimation:	Farmland 1 €/sq.m
	Unitary value:	Farmland 1 €/sq.m
		Building 302 €/sq.m
		Farmland
		Farmland
		Building
	Sheet:	19
	Part:	14, 240
	Sub.:	71-66-46-99-
		100 - 76-75-
		226-81
	Confiscation date:	30/01/2001
	Final confiscation:	17/04/2001
	Destination date:	01/10/2001
	Assignment date:	01/10/2001
	Activities starts:	Not Started

DATASHEET 2 - ID 5: "CASCINA GRAZIELLA CAMPAGNA"

Name: "Cascina "Graziella Campagna""

Legal Entity involved : Associazione Rinascita, Libera Asti, Amorim
Cork Italia

Legal Entity Type: Association

Legal Entity Address: P.za Catena 19 - 14100 Asti

Vat Number: Not Available

Description:

The "Rinascita" association is the promoter of the "Women Project" which consists in the renovation of Cascina Graziella of Moncalvo Santa Maria, a building dedicated to Graziella Campagna, a victim of the mafia at just 17. In the structure will be made a center for women with addiction and violence issues, that through a cooperative production of agricultural products of the territory, it will provide for their livelihoods and reintegration into the local social fabric. The participation of Libera Asti ensure also support and collaboration through dedicated spaces for meetings, debates, cultural activities, open to young people and citizenship. The regional law that concerns confiscated property has made possible a first payment of 85 thousand euro for the start of work. The realization of the project had the support of Unicredit Foundation and New Coop Piemonte. Fundamental also the contribution of the Amorim Group. Amorim is the first company in the world in the production of cork stoppers,

DATASHEET 2 - ID 5: "CASCINA GRAZIELLA CAMPAGNA"

cover alone 25% of the world market in this sector, and 19% of the global market of wine closures; It has 22 branches located in major wine-producing countries of the five continents. Amorim Cork Italy, based in Conegliano (Treviso), the Amorim Group's Italian subsidiary, was confirmed in 2011 leader of the country's market, can alone satisfy 18% of domestic demand. With 34 employees and a sales force consisting of 30 items, in 2011 it recorded 350 million caps sold for a turnover, an increase of 35 million euro. Amorim has supported the recovery of Cascina Graziella Country through the project known as "Ethics". Ethics project started in 2011 and has quickly spread throughout the country, involving numerous non-profit organization in promoting the initiative and in the collection of wine closures. The project involved the first wineries in the Veneto and those participating in the Tuscan Chianti Classico Consortium, later saw the enthusiastic participation of many other actors. In 2012 he started the collection in Piedmont. The project is called "ethical" not only because it promotes environmental awareness through the recovery of the cork but also because it provides a beneficial destination of the proceeds from the sale of used corks. Amorim does not reuse them but sells for consideration to the construction industry to the realization of special mortars, suitable for the thermo-acoustic insulation of the walls. All proceeds will be allocated to associations working in the social. In only one year in business Libera Piedmont, has collected more than 7 tons of corks in the whole region and in particular in the Astigiano. . In 2015 the

DATASHEET 2 - ID 5: "CASCINA GRAZIELLA CAMPAGNA"

missing investment for the start of activities is up to 300,000 Euros.

Activity Startup Fase, not activated

Reactivated Cycles: Welfare, Food and agricultural production, Manufacturing, Aggregation and Culture.

Funding: Found rising (200.000 for roof and structural consolidation)
85.000 € from regional law

60.000€ Unicredit Leasing

36.000 € Nova Coop Piemonte

Pec Mail Not Available

Mail, Contact: assrinascita@libero.it

Telephone number: 0141556234 - 335 268033

Website: <http://liberapiemonte.it/>

Online sources: <http://liberapiemonte.it/2009/03/29/asti-ricorda-graziella-campagna/>
Coppola A. Ramoni I, Per il Nostro Bene, Chiarelettere, 2013;

DATASHEET 1 - ID 6: SOLIDARITY SHOP "IN SCIA STRADDA"

Data Label	Description
Id_n:	006
Phase:	Startup
Criminal Assets Name:	Solidarity shop "in scia stradda"
Person subject to confiscation measure:	Rosario Caci
Criminal organization:	Cosa Nostra
State:	Italia
Region:	Liguria
City:	Genova
Address:	Vico Mele, 12-14 Rosso
Cap:	14100
Gis coordinate:	44°24'35.4"N 8°55'49.9"E
Google Map link:	https://goo.gl/maps/JPHPk
K_bene:	114309, 114312, 114315, 114318;
Typology:	Business premises;
Area (mq):	80 sq.m.
Built-up area (mq):	80 sq.m.

DATASHEET 1 - ID 6: "SOLIDARITY SHOP "IN SCIA STRADDA"

TIME	Data Label	Description
	Non built area (mq):	Not applicable
	Estimated Value:	131.650 €
	Date of estimation:	15/05/2008
	Unitary value:	1646 €/sq.m.
	Sheet:	83
	Part:	127
	Sub.:	3
	Confiscation date:	01/12/2005
	Final confiscation:	16/01/2006
	Destination date:	Not Available
	Assignment date:	Not Available
	Activities starts:	26/01/2012

DATASHEET 2 - ID 6: "SOLIDARITY SHOP "IN SCIA STRADDA"

Name: Solidarity shop "in scia stradda"

Legal Entity involved : Social Cooperative "Il Pane E Le Rose"

Legal Entity Type: Social Cooperative

Legal Entity Address: Via Verona 116 Alessandria (AI)

Vat Number: 01776930974

Description:

The store site in Genoa is a property confiscated from the mafia, awarded through a tender announced by the City to the cooperative sociale "bread and roses". The inauguration took place January 26, 2012 in the presence of Don Ciotti, Don Gallo, Nando Dalla Chiesa and Mayor of Genoa, Marta Vincenzi. The shop wanted to structure themselves so as to become "reference point" for citizens regarding the products of Libera Terra. The purpose is to promote the values of legality, raise awareness of citizenship on the issue of assets confiscated from organized crime through distribution of goods Libera Terra. The store also deals with re-use to wasted materials.

Activity Solidarity shop

Reactivated Cycles: Distribution and reuse

Funding: Regional Funding (Not available the amount)

DATASHEET 2 - ID 6: "SOLIDARITY SHOP "IN SCIA STRADDA"

Pec Mail coop.ilpanelerose@pec.it

Mail, Contact: comunita@sbenedetto.net

Telephone number: 010 261357, 0131777432

Website: <http://www.panerosecoop.it/>

Online sources: [ttp://www.libera.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/5844](http://www.libera.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/5844)

<http://sanbenedetto.oodlesofmedia.com/2012/02/23/in-scia-stradda-2/>

<http://genova.erasuperba.it/notizie-genova/in-scia-stradda-gestione-libera-mafia-maddalena;>

<http://www2.comune.genova.it/servlets/>

DATASHEET 1 - ID 7: GHIGLIOLO TERRE LIBERE

Data Label	Description
Id_n:	007
Phase:	Planning
Criminal Assets Name:	Ghigliolo Terre Libere
Person subject to confiscation measure:	Venturi Gabriele
Criminal organization:	Criminal organization dedicated to drug trafficking and receiving stolen luxury cars
State:	Italia
Region:	Liguria
City:	Sarzana
Address:	Via Ghigliolo Alto, 32
Cap:	19038
Gis coordinate:	44°07'22.4"N 9°58'46.3"E
Google Map link:	https://goo.gl/maps/cRc5l
K_bene:	263523
Typology:	Villa; farmland;
Area (mq):	440 sq.m. villa, 22199 sq.m. farmland
Built-up area (mq):	440 sq.m.

DATASHEET 1 - ID 7: "GHIGLIOLO TERRE LIBERE"

TIME

Data Label	Description
Non built area (mq):	22199 sq.m.
Estimated Value:	1.460.000 €
Date of estimation:	01/02/2011
Unitary value:	3318 €/sq.m.

	Villa	Farmland
Sheet:	13	13
Part:	199	201, 2010, 211, 253, 945, 946, 948
Sub.:	1, 2	

Confiscation date:	24/11/2011
Final confiscation:	25/01/2012
Destination date:	11/12/2013
Assignment date:	22/01/2014
Activities starts:	Not active

DATASHEET 2 - ID 7: "GHIGLIOLO TERRE LIBERE"

Name: Ghigliolo Terre Libere

Legal Entity involved : "Associazione Comunità Papa Giovanni XXIII"

Cooperative Consortium "Cometa"

Legal Entity Type: Association, consortium

Legal Entity Address: Via Valverde 10/D - 47923 Rimini (RN)

Via Cadorna 24, La Spezia (SP) 19121

Vat Number: 01776930974

0131777432

Description:

the recipient asset of this social project is a compendium property located in via Ghigliolo, 32, Paghezzana locations, in Sarzana (SP), already confiscated definitively and now destined and handed to the City of Sarzana. The building complex consists of: two-story villa and urban area appurtenant; pool; accessory artifact to a floor above ground, intended to tool shed; accessory artifact buried on three sides, serving the swimming pool; - Artifact buried on three sides, intended as a garage appurtenance; appurtenant land of about 22,199 m², fenced, on the side bordering on the public highway, with little wall covered with stone and overlying metal gate. The "Terre Ghigliolo Free" project recognizes the values of hospitality and solidarity its own core instances. The experience

DATASHEET 2 - ID 7: "GHIGLIOLO TERRE LIBERE"

of reuse of confiscated property was created and is built around the residential nucleus that is the family home, which will operate as a constant reference point, participating in the management of intervention programs and ensuring maximum openness to external forces able to bring synergies and contributions. In accordance with the Regional Regulation 2/2005, "Types and requirements of residential structures, residential and family networks seeds for minors and specification for collective hospitality principals, and other applicable legislation," the "Associazione Comunità Papa Giovanni XXIII" proposes the setting up of a family made up of: a parental couple, natural children, children "regenerated in love" (ie, persons received). The "Terre Ghigliolo Libera" project promotes the recovery and subsequent use of the pertinent land surrounding the main structure of the villa. The care of these lands symbolically represents a concrete instance of reappropriation, through work, of illegally stolen assets to the community by organized crime. The recovery and subsequent use of the land will be programmed from "Ghigliolo Terre Libere", and still are dependent on time to the establishment of a family house in the main building and the actual recovery of the primary functions of the same and its immediate pertinences . In order to better plan the recovery and subsequent use of the land, "Terre Ghigliolo Libera" reserves the right to promote the establishment, in the manner and according to the aims set out by law, of a committee, here tentatively called "Per Ghigliolo Terre Libere: progetto di agricoltura sociale". The

DATASHEET 2 - ID 7: "GHIGLIOLO TERRE LIBERE"

Committee shall be open to membership, as well as subscriptions, all natural or legal persons, including collective entities without legal personality, interested in contributing to the success of the project of recovery of confiscated lands. The Committee, with its own statutes, in collaboration with "Ghigliolo Terre Libere", will program the interventions and it will procure, through a work of fundraising, financial coverage. The goals of surgery are general social-therapeutic social-cooperative social-educational policy, as well as entertainment purposes and promote aggregation. In particular, the main targets are included in harmonious succession: the recovery of land (olive grove, green and wooded spaces) by the state of abandonment and carelessness in which are currently in; the programming of interventions of use of the recovered land, to be assessed compatibly with the production possibilities of the same; contextualization within these interventions of use of therapeutic individualized paths and reintegration; the realization of collaborative projects with schools and communities, for the use of land for educational purposes and for the exploitation of green areas for purposes of aggregation and social animation (in particular reference to the activities proposed by supporters associations of the project and assessed collectively within a "Ghigliolo Terre Libere"); study of feasibility of production to use not only internal or didactic, with the possibility of commercialization. They will be primarily valued olive growing practices, forestry and arboriculture. "Ghigliolo Terre Free" is committed to secure the

DATASHEET 2 - ID 7: "GHIGLIOLO TERRE LIBERE"

cooperation and advice of the supporters of the project subject and, in particular, if you were to achieve commercialization, even partial, of the productions through the cultivation of land, intends to conform to the criteria contained in the Protocol concession of the brand Libera Terra, making use also of the collaboration and advice of Libera Terra Mediterraneo and Cooperate with Libera Terra, to program effective and targeted interventions, taking into account any potential land themselves. In addition, "Ghigliolo Terre Libere" recognizes a fundamental value of the project the constant reference and connection with the social and cooperative circuit of the territory, as well as with voluntary groups - to the development of shared intervention programs, where functional for the purposes already described. The ultimate goal of the activities of the committee "For Ghigliolo Terre Libere" is the establishment a new cooperative, open to accession of the promoters and members of the committee, as well as interested third parties. The cooperative will meet the requirements set by Law 381/1991, as well as the Legislative Decree no. 155/2006: it will form, ie, in the manner provided for cooperation and social enterprise, to carry out activities that fall even in field of LR 36/2013, on social agriculture. The social cooperative - which will retain the characteristics of a "community cooperative", thus enlarged to a multitude of subjects and the bearer of an interest in "public" and "widespread" - raise the re-employment programs, and build the conditions to ensure stable occupation of one or more young unemployed people, and ensuring adequate training - both

DATASHEET 2 - ID 7: "GHIGLIOLO TERRE LIBERE"

technical and social. The cooperative activities will be oriented to the exploitation of the confiscated lands, in order to broaden and enhance productivity and to insert them, through the agricultural supply chain and distribution, in a positive local circuit.

Activity Agricultural activities;
Social Housing,

Reactivated Cycles: Agricultural Production (Startup)

Aggregation and Culture

Funding: Not Funded

Pec Mail consorziocometa@pec.it

Mail, Contact: segz.crema@apg23.org

Telephone number: 010 261357, 541909700

Website: <http://www.apg23.org/>

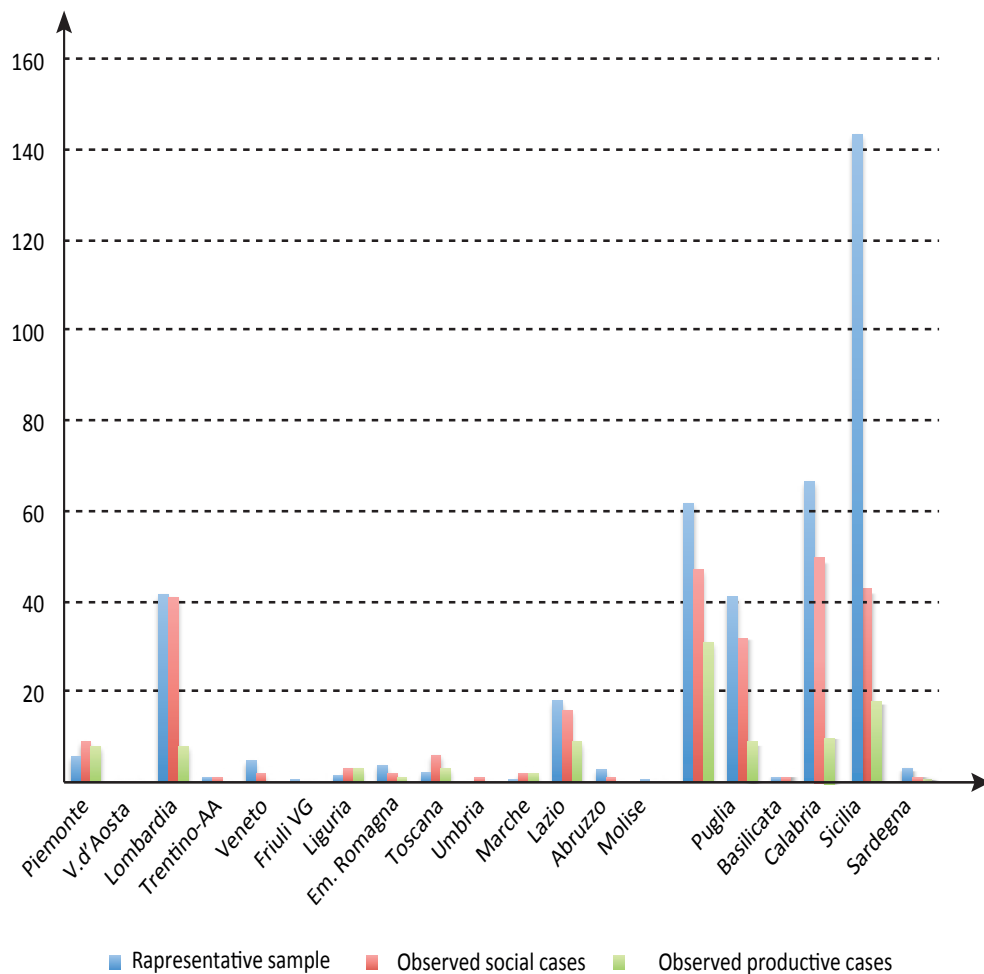
Online sources: <http://www.cittadellaspezia.com/Sarzana/Cronaca/Mafia-la-Cassazione-conferma-il-98637.aspx>

<http://casadellalegalita.info/index.php/archivio-storico/2010/8696-operazione-antimafia-a-la-spezia-sequestrati-10-milioni-di-beni>

http://issuu.com/legalite/docs/progettando_ghiglioloterrelibere

<http://www2.comune.genova.it/servlets/>

FIG. 37: SOCIAL CASES OBSERVED, PRODUCTIVE CASES (LEARNING AND CONFUTATION)



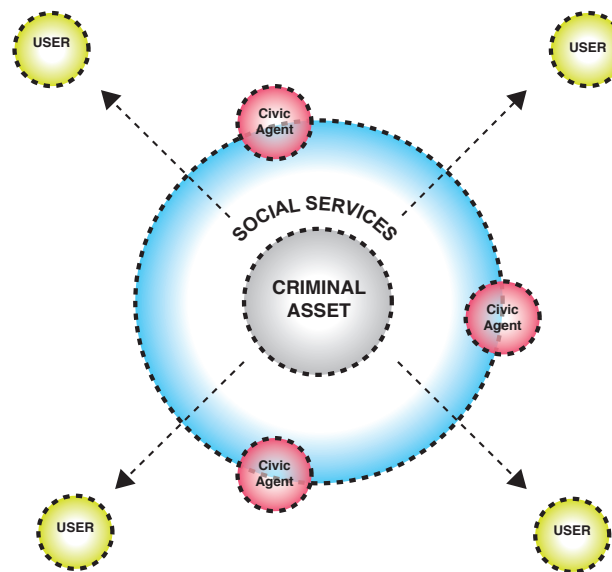
Social cases observed and productive cases founded in the Learning Subset. The cases in Puglia, Basilicata, Calabria, Sicilia e Sardegna are used in the training subset for confutation. According to the data provided to ANBSC more than half of the whole confiscated real estate are in Puglia, Basilicata, Calabria, Sicilia e

Sardegna. The awareness of the need to provide a reasonable number of cases and evidences for confutation, validation, or extention of the model, has led to the choose to use the cases in Puglia, Basilicata, Calabria, Sicilia e Sardegna for this prupose.

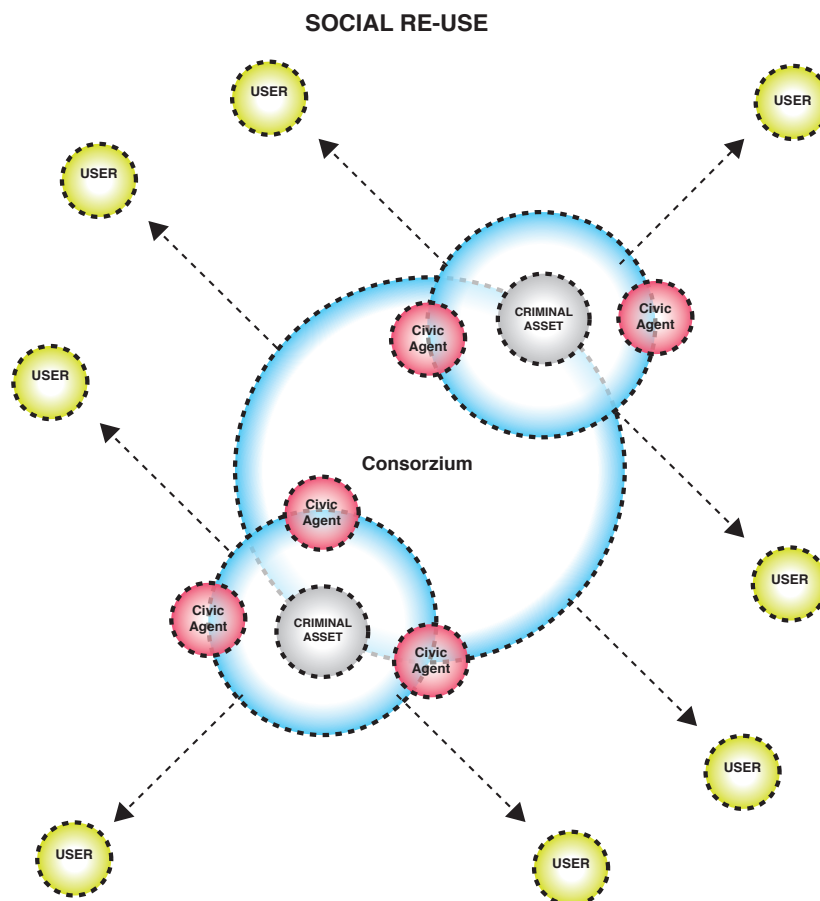
6.2. Recurrent patterns

The Atlas of Productive Cases shows the subset of data defined in the previous chapters as the “Learning set” providing evidences of an emerging behaviour. The cases in Puglia, Basilicata, Calabria, Sicilia e Sardegna are used in the next chapters for confutation. According to the data provided to ANBSC, in these regions there are more than half of the whole confiscated real estate. The awareness of the need to provide a reasonable number of cases and evidences for confutation, validation, or extension of the model, has led to choose the cases in Puglia, Basilicata, Calabria, Sicilia e Sardegna for this purpose. On the basis of the collected data, civic agents involved in the productive reactivation of confiscated criminal assets under the context of social reuse are legal entities as associations with V.A.T., social cooperatives, ATS (temporary consortium of social cooperatives), consortium and public private ATS. The analysis shows that, even if the cases are extracted from the domain of social reuse, the number of cases is not representative of a behaviour that manifest itself in the whole sample. It provides evidences of something different. If on one hand the Italian framework of legislation provides that confiscated criminal assets can be used for social purposes, on the other side twelve years of activity carried out by many civic agents in Italy demonstrate that there are practices more and more complex. First of all, the generic definition of social purpose appears to be characterized by fuzzy boundaries. If on one hand the social purpose expresses a “social” vocation on the other side in many cases confiscated criminal assets are reused by social cooperative as offices, without any productive activity or civic engagement or involvement of communities. It’s clear that the mere management of these assets provided by social cooperative is not a necessary and sufficient condition for a social exploitation and to drive

FIG. 38: PATTERN 1 - C.C.A. FOR SOCIAL AND PERSONAL CARE SERVICES



Confiscated Criminal assets as provider of social and personal care services



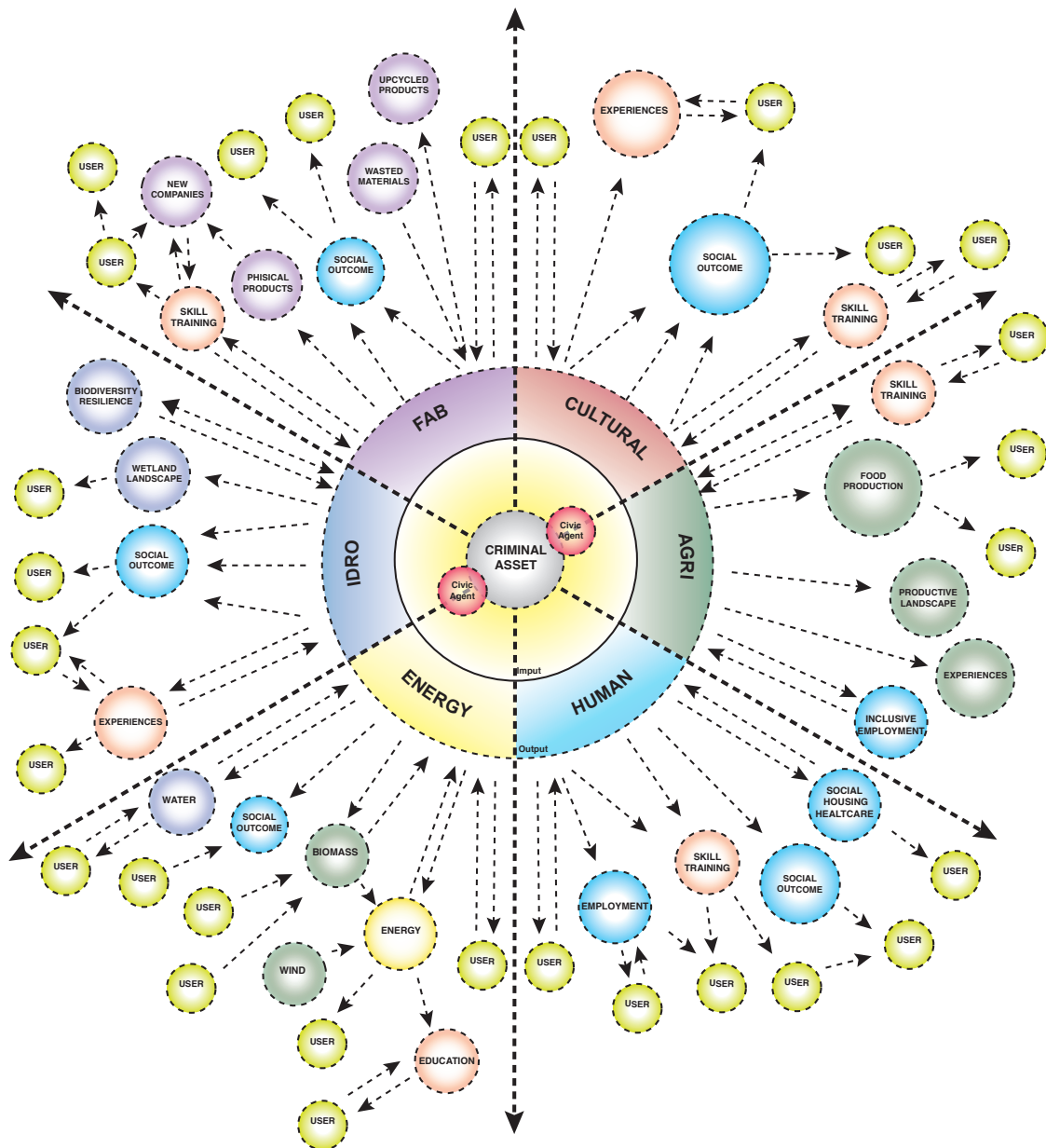
Confiscated Criminal assets as provider of social and personal care services in consortium

and deliver an inclusive proposal of value to the community and to the territory. In other cases these assets are managed by social cooperative free for charge and used for social and health care services in which the economical sustainability is based on the national healthcare system or on the public education system. Exemplificative of this short circuit are the cases in which a social cooperative manage accommodations for patients of the national health system in confiscated criminal assets: in this cases is not clear why the national healthcare system have to pay for rent for an asset that is in its availability producing public spending centre. In other cases the social utility has been implemented transforming the confiscated property in a place in which transfer waste, wasting de facto the social, economic and environmental potential embedded in the confiscated property. There are also a number of assignments made to meet emergency housing, which, although they may be considered of social utility but imply an exclusive exploitation of the property by restricted family units and not a shared use of the asset and nor even a productive dimension able to ensure the “self-sufficiency” of the family hosted.

Going beyond the confusion that can result from just following the concept of social purpose introduced by the legislative framework, is reasonable to think that is better to reconceive the social reuse of confiscated criminal assets not as a purpose and not even as a method or a consolidated protocol for the exploitation of this class of public asset but as a context. In fact if we consider the social reuse as intent, as an inspiration that actors of the ecosystem should strive and that should be pursued in each intervention of reuse, this consideration can lead the research towards a path of knowledge more oriented to the diagnosis of the problems than modelling new options. As previous pieces of research

FIG. 39: PRODUCTIVE PATTERN

Results of the collected data
Productive pattern in confiscated criminal assets



Civic agents become producers in different sectors of the economy not only in the field social and healthcare services. The design of sustainability becomes essential to enable

the achievement of social outcomes in the medium term. The graph also shows the recurrent presence of activities that aims at rising human capabilities.

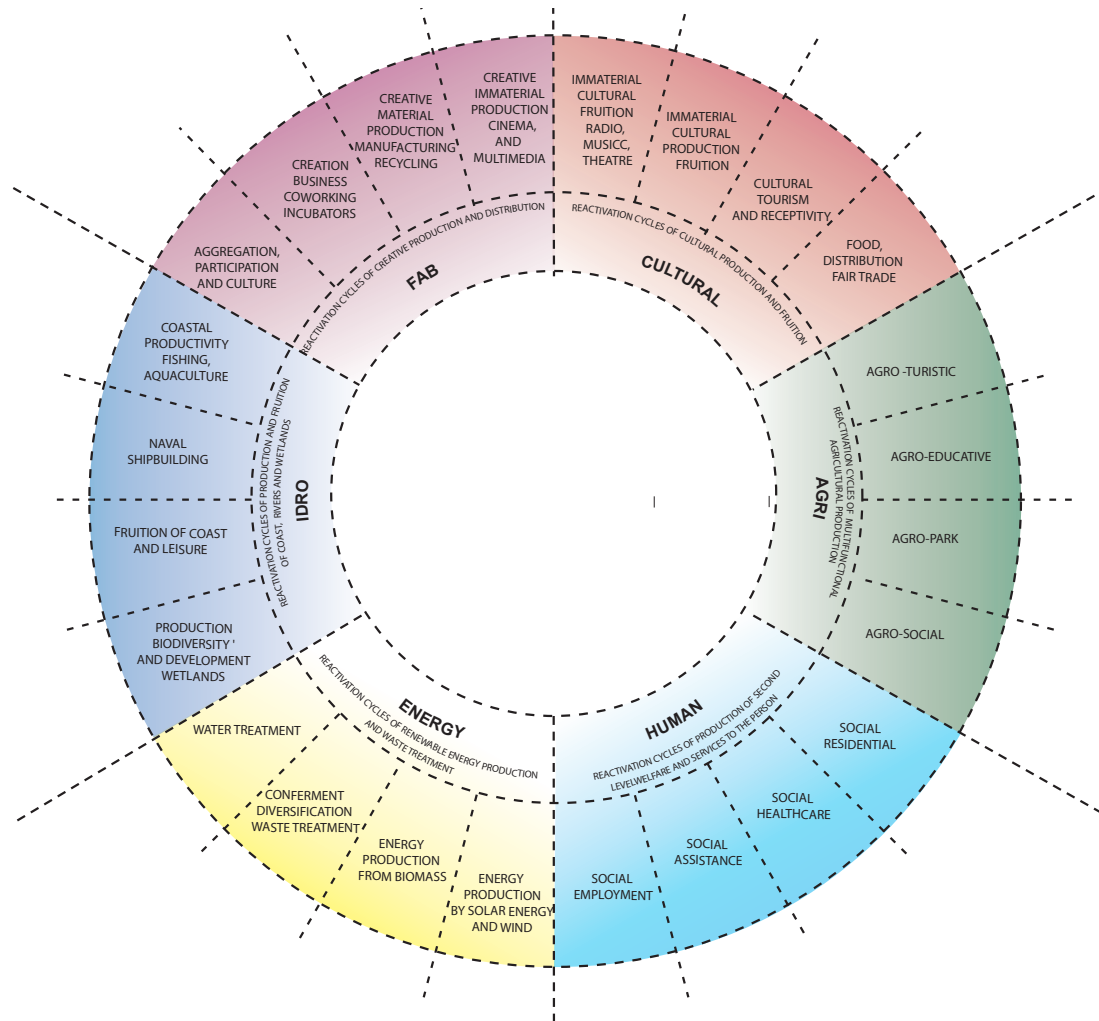
have already showed, it is in fact possible to list all the illicit, improper and critical uses that afflict the social reuse. This could be done establishing a priori the definition of social re-use, identifying on the dataset all the practices that deviate from the social purpose and showing the results in an atlas of misuse.

Vice versa, considering the social re-use not as a purpose but as the context in which different practices emerge, it is possible to understand what are the real purposes, trajectories of behaviours and objectives pursued by the civic actors involved in the context of social reuse of confiscated criminal asset.

The analysis allows overcoming the simple statement of social purpose. It is possible, and certainly appropriate, reconceive and claim the confiscated assets reactivated on the context of social reuse to meet social needs not as “Reuse of confiscated criminal assets for social purpose” but as a “Reuse of confiscated criminal asset for social inclusion purposes”. This classification as re-use for social inclusion is possible for those cases in which confiscated asset are reactivated by the civic actors in order to offer in a specific territory an inclusive value proposition to satisfy excluded people’s special needs or in other word, assets developed to extend excluded people’s freedom and capabilities.

The Atlas of Productive Cases however goes beyond the mere provision of social and personal care services, or emergency housing identifying a productive behaviour. The whole subset of productive projects tackles a central issue in the development of the confiscated real estate: the civic actors involved in the reactivation try to find out first of all reasonable paths for an alternative sustainability. In other words, as defined in the

FIG. 40: PRODUCTIVE REACTIVATION OF CONFISCATED CRIMINAL ASSETS



The research find out 24 re-activities: Cultural immaterial production (e.g. radio, music), immaterial cultural product fruition (e.g. showrooms, cinema, theatre), turism and accomodation (e.g. guesthouses), catering and fair trade distribution; agro-tourism (e.g. farms with accomodation facilities), agro-didattico (e.g. farms where people can go and learn a job like apiculture or farming), agro-sociale (e.g. farms that provide services or perform therapeutic activities for people with disability or with mental health problems or disadvantaged): Socio residenziale (e.g. social housing), socio sanitario (e.g. helthcare), socio assistenziale (e.g. facilities that assist women victim of violence or people with drugs problems and help them to change their lifestyles), socio lavorativo (e.g. centers that facilitate young and older people without work to enter in the labor market; energy production from solar and wind (e.g. wind farms, solar

fields), energy production from biomass (also wooded areas planted to produce leaves and wood biomass); waste collection and treatment, water treatment (facilities but also fitodepuration fields), production of biodiversity and valorization wetlands (e.g. wetlands for birds reproduction, birdwatching and used for education related to biology and ornithology); fruition of the coast and free time (e.g. bathing beaches and lidos); shipbuilding activities; coastal productivites (e.g. fishing and aquaculture); aggregation, participation and culture; creation of businesses (e.g. enterprise incubator, co-working, makerspaces), creative physical production (e.g. manufacturing, recycle, creative upcycling of phisical objects that gives a second life to materials), creative immaterial production (e.g. recording studio for music digitalization, multimedia labs, film studios);

previous chapter of the research, the criminal property is a spatial product generated by the materialization in anthropized environments of revenues from illegal markets by criminal organizations. At the end of the lifecycle linked to criminal organizations' purposes of social influence, economic profit and control on the anthropized environments, the reactivation project have to find an alternative sustainability, alternative to that provided by criminal organizations through the proceeds of illicit markets. This is the central economic issue for some reason.

From the economic point of view:

- The licit job option: as previous scholars have already showed, the creation of employment in the licit economy transforms reactivated confiscated criminal asset not only in a symbolic landmark of the presence of the State in the territory, but it is an effective answer to counter the criminal phenomenon in economy;
- On going cycles: as reported by a number of deliverable and pieces of research of the "Commissione antimafia" and ANBSC, in many cases to be reclaimed and start new activity, the assets need actions on the facilities and an economical sustainability that allows keeping operative the asset over time; even if the Italian ecosystem, as previously described, can count on a number of economic actors that can support the start-up phase, it is necessary that the settlements and the actors involved in the reactivation have the ability to start and continue their operations independently and without interruption;

From the societal point of view:

- Public confidence in Justice: The creation of new opportunity through

confiscated criminal proceeds and assets, fosters public confidence in justice; this effect also emerges in Cashback for Community Programme in Scotland;

- Meet territorial needs not public spending: The pattern of productivity is important to ensure that reactivated criminal assets intercept a real need of the communities and the territory and remain autonomous from political parties and from the regional allocation of funds; actually this self-sufficiency of actors, processes and resources is a recurring condition in the calls promoted by the national actors of the ecosystem (eg “Fondazione con il Sud”) that finance the start-up phase of projects on confiscated assets;

- Change hierarchies: Operations funded only by philanthropy without sustainability are not effective on a symbolic level; in other terms philanthropy without sustainability endorses the same hierarchy relations.

- Inclusive job: The creation of new jobs for people not included in job market; for completeness, despite the need to indicate the presence of activities that include disadvantaged people, in many cases the effective employment of people with disabilities is not verifiable; in many cases the assets managed by associations have no constraint to invest in people with special needs; often in the case of social cooperatives it can happen that the presence of members with disabilities is only nominal and there aren't evidence of hours of work for these people.

From the environmental point of view

- Generative exploitation of territorial capitals: through the implementation of generative and not dissipative exploitation of socio-economical and

environmental territorial capitals.

- Environmental control and maintenance; the productive reactivation allows maintenance and control of the asset by civic actors through its use for economic activities ensuring that criminal activities do not continue, or that the asset doesn't end up back, in criminal hands.

Central and remains alive as well in the reactivation project the pattern of reuse for social inclusion, veering towards more evolved designs: acting on the social meanings, the confiscated property, as a sign of criminal power generated from illicit processes, tends to become places in which the activities carried out by civic agents are more complex than the mere provision of social and personal care services: there is a distance between what the law provides and what civic actors practice. The Italian legislative framework that rules the reuse of propriety confiscated to criminal organization provides that criminal assets can be reused also for social purpose. Collected data and analysis shows that there are two main approaches. First one: civic agents (also in consortiums) turn the confiscated property in an asset that provides social and personal care service (Fig. 38 "Pattern 1 - C.C.A. for social and personal care services"). Second one: Civic Agents act as creative agents, try to keep memory of criminal source but at the same time starts to create a new identity, insert criminal assets in new productive life cycle and engage community for achieve social outcome in the mid-term (Fig.40. "Productive Pattern"). On the basis of the data collected, the research find out 24 re-activities: Cultural immaterial production (e.g. radio, music), immaterial cultural product fruition (e.g. showrooms, cinema, theatre), tourism and accommodation (e.g. guesthouses), catering and fair trade distribution; agro-touristic (e.g. farms with accommodation facilities), agro-educative

(e.g. farms where people can go and learn a job like apiculture or farming), agro-social (e.g. farms that provide services or perform therapeutic activities for people with disability or with mental health problems or disadvantaged): Social-residential (e.g. social housing), social-healthcare (e.g. healthcare), social-assistance (e.g. facilities that assist women victim of violence or people with drugs problems and help them to change their lifestyles), social-employment (e.g. centres that facilitate young and older people without work to enter in the labour market); energy production from solar and wind (e.g. wind farms, solar fields), energy production from biomass (also wooded areas planted to produce leaves and wood biomass); waste collection and treatment, water treatment (facilities but also fitodepuration fields), production of biodiversity and valorisation wetlands (e.g. wetlands for birds reproduction, bird watching and used for education related to biology and ornithology); fruition of the coast and free time (e.g. bathing beaches and lidos); shipbuilding activities; coastal productivities (e.g. fishing and aquaculture); aggregation, participation and culture; creation of businesses (e.g. enterprise incubator, co-working, maker spaces), creative physical production (e.g. manufacturing, recycle, creative up-cycling of physical objects that gives a second life to materials), creative immaterial production (e.g. recording studio for music digitalization, multimedia labs, film studios).

It is possible to synthetize the 24 re-activities gathering them in six main re-activated cycles: creative production and distribution (FAB), cultural production and fruition (CULTURAL), costal production and fruition of watercourses and wetlands (IDRO), multifunctional agriculture (AGRI), production of renewable energy and materials treatment (ENERGY), second level welfare and personal care services (HUMAN). The reiteration

of the same re-activities in the whole Italian territory demonstrates that these experiences are replicable in different urban and regional contexts. Although not all assets are in the same stage of development of the project and contingent reasons related to the lack of funding affect the implementation of the projects. Otherwise all projects propose to work on capacitation and decline effectively themselves as an enabling platform for communities. The main purpose is that, if on one hand criminal organizations contracted individual freedoms, on the other hand the confiscated property becomes enabling platform for the capacitation of local communities, through activities that have the purpose to transfer knowledge and skills and through the creation of enabling networks that extend individual freedoms and make communities skilled enough to pursue their aspirations. All cases, however, have a problem in the initial process of the idea generation and on going on the evaluation of the outcomes. Currently there isn't in Italy a participatory process to engage local communities in the destination of the confiscated assets and there isn't an on going evaluation process of the results achieved by civic agents after that activity starts, as we saw in the program Cashback for Communities in Scotland. Finally, there is not even a mechanism for redistribution of income generated by the civic agents, as in the case of Pazo Baion in Spain.

7.

THE MODEL**Design for Freedom, Sustainability and Justice**

The analysis carried out in the previous chapter and the definition of the recurrent pattern, offers insights to point out some general considerations. First of all, there is a distance between what the law regulates and what civic actors practice in the reactivation of confiscated criminal asset. Second, there is a vital, creative, productive, responsible, innovative ecosystem able to decline in extremely different ways the development of asset confiscated. Third, the “Reuse for social purposes” of confiscated property is not a purpose that guides the development of the assets, but it is the context where a different paradigm manifests itself. Fab, Cultural, Agri, Hydro, Energy, Human are different declinations of a different paradigm that actually is not clear. However it is possible to derive from such declinations a new paradigm. With the information extracted from the practices it is possible to trace back the productive reactivation of assets seized from three theories that inform the design of confiscated asset.

7.1. Design for Freedom

In an era where the “development project”, pursued either in developed or developing countries, has been unsettled by the on going economic crisis, many scholars underlined the urgency to rethink the relationship between human and societal development along a more ethical path. This urgency to reconceive in a more ethical way the relation between actors, resources and processes stems also in the field of reactivation of confiscated criminal

assets and in all the actions implemented in areas in which development of criminal organization based on illicit market revenues and on the pursuit of social influence, economical profit, and environmental control of criminal organization, constrain individual freedom and hinders the valorisation of territorial capitals (economical, societal, environmental). The capabilities approach, first outlined in 1979 during Tanner's lectures on "Equality of What?" then defined by Amartya Sen consists today of a new paradigm in development economics and moral philosophy. The core elements of the capability approach are that "social arrangements should aim to expand people's capabilities, their freedom to promote or achieve what they value doing and being"⁸¹. "People have to be seen (...) as being actively involved, given the opportunity, in shaping their own destiny, and not just as passive recipients of the fruits of cunning development programs"⁸². The concepts of "functionings" and "capabilities" are the main points to the capability approach's understanding of human well-being. "Functionings" in the capability approach refers to the achievement of the beings and doings that people have reason to value. Meanwhile "capabilities" refers to the freedom that people have to realise such objectives. Well-being achievement (functioning) as a realised state is distinguished from well-being freedom (capabilities). Capabilities are composed by individual abilities and the available strategies to achieve aspirations/functioning. As a result of this approach the goal of development is not to extend the per capita income but to expand the freedom that people have to achieve

81. Deneulin, S. (2009), *"Democracy and Political Participation"*. In: Deneulin, S. and Shahani, I. (eds.) *An Introduction to Human Development and Capability Approach*. London Earthscan/IDRC. See p.31.

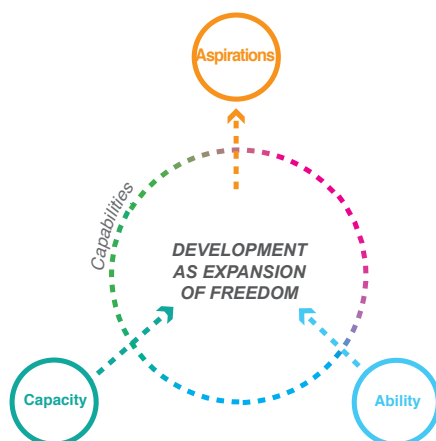
82. Sen, 1999, see p.53.

the life they have reason to value⁸³. A careful reading of Sen's work clarifies that capabilities are freedoms conceived as real opportunities (Sen 1985a: 3-4; 1985b: 201; 2002: chapter 20). For Sen, capabilities as freedoms refer to the presence of valuable options or alternatives, in the sense of opportunities that do not exist only formally or legally but are also effectively available to the person, the real agent of change. The approach assumes that functionings, capabilities and freedoms have intrinsic value (are valuable themselves) as well as instrumental value (as

83. Sen, 1999, p.74;

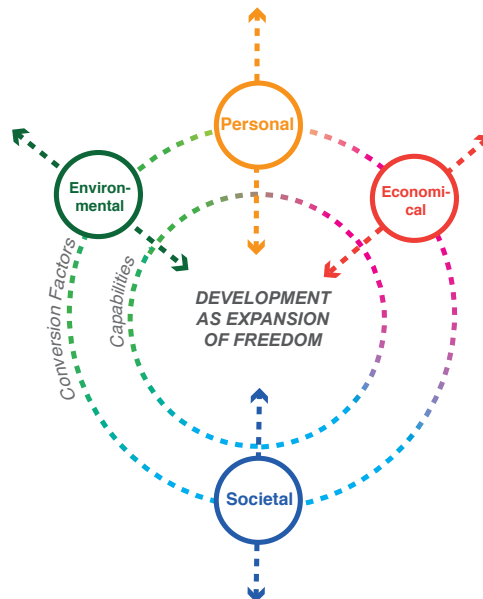
FIG. 42: DEVELOPMENT AS EXPANSION OF FREEDOM

Capabilities



The concepts of “functionings” (or aspirations), “capabilities” and conversion factors are the main points to the capability approach. Aspirations refers to the achievement of the beings and doings that people have reason to value. “capabilities” refers to the freedom that people have to realise such objectives. Capabilities are composed by individual abilities and the available strategies to achieve aspirations/ functioning. As a result of this approach the

Conversion Factors



goal of development is not to extend the per capita income but to expand the freedom that people have to achieve the life they have reason to value. In this context the conversion factors represent how much functioning one can get out of a good or service. All conversion factors influence how a person can be or is free to convert the characteristics of the resources into a functioning.

a means to achieving something else). In Sen's words, greater freedom to achieve the things one values is "significant in itself for the person's overall freedom", and "important in fostering the person's opportunities to have valuable outcomes"⁸⁴. In this sense the expansion of freedoms is both the primary end and the principal means of development⁸⁵. The capability approach sustains that, while income and consumption are

84. Amartya Sen (1999a), *"Development as Freedom"*. Oxford: Oxford University Press, p.18.

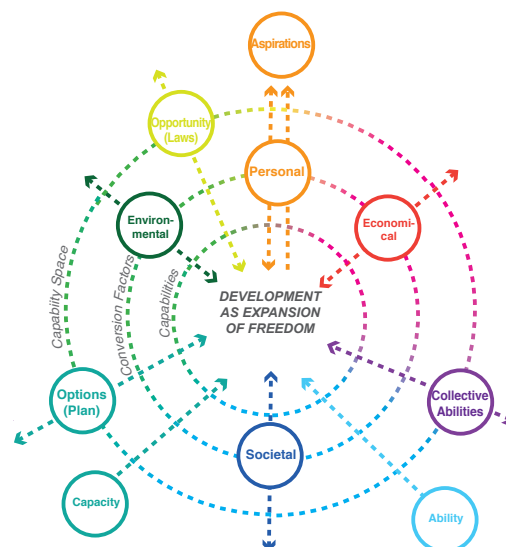
85. Ibidem, p.36.

FIG. 43: CAPABILITY SPACE AND FREEDOM

Capability Space



Conversion Factors and Capability Space



External capability or social network capabilities affect also the people's capabilities. Foster & Handy (2008) introduce the idea of "external capabilities" to describe how people access and utilise the capacities of other individuals in their social networks in order to expand their own ability to function. Individuals do not act in isolation to pursue their valued goals and objectives, nor do they form their particular goals and objectives in isolation from one

another. Ibrahim (2006; 2013) proposes the concept of "collective capabilities" to describe the way in which human well-being is generated in and through group membership. Collective abilities, options from meaningful involvement in environmental design and opportunities from the laws forms the capability space. options from meaningful involvement in environmental design, opportunities from the laws forms the capability space.

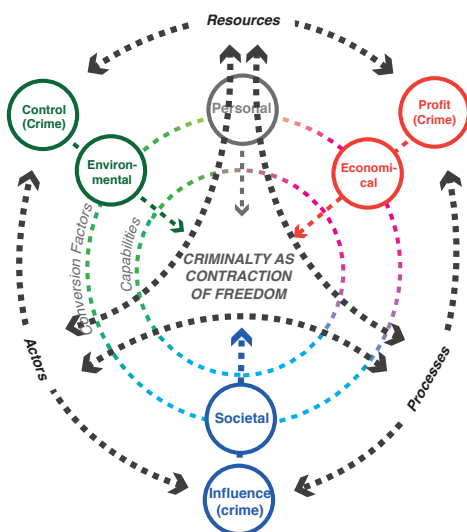
important, they are only means of expanding people's ability to achieve the things they value⁸⁶. Sen argues that "viewing development in terms of expanding substantive freedoms directs attention to the ends that make development important, rather than merely to some of the means that, inter alia, play a prominent part in the process". He notes this idea goes back to Aristotle, who observed that "wealth is evidently not the good we are seeking; for it is merely useful for the sake of something else"⁸⁷;

86. ibidem,p.3.

87. Cited in Amartya Sen, 1999a, p.14.

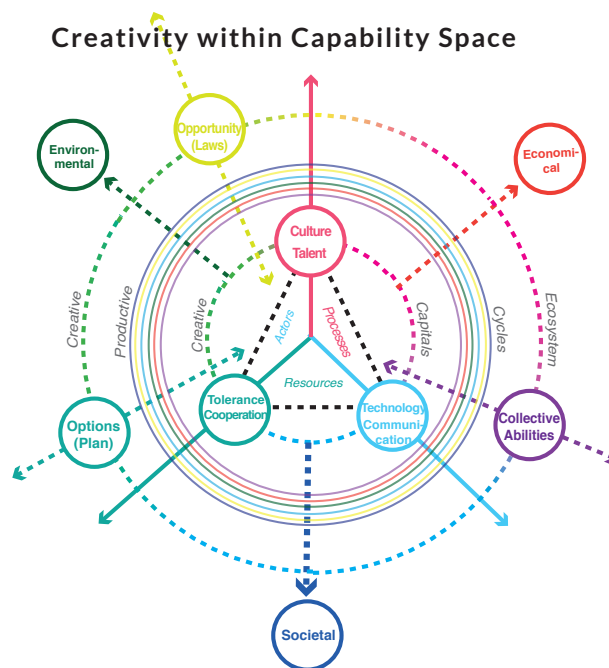
FIG. 44: CRIMINALITY, CREATIVITY AND CAPABILITY SPACE

Criminality and Conversion Factors



Group affiliation is not always beneficial. It may restrict members from belonging to other groups, or even may be oppressive, reproduce patterns of exclusion, can cause conflict and undermine individual choices. Under the lenses of capability approach, organized crime can be considered as a phenomenon that modifies conversion factors and constrains freedom to achieve licit functioning. If functioning

Creativity within Capability Space



are aspirations of people not involved in criminal organization and capabilities are individual abilities and available strategies, organized crime constrains people's freedom modifying the personal, environmental, societal and economical conversion factors. The creative process is opposed to this: through the mobilization of creative capital allows the creation of social, economical and environmental value.

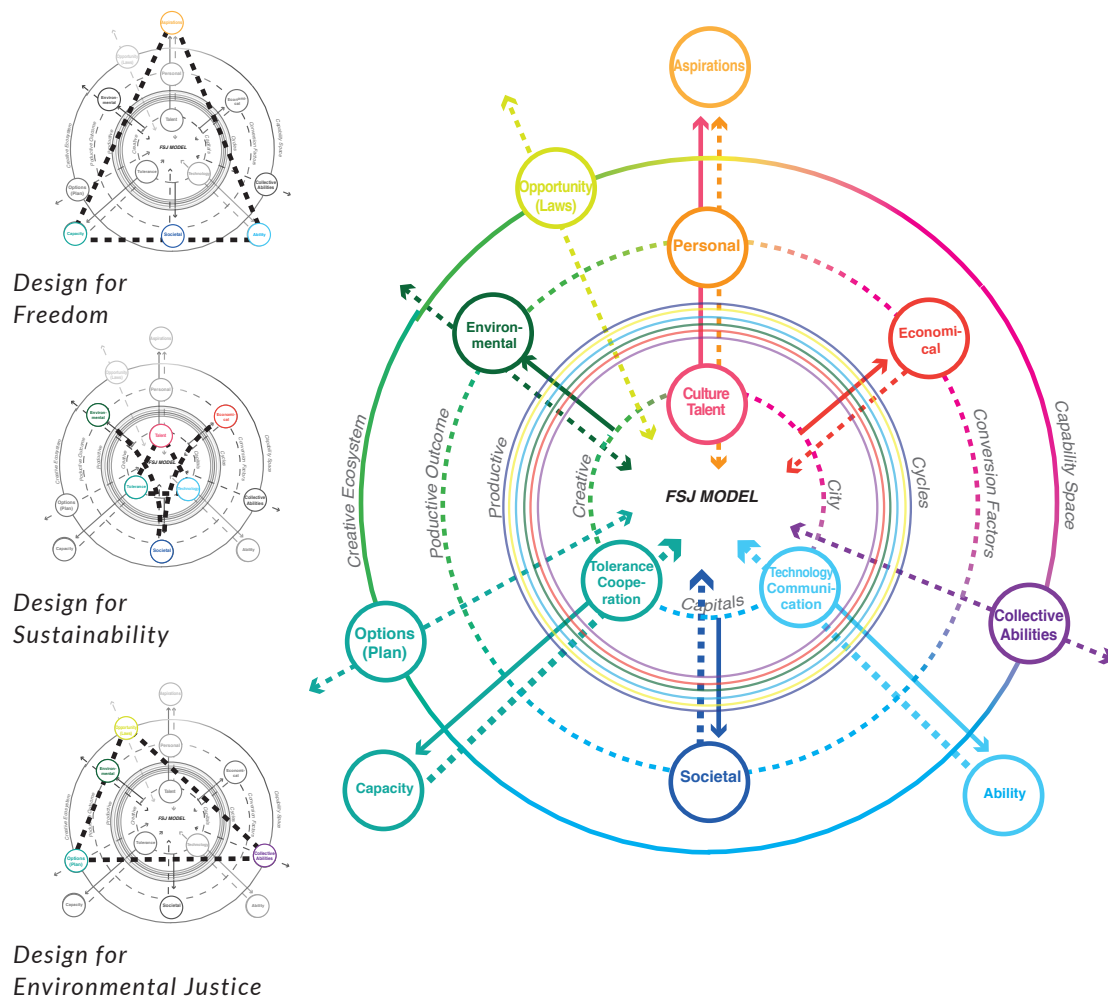
Under the framework of capability approach personal, societal and environmental conversion factors constrain or extend freedom. The approach defined by Amartya Sen emphasises that a variety of individual, local and structural “conversion factors” affect the capability of individuals to achieve aspirations/functionings. Another important idea in the capability approach, especially in the work by Amartya Sen⁸⁸ and scholars influenced by his writings, is in fact the notion of conversion factors. If on one side a lack of material inputs can be an important contributor to capability deprivation, on the other side resources, such as marketable goods and services, but also goods and services emerging from the non-market economy have certain characteristics that make them of interest to people. A typical example provided by a number of pieces of research that explore the capability approach, is this: we may be interested in a bike not because it is an object made from certain materials with a specific shape and colour, but because it can take us to places where we want to go, and in a faster way than if we were walking. These characteristics of a good or commodity or asset enable or contribute to a functioning. A bike enables the functioning of mobility, to be able to move oneself freely and more rapidly than walking. The relation between a good and the achievement of certain beings and doings is described with the term “conversion factor”: the degree in which a person can transform a resource into a functioning. For example, an able bodied person who was taught to ride a bicycle when he was a child has a high conversion factor enabling him to turn the bicycle into the ability to move around efficiently, whereas a person with a physical impairment or someone

88. Amartya Sen, 1992a: 19–21, 26–30, 37–38.

who was never taught to ride a bike has a very low conversion factor. The conversion factors thus represent how much functioning one can get out of a good or service; in our example, how much mobility the person can get out of a bicycle. There are several different types of conversion factors, and the conversion factors discussed are often categorized into three groups⁸⁹. All conversion factors influence how a person can be or is free to convert the characteristics of the resources into a functioning,

89. Robeyns, I. (2005), "The Capability Approach: a theoretical survey". Journal of Human Development, 6(1), pp.93-114. Taylor & Francis Online. See p. 99.

FIG. 45: DESIGN FOR FREEDOM, SUSTAINABILITY AND JUSTICE



yet the sources of these factors may differ. **Personal conversion factors** are internal to the person, such as metabolism, physical condition, sex, reading skills, or intelligence. If a person is disabled, is in bad physical condition, or has never learned to cycle, then the bike will be of limited help in enabling the functioning of mobility. **Social conversion factors** are factors from the society in which one lives, such as public policies, social norms, practices that unfairly discriminate, societal hierarchies, or power relations related to class, gender, race, or caste. **Environmental conversion factors** emerge from the physical or built environment in which a person lives. Among aspects of one's geographical location are climate, pollution, the proneness to earthquakes, and the presence or absence of seas and oceans. Among aspects of the built environment are the stability of buildings, roads, and bridges, and the means of transportation and communication. Take the example of the bicycle. How much a bicycle contributes to a person's mobility depends on that person's physical condition (a personal conversion factor), the social mores including whether women are socially allowed to ride a bicycle (a social conversion factor), and the available of decent roads or bike paths (an environmental conversion factor).

External capability or social network capabilities affect also the people's capabilities. As White⁹⁰ points out, people are not only "subject of" - actively involved in creating meaning out of their lives - but are also "subject to" "values, ideologies and beliefs" that shape the degree to which possible options represent compelling choices. Foster & Handy (2008)

90. White S. (2010), *"Analysing wellbeing: a framework for development practice. Development in Practice"*, 20(2), pp.158-172. Taylor and Francis Online. 2010, see p.165:

introduce the idea of “external capabilities” to describe how people access and utilise the capacities of other individuals in their social networks in order to expand their own ability to function. Capabilities should always be promoted for their intrinsic value for the well-being of the individual concerned. No individual should be regarded as a “mere tool” for the well-being of others to the detriment of their own well-being (Nussbaum, 2000, p.55). Although individuals relying on external capabilities may experience more qualified and contingent gains in well-being compared to if the same capabilities were possessed independently, external capabilities can be an effective stop-gap solution for capability deprivation, and over time can sometimes lead to the replication of that capability in the recipient individual (Foster and Handy, 2008). Individuals do not act in isolation to pursue their valued goals and objectives, nor do they form their particular goals and objectives in isolation from one another. Ibrahim (2006; 2013) proposes the concept of “collective capabilities” to describe the way in which human well-being is generated in and through group membership. Such achievements “exist or perish with the group”⁹¹, and cannot be reduced to the contributions of group members. Indeed, the existence of the group itself, and Ibrahim⁹² regards the relationship between group and individual freedoms as “mutually reinforcing” in that access to an expanded collective capability set can enhance what individual members are able to do and be, while the building of individual capabilities may in turn support more effective collective action by groups “capacity to aspire”.

91. Foster and Handy, 2008, p.13;

92. Ibrahim, 2013, p.5;

This framework offers an interesting point of view in reconceiving organized crime as a conversion factor that constrain capabilities and functioning. “Sen’s thinking opens up an opportunity for urban theorists and planners to break from the enlightenment positivist epistemology and accept the dimensions of multiplicity and movement in conceptualizing urban policy”⁹³. The expansion of “freedoms” has an echo of Henri Lefebvre’s concept of “right to the city” in terms of the “instrumental freedoms” described by Sen (1999) but can also be useful to reconsider the phenomenon of organized crime. “Group affiliation is not always beneficial”⁹⁴; it may restrict members from belonging to other groups, or even may be oppressive and reproduce patterns of exclusion of the poorest among communities. Also, group affiliation can cause conflict and thus undermine individual choices (Stewart, 2005). Under the lenses of capability approach, organized crime can be considered from a societal and human point of view as a phenomenon that modifies conversion factor and constrains freedom to achieve illicit functioning. If functioning are aspirations of people not involved in criminal organization and capabilities are the individual abilities and by the available strategies owned by these individuals, organized crime constrains people’s freedom modifying the personal, environmental, societal and economical conversion factors. Reconceiving criminal footprint as a conversion factor allows to better understand the pattern emerged from previous analysis.

First of all the productive reactivation of confiscated criminal assets is not about social inclusion. It is in itself an intervention that extends the

93. Frediani, 2007, p.140;

94. Sen, 2004 as cited in Ibrahim, 2006, p.406;

freedom of civic actors of the transformation but it is also instrumental to the extension of the freedom of the community to which it belongs and it aims to change the economical, societal and environmental conversion factors of the communities in a specific territory affected by organized crime.

Second. The whole Italian ecosystem of justice involved in confiscated criminal asset productive reactivation works on the development of a capability space (as introduced by Frediani, 2010), supporting projects that extend the options of licit economy allowed by communities, through norm entrepreneurship and enforcement of the legislative framework, and through collective capabilities provided by the social network involved in social reuse.

7.2. Design for Sustainability

From 2002 the reasonings on creativity as a paradigm of the contemporary city have received a significant boost thanks to studies conducted by Richard Florida. Florida introduces the creative class, consisting of those who express an art and a design capacity, as a powerful engine of development for the city. He recognized in Technology, Talent and Tolerance the three competitive factors and indicators for urban attractiveness. The results of these studies with regard to competitiveness factors of urban settlements made it possible to extend this reasoning to the urban planning science through the introduction of a fourth T: the Territory. By such contamination it has been possible to develop the Creative City model based on three competitive factors: Culture, Cooperation and Communication. Culture is the city's identity. The talent of a city, distinctive and competitive resource, is its cultural identity, its diversity

produced by history that have to be put in the condition to produce value. The second urban creativity factor is the communication that is the city's ability to inform, disseminate and engage in real-time its inhabitants and, increasingly, its many users. The third factor is the cooperation: the creative city is not only a more open city, multicultural and multi-ethnic, but it is a city able to mobilize its diversity to the project for the future is a city that through the cooperation redefines the urban community, assigning new roles and clearer objectives. Studies conducted over the years have allowed to move from a first generation of creative city essentially monetary in which the creative class was attractive of new economies, to a new generation of creative city in which the creative class is able to produce new urban economies: that evolution has allowed to move from a creative city attractive for events to a creative city that generate identity, driven by a vision in which the goal is not only to place the city in the creative market, but to produce creative class from within.

Today in the current period of economic crisis and social environment, the creative city deals with the challenge of the autopoiesis starting from its ability to rewrite itself in a more ecological way, to enable more creative, responsible and ethical lifestyles, recovering abandoned spaces, infrastructure and landscapes. A conspicuous number of plans, policies and projects in Europe and the United States shows in fact that the economical, societal and environmental regeneration of human settlements, whether they are urban, rural, peri-urban, can take place through the insertion in "new cycles of life" of urban complexes, settlements, infrastructural networks being disposed, in transformation or with reduced function. The scientific investigation conducted by eleven Italian universities, known as "Re-Cycle Italy, New Life Cycles for Buildings and Infrastructure of

the City and Landscape” and funded by the MIUR as “Scientific Research Programs of National Interest”, PRIN 2010, it has led to the modeling of the phenomenon from a number practices identified as “Re-cycle”. Recycling the anthropized environments means reactivate urban capitals in disposal and in transformation operating on material potential, such areas, cubature, infrastructures but also on memory and identity contained in the areas to be recycled. Recycling spatial products at the end of their life cycle needs a redefinition of processes: feature of Urban Recycle, in fact, is not only the prefiguration of the physical appearance or a possible, not always necessary, change in the use of recycled spatial products, but is about the triggering of processes that can drive a metamorphosis of these spatial products, generating renewed meanings, economies and environments, fostering the emergence of lifestyles more responsible, sustainable and creative. The line of research, identified as Line 2 / A within the publication “Op position” and emerged from the large national debate on the theme of recycling, draws an ethical-political strategy of the urban-territorial recycling by working on the investigation for new paradigms. The idea introduced by this investigation can be useful to understand the outcomes of the previous analysis. The boundaries of the investigation in fact are not related to the “recycle of positive values well known as historical-geographical heritage and substantially obliterated by the transformation processes” but in a similar way to present research “on the recycle of non-values (of waste) otherwise in positive functioning, in other words for the construction of new settlement models that are able to metamorphosing those waste”. The investigations show that “through social action and ecological control of the transformations it is possible intercept the real communities able to produce meanings and vital worlds by defining a reticular topography of social participation in

which the recycling processes can be accelerators of this need for “self-organization”⁹⁵. As claimed by prof. Ezio Micelli, reactivation is able to “trigger processes with low capital intensity but not a low quality of intervention, with the mobilization of local resources, not only economic”. The research shows “new participated intervention methods that use local development instruments and interpret the social forces coming from the bottom” and discover that it is possible “to consider the value of the waste as a generator of a new economy redeemed from rejection” finding out “within the life cycles of the city and of the territory” how is possible “to trigger new supply chains, reactivate the economies at the scale of the communities and reactivate local social structure” “through the recycle of “social common assets” in “common-bearing assets”.

Two are the main points of this productive and community-driven reinsertion in new lifecycles of wasted spatial products: the creative upcycle approach and the user-generated content approach in the resignification of the site.

The design of new productive life cycles for these assets at the end of their previous lifecycle is defined as Upcycle. “The Upcycle Beyond Sustainability - Designing for Abundance” constitutes in fact a fundamental reference since it offers one of the theoretical key needed to interpret the characteristic behavior of the productive reactivation of confiscated property. The concept of Upcycle (McDonough W., Braungart M., 2013) broadens the definition of sustainable development introduced by the

95. Paolo Perulli (2009), *“Visioni di Città”*, Torino, Einaudi.

World Commission on Environment and Development⁹⁶ proposing a new creative approach to design. The authors define Upcycling as “the process of converting waste materials or waste into new materials or products of better quality and best environmental value”. He invites designers, activists, policymakers, manufacturing companies and workers in the sector no-profit to go beyond the strategies of containment of the harmful effects of human activity on the environment⁹⁷. Invite designers in reconceiving themselves as a creative partners of the environment able to create new environmental and economical value. It also introduces the idea of upcycling not only for industrial production, manufacturing and waste management but also in planning and in development of resources and assets of the city by placing them within new production lifecycles.

The transformation of wasted assets in spatial products with higher economic, social and environmental value offers insight to understand the previous described pattern. The productive dimension is not reduced to the ability of activities established in the asset to be sustainable or to the simple fact that criminal activity has been replaced with a licit activity and this imply that the asset is in a better cycle. Upcycling confiscated assets means that the asset has an economic, social and environmental

96. The definition of sustainable development was introduced by the Brundtland Report “Sustainable development is meeting the needs of the present without compromising the ability of future generations to meet Their Own needs”. Special emphasis is given to the concept of “need” and “limitation”, specifically the report underlines the need to give priority to meet the essential needs of the people in particular conditions of poverty and to consider the limitations of technology and social organization on ‘ ability of the environment to meet present and future needs. World Commission on Environment and Development, Our Common Future, Oxford University Press, 1987.

97. “Often people become so preoccupied with making an object ‘work’ in its first cycle that they don’t look at the next picture.” McDonough W. Braungart M. (2013), “The Upcycle Beyond Sustainability – Designing for Abundance”, North Point Press.

value for communities higher than the value it had in the previous life-cycle related to purposes of social influence, economic profit and environmental control of criminal organization and that civic actors that manage the asset are able to produce such values for communities, with communities and through user generated contents⁹⁸ or through generative, non dissipative processes that reactivate obliterated territorial capitals. In line with the definition of upcycle, it would be advisable that all the activities established within confiscated assets are capable of work in a higher point of the existing licit value chains in the territory, or develop alternative and more ethical value chains in such a way as not to generate scenarios of rivalry with existing licit economical and social fabric but scenarios of reciprocal victory enhancing social capital and competitiveness of the existing “healthy” economy. In some cases this collaborative or differentiated position occurs only in the most evolved practices, and there are studies that underline the problem of rivalry with productive activities in confiscated property. A reasonable explanation may be that these projects were launched without a logical theoretical framework and the civic actors’ main focus was driven more by the need to be economically sustainable in the short time instead of pointing to the prefiguration of reciprocal victory scenarios. This has led to the fact that many civic actors discovered step by step that alongside the violent rivalry of criminal organizations in the territory, there was the issue connected to the rivalry with the communities in the existing

98. Similarly to what happens in the most common online platform with the massive presence of user-generated content, one of the components of this metamorphosis process of dismissed spatial products is the settlement of a community of prosumers that can give new meaning to the environment through self-produced contents.

licit social and economical activities, a kind of rejection of a competitor endorsed by institutions.

Under the lenses of upcycle creative approach confiscated criminal asset can be considered from a societal and environmental point of view as a resource in which to activate processes of creation of economical, societal and environmental value with and for communities and territories higher than that generated in the previous life-cycle related to purposes of social influence, economic profit and control of environments by organized crime.

The upcycle approach should not be thought in opposition to the capacitation approach presented in the previous chapter but an integrated approach driven by creativity that modifying the social, economic and environmental conversion factors generated by organized crime.

7.3. Design for Environmental Justice

The third approach that can help us to understand the emerging pattern come from the studies developed in the field of Environmental Justice. Environmental Justice is emerged as a concept in the United States in the early 1980s. It is an interdisciplinary body of social science literature that includes theories of the environment, theories of justice, environmental law and governance, environmental policy and planning, development, sustainability, and political ecology⁹⁹. Environmental Justice inquiry the fair treatment and meaningful involvement of all people regardless of race, colour, national origin, or income with respect to the environmental

99. Schlosberg David. (2007), *"Defining Environmental Justice: Theories, Movements, and Nature"*. Oxford University Press; Miller, Jr., G. Tyler (2003), *"Environmental Science: Working With the Earth"*, Pacific Grove, California: Brooks/Cole. p. G5.;

development, implementation and enforcement of laws, regulations and policies. Despite the studies related to Environmental Justice have been carried out and introduced in legislation mainly in the United States of America, the European Union is trying to strive towards environmental justice by putting into effect declarations that state that all people have a right to a healthy environment. The Stockholm Declaration, the 1987 Brundtland Commission's Report – "Our Common Future", the Rio Declaration, and Article 37 of the Charter of Fundamental Rights of the European Union, all are ways that the Europeans have put acts in place to work toward environmental justice¹⁰⁰. Environmental Justice can be achieved when everyone enjoys the same degree of protection from environmental hazards and equal access to the decision-making process to have a healthy environment in which to live, learn and work. Other definitions include equitable distribution of environmental risks and benefits; fair and meaningful participation in environmental decision-making; recognition of community ways of life, local knowledge, and cultural difference; and the capability of communities and individuals to function and flourish in society.

Under this framework a number of small and large-scale assets can be reconceived as common pool resources useful to achieve fair treatment and meaningful involvement of communities in environmental development, implementation and enforcement of laws, regulations and policies.

The idea of the commons has a long historical and intellectual lineage

100. Tamara Steger, Richard Filcak (2009), *"Articulating the basis for Promoting Environmental Justice in Central and Eastern Europe"*. Environmental Justice: Volume 1, Number 1.

ranging from the enclosure movement in England, to Garrett Hardin's famous Tragedy of the Commons parable, to Elinor Ostrom's Nobel prize-winning work on governing common pool resources. More recently, scholars across an array of specialties have conceptualized and articulated new kinds of commons, including knowledge commons, cultural commons, infrastructure commons, and neighbourhood commons, among others. The main characterization of common pool resources is that are resources that are being collaborative managed by groups of heterogeneous users who are able to design norms and rules to collaborate, work together, allocate shared resources, and obtain joint benefits from the resource within a collaborative governance structure. Some examples that have already been examined by scholars include community gardening, neighbourhood improvement districts, neighbourhood foot patrols, and limited equity housing cooperatives but also sanitation, flood control and other public infrastructures. Each of these institutions involve several stakeholders that interact and collaborate in order to manage crucial assets for the community parks, gardens, open space, neighbourhood safety, housing, and also to produce socially productive goods that support human flourishing in urban communities. Many scholars introduce the idea that the city itself is perhaps the most complex shared resource for its inhabitants.

Environmental Justice and urban common definition can be useful to set the third explanation of the emerging pattern in confiscated criminal asset reactivation. If we come back to the definition aforementioned of criminal asset as the spatial product of territorialized and transnational processes of materialization on anthropized environments of illicit market revenues, it's reasonable to think that these processes can be conceived as threats to the development of a healthy environment in which to live,

learn and work. In eco-mafia declinations of organized crime phenomenon, as highlighted in the cases of “Terra dei Fuochi” in Campania, for activities related to the waste cycle, the environmental hazard affects the ecological dimension and produces in some cases impacts that are unlikely to be reversible. This hazard is not strictly related to impacts on the ecological network but is intrinsic to the circumstances that led to the creation of the asset. The development of the Italian norms in fact, as defined in the previous chapter, establishes in 1990 with the law n. 55 of 19 March that the criminal asset is an hazard in itself underlining the intrinsic danger to the assets, separated from the social dangerousness of the subject to whom it was confiscated.

The productive reactivation of the seized assets do not find a full explanation exclusively in the capacitation of the actors and in the triggering of productive processes able to change the societal, economical and environmental conversion factors of the communities and enhance the territorial capitals. The non-exclusive use of the property is explained by reconceiving the criminal asset as a common pool under the framework of environmental justice. The reactivated confiscated criminal asset is a confiscated asset obtained illicitly from organized crime that is returned to the community. The reactivated asset is not a simple landmark of the presence of institutions on the territory and it isn't a resource for exclusive use of civic actors of the transformation. The restitution to the communities can be considered in itself as an action that can promote environmental justice, because this asset is a spatial product that came from illicit processes against society, economy, environment, communities and territories. It is also instrumental to the promotion of environmental justice because, as the emerging pattern shows, enable the meaningful

involvement of communities in environmental development and in policy making. The environmental justice approach should not be thought in opposition to the capacitation approach, or to the previous mentioned upcycle approach that modify the social, economic and environmental conversion factors generated by organized crime. Reconceiving reactivated criminal asset as an urban common under the multidisciplinary framework of environmental justice explains why the analysis shows assets managed by a variety of actors. It explains also why the emerging pattern shows the settlement of activities as aggregation, culture and civic participation, for the involvement of communities in policy-making and in environmental development.

8.

F.S.J. Model Confutation and Limitations

The FSJ model, composed by the paradigm and the production pattern, was made to collide with the subset of confutation (Table 13). The model has provided a full explanation for the behavior of all assets in which there was a clear productive reactivation. The development of the FSJ paradigm allows to recognize, rule and replicate the Cultural, Creative, Idro, Agro, Energy and Human declinations for productive reactivation of confiscated property. The paradigm presented in the previous chapter also allows to understand why some experiences of reactivation have failed or have been ignored by the community or have generated scenarios of rivalry with the existing (lawful) social and economical actors. Comparing the FSJ model and cases within the confutation subset allows some considerations. The comparison shows that the model is valid in all cases analysed. According to the heuristic inferences, the model also provides a satisfactory explanation for those cases where the productive pattern doesn't manifest itself. In the previous process of identification of recurring patterns such cases have been discarded, but thanks to the theoretical abduction these cases can now be explained as a partial application of the paradigm. The partial application determines the occurrence of four scenarios. The application of any point of the model determines the first scenario "Crimsonfield". The partial application of only one of the point of the paradigm determines the three scenarios "The Island of Legality", "The prisoner's dilemma" or the "Tragedy of Common".

8.1. The Crimsonfield

In recent years scientific research in the field of city, regional and landscape planning oriented part of the investigations to the exploration of urban materials abandoned or underused. These pieces of research and major changes in development and enforcement in environmental law in Europe and United States of America have led to the introduction of certain terms such as brownfield, greenfield and grayfield. **Brownfield** is a term used in urban planning to describe land previously used for industrial purposes or some commercial uses¹⁰¹. Such land may have been contaminated with hazardous waste or pollution or is feared to be so¹⁰². Such area can become place for economical, societal and environmental development through the redefinition of spatial products and processes of spatial production. Lands that are more severely contaminated and have high concentrations of hazardous waste or pollution, such as a Superfund site, does not fall under the brownfield classification and can be defined as Mothballed brownfields¹⁰³. Mothballed brownfields are properties that the owners are not willing to transfer or put to productive reuse¹⁰⁴. **Greenfields** are undeveloped lands in a city or rural area either used

101. Environmental Law Institute (N/D), *"Glossary of Brownfields Terms"*, Environmental Law Institute. From <https://www.eli.org/brownfields-program/glossary> [Accessed 25 October 2015];

102. University of Nottingham (2006), *"Sustainable Brownfield Regeneration: Concerted Action on Brownfield and Economic Regeneration Network"*. University of Nottingham. 2006. See p. 3.. Also in: American planning association (2011), *"Reuse Creating community based brownfield redevelopment strategies"*, American Planning Association. From: www.in.gov/ifa/brownfields/files/brownfieldsguide.pdf [Accessed on 2 may 2015]

103. EPA (2000), *"Brownfields Showcase Community Fact Sheet"*. Environmental Protection Agency.

104. EPA (2006) *"Brownfields Program Achievements Linked to Early Success"*. Environmental Protection Agency.

TABLE 13: CONFUTATION SUBSET - QUANTITATIVE AND QUALITATIVE OVERVIEW

Quantitative overview

Regional Id (ISTAT)	Region	Real Estate Destined and assigned (ANBSC)	Sample (on 400 beni)	Subset	Projects found	Productive Cases
...
16	Puglia	598	41	Confutation Subset	32	10
17	Basilicata	15	1		1	0
18	Calabria	970	67		50	10
19	Sicilia	2088	142		42	18
20	Sardegna	46	3		2	1
Total		5823	225		127	39

Qualitative overview

Region	Id_n	Productive Cases (Confutation Subset)
Calabria	58	“Reaction City Woman”
	59	“Futura” a Gioiosa Ionica
	60	“Terre Joniche - Libera Terra”
	61	“Rom 95”
	62	Insedimento “La nostra valle”
	63	“Piccola Opera Papa Giovanni”
	64	“Villa Placanica, Parco della Cittadinanza”
	65	“Centro per l’aggregazione, l’inclusione e la creatività” a Gioiosa Ionica
	66	“Valle Del Marro – Libera Terra” a Gioia Tauro
	67	“W & W. Welcome & Willkommen”

<i>Puglia</i>	68	“Opificio sociale Masagne”
	69	“Centro informativo turistico” a Taurisano
	70	“Villa Artemisia”
	71	“A fin di bene - Villa San Luigi”
	72	“La credenza. Space & Food della legalità”
	73	“Terra Aut”
	74	“La mente e le mani - Ex vetreria di Putignano”
	75	“Libera Terra - Puglia”
	76	“Pietra di Scarto”
	77	“Casa Santa Croce”
<i>Sicilia</i>	78	“Cambio rotta - Scuola Internazionale di Cucina del Mediterraneo”
	79	“La Casa della Cooperazione”
	80	“Progetto D.r.a.g.o – Developement Resources Agricultural Growth Organic”
	81	“Centro per servizi di informazione, accoglienza, educazione ambientale e alla legalità e per la fruizione del mare” nel Comune di Siculiana
	82	“Bottega dei Saperi” in Piazza Castelnuovo a Palermo
	83	“Mandarinarte”
	84	“Nuovi percorsi” ad Assoro
	85	“Lavoro e non solo”
	86	Ecovillaggio “Fiori di campo”
	87	“Pio La Torre” - Libera Terra
	88	“Placido Rizzotto” - Libera Terra
	89	Agriturismo “Portella della Ginestra”
	90	“Ciotoli: per lasciare tracce sul terreno”
	91	“Rosario Livatino” - Libera Terra
	92	“Rita Adria” - Libera Terra
	93	Insedimento “Girasole” a Castelvetro
	94	“San Vito Onlus” a Salemi, Selinunte e Calatafimi-Segesta
	95	Turismo rurale “Il Ciliegio”
<i>Sardegna</i>	96	Bene confiscato a Sui Piroi

for agriculture, landscape, or left to evolve naturally. These lands are usually agricultural or amenity properties being considered for urban development. Greenfield land can be unfenced open fields, urban lots or restricted closed properties, kept off limits to the general public by a private or government entity. Rather than building upon greenfield land, a practicable choice is the redevelopment of greenfield through the reinsertion of these abandoned or underused lands in new lifecycles. **Grayfield** are economically obsolescent, outdated, failing, abandoned or underused real estate assets or lands. The term was coined in the early 2000s from the “sea” of empty asphalt that often accompanies these sites. “Greyfield” is a relative neologism as compared to more commonly known terms such as brownfield or greenfield. The term has historically been applied to formerly-viable retail and commercial shopping sites that have suffered from lack of reinvestment and have been “outclassed” by larger, better-designed, better-anchored malls or shopping sites¹⁰⁵. The introduction of the FSJ paradigm allows to consider confiscated criminal assets as “Crimsonfield”. This underdevelopment scenario “zero” happens when anything occurs after seizure. It occurs whenever a criminal asset (real estate or lands) is seized or confiscated or have been abandoned or activities provided by civic actors have not yet been initiated (for mortgage liens or lack of funds, the absence of a project). The FSJ paradigm is applied in any point. The asset sometime is still for the exclusive use of the subjects that are part of social networks of crime. The asset is still

105. Congress for The New Urbanism (2014), *“Malls into mainstreets. An in-dept guide to trasforming dead malls into communities - A report by the Congress for the New Urbanism in cooperation with the United Stated Environmental Protection Agency”*. Congress for the New Urbanism. From docplayer.net/124756-Malls-into-mainstreets.html [Accessed on 2 may 2015].

involved in processes connected to the development of illicit market and the activities are carried out to achieve social influence, economical profit under colour of licit economy, and control on the anthropized environments. When judicial authorities seize the spatial product, the property is vandalized or occupied illegally or criminal processes continue affecting the asset (even if the property is no longer formally owned by the person) or the interest of civic actors is discouraged by intimidation. There are many evidence that in the startup phase of the activities organized crime try to return to the scenario zero, through cyclical intimidations to the civic actors involved and through damage and vandalization against the asset and capital goods.

8.2. The Island of Legality

This scenario always occurs when the paradigm is applied only in part, and the asset is exclusively designed for freedom (Design for Freedom). The asset is for the exclusive use of the subjects that are part of a social network sensitive to the issue of legality. Civic actors have no ambition to change the social and environmental cost of conversion factors by which criminal organizations contracted freedoms of local communities. The dimension of sustainability and productivity is uncertain (upcycle - design for sustainability). The user-generated contents able to give new meaning to the site are produced only by the social network that support the development of the asset. Extremely low impact on employment. The asset management and community involvement in policy-making and development of facilities is restricted to those who are part of the social network. The asset cannot be defined as a common good. The island of legality is isolated from the context thanks to collective skills and space

of viability provided by the social network to which it belongs.

Numerous studies have analyzed the bonding and bridging role of antimafiose networks in social capital production. The Island of Legality scenario can manifest itself in all those cases in which the civic actors act exclusively rising (bonding) social capital linked to membership, without developing bridging social capital, and without changing the conversion factors of the territory. The publication “The Reuse for Social Aims of Illegal Assets and the Competition Policy. A New Network Strategy to Defeat Organized Crime”, using a theoretical model based on the applications of Social Network Analysis and the Theory of Evolving Network, shows that the seizure and confiscation of assets of organized crime and specific policies aimed at supporting the development of Social Enterprise and other non-profit organizations, plays a fundamental role in the labor market and can have a direct impact on individual choices by combating illegal economy. According to this model criminal activities build networks to create a social consensus that allows them to operate unchallenged. This social consensus is achieved by rooting in the territory as a network capable of guaranteeing accessibility to goods, services and resources. These networks are more prevalent and particularly strong in the areas where the level of social capital and the economic well-being is lower. The publication shows that contribute to combating criminal organizations must begin from social and economic development of the territories by promoting initiatives that stimulate social activities and facilitate the accumulation of “pure” social capital. Otherwise the presence of a bounding legality characterizes many practices on confiscated property. Previous research already pointed out that, even in the presence of productive activities, the phenomenon of social re-use of confiscated

criminal assets could lead to the formation of “antimafia families” that offer employment opportunities only of those who belong to the family or to other families antimafiose¹⁰⁶. This kind of scenario is considered the failure of productive reactivation of the confiscated property, not so much because there isn’t a production capacity but because civic actors have built a bounding and not an enabling legality.

8.3. Prisoner’s Dilemma

This scenario always occurs when the paradigm is applied only in part, and the asset is exclusively designed for productivity (Design for Sustainability). The access to confiscated resource is limited and regulated around the development of economic value creation processes. Civic actors fail to materialize reciprocal winning scenario and generate scenarios of rivalry with communities. It occurs when the civic actors focus their action exclusively on the productive factors and not on the conversion factors. To better understand this situation of rivalry is necessary to propose a very well-known example in science related to game theory: the prisoner’s dilemma. The prisoner’s dilemma is a standard example of a game analysed in game theory that shows why two completely “rational” individuals might not cooperate, even if it appears that it is in their best interests

106. Rakopoulos T., (2012), *“Antimafia Cooperatives: land, law labour and moralities in changing Sicily, Thesis submitted in fulfilment of the requirements for the degree of Doctor of Philosophy in Anthropology”*, Goldsmiths College, University of London.

to do so. In 1950 Merrill Flood¹⁰⁷ and Melvin Dresher¹⁰⁸ working at RAND Corporation (Research AND Development), an American nonprofit global policy think tank originally formed by Douglas Aircraft Company to offer research and analysis to the United States Armed Forces, framed it. Albert W. Tucker formalized the game with prison sentence rewards and named it “prisoner’s dilemma” (Poundstone, 1992). The prisoner setting may seem uprooted from the paradigm of FSJ model, but in reality the prisoner’s dilemma explains why in the field of productive reactivation of confiscated property, the lack of a collaborative strategy with the social and economic actors does not allow to achieve the best result in terms of the extension of freedom or economical gain. There are in fact many examples in human interaction as well as interactions in nature that have the same payoff matrix. The prisoner’s dilemma is used by many scholars to explain phenomena in social sciences such as economics, politics, and sociology, as well as to the biological sciences such as ethology and evolutionary biology. Many natural processes have been abstracted into models in which living beings are engaged in endless games of prisoner’s dilemma. The prisoner’s dilemma in the stochastic evolutionary iterated declination can help us in reconceive the best strategy of stakeholders

107. Merrill Meeks Flood (1908, 1991) was an American mathematician, is considered a pioneer in the field of management science and operations research, who has been able to apply their techniques to problems on many levels of society. In the period between 1936–1946, he applied innovative systems analysis to public problems and developed cost-benefit analysis in the civilian sector and cost effectiveness analysis in the military sector.

108. Melvin Dresher (1911, 1992) was a Polish-born American mathematician, Dresher came to the United States in 1923. He obtained his B.S. from Lehigh University in 1933 and his Ph.D. from Yale University in 1937. He was the author of several RAND research papers on game theory, and his widely acclaimed *The Mathematics of Games of Strategy: Theory and Applications* (originally published in 1961 as *Games of Strategy: Theory and Applications*).

in an environment that constrain freedom due the presence of criminal organization (the prison).

The formulation of the Prisoner's dilemma provided by Albert W. Tucker is:

“Two members of a criminal gang are arrested and imprisoned. Each prisoner is in solitary confinement with no means of communicating with the other. The prosecutors lack sufficient evidence to convict the pair on the principal charge. They hope to get both sentenced to a year in prison on a lesser charge. Simultaneously, the prosecutors offer each prisoner a bargain. Each prisoner is given the opportunity either to: betray the other by testifying that the other committed the crime, or to cooperate with the other by remaining silent. The offer is:

If A and B each betray the other, each of them serves 2 years in prison;

If A betrays B but B remains silent, A will be set free and B will serve 3 years in prison (and vice versa);

If A and B both remain silent, both of them will only serve 1 year in prison (on the lesser charge).

It is implied that the prisoners will have no opportunity to reward or punish their partner other than the prison sentences they get, and that their decision will not affect their reputation in the future. Because betraying a partner offers a greater reward than cooperating with him, all purely rational self-interested prisoners would betray the other, and so the only possible outcome for two purely rational prisoners is for them

to betray each other¹⁰⁹. The interesting part of this result is that pursuing individual reward logically leads both of the prisoners to betray, when they would get a better reward if they both kept silent.

On the basis of this first version of the prisoner's dilemma it is possible to extract the first consideration concerning the best strategy to be applied to achieve the best result in the context of productive reactivation of confiscated property. Transfer the prisoner's dilemma from game theory to productive reactivation of the assets confiscated from the prisoners organized crime is possible considering the two players in an environment that contracts individual freedoms due to the presence of organized crime. The two prisoners in this environment are: the civic actor who manages the property confiscated and an actor who works in an economic and social licit context. The best result (freedom and minor penalty) will not be achieved if both the actors will try to get the best result for s themselves, but if they work together to get as the best outcome for both.

In reality, humans display a systemic bias towards cooperative behaviour in this and similar games, much more so than predicted by simple models of "rational" self-interested action¹¹⁰. An extended "iterated" version of the game also exists, if two players play prisoner's dilemma more than once in succession and they remember previous actions of their

109. Nicholas Milovsky (2014), *"The Basics of Game Theory and Associated Games"*, From issuu.com/johnsonnick895/docs/game_theory_paper [Accessed 15 July 2015].

110. Amos Tversky, Eldar Shafir (2004), *"Preference, belief, and similarity: selected writings"*. Massachusetts Institute of Technology Press; Valerio Capraro (2013), *"A Model of Human Cooperation in Social Dilemmas"*. PLoS ONE. 8 (8). From journals.plos.org/plosone/article?id=10.1371/journal.pone.0072427 [July 15 September 2016].

opponent and change their strategy accordingly, the game is called iterated prisoner's dilemma. In a stochastic iterated prisoner's dilemma game, strategies are specified by in terms of "cooperation probabilities". In 2012, William H. Press and Freeman Dyson published a new class of strategies for the stochastic iterated prisoner's dilemma called "zero-determinant" strategies. The research shows in fact three subsets of strategies: cooperative, defective, and zero determinant strategies. The Zero Determinant space is the subset that contains strategies that, in the case of two players, can allow one player to unilaterally set the other player's score or alternatively, force an evolutionary player to achieve a payoff some percentage lower than his own.

In their discussion, Press and Dyson focus on the results in terms of "evolutionary" players versus those with a "theory of mind". In their writing, an "evolutionary" player is one who attempts to maximize his own score using some optimization scheme. On the other side Press and Dyson say that a player has a "theory of mind" if he can adjust his strategy with the intent of making his opponent adjust the own strategy in response.

Evolutionary is the sort of player against which play an extortionate strategy, since his optimization will then lead him to cooperate, giving you an unequal share of the payoffs. On the other hand, playing an extortionate strategy is not itself an "evolutionary" strategy. Its attraction is based on the assumption that the opponent will change his strategy in response to it, learning to cooperate and putting the two of you into the preferred sweet spot in the long run. Playing an extortionate strategy against a player with a theory of mind, can lead to the fact that he can realize what happening and decide to defect all the time, thereby lowering his own scores in the short run, but with the purpose to convince the opponent

that the extortionate strategy is not working and that you should switch to a more equitable one.

An extension of the IPD is an evolutionary stochastic IPD, in which the relative abundance of particular strategies is allowed to change, with more successful strategies relatively increasing. This process may be accomplished by having less successful players imitate the more successful strategies, or by eliminating less successful players from the game, while multiplying the more successful ones.

The iterated stochastic version of the prisoner's dilemma that includes zero determinant strategies and an evolving population is the most appropriate to identify the best strategy for achieving the best result in the presence of criminal organizations. The basic version of the dilemma in fact is not sufficient because we are not in the presence of only two players within a prison, there isn't a stable environment that constrain individual freedoms and the strategy develop itself in several choices. Instead, we are in the presence of three different populations, civic actors that manage the confiscated property, criminal actors and actors licit economy; all populations can adopt strategies on the time influenced by the memory of what has gone before, not all actors are evolving to achieve the best result (cooperative, in this case the criminal organizations) and actors who do not adopt successful strategies are eliminated from the game or replaced by other players who adopt best strategies.

In this context, the starting configuration provides that the criminal organization acts on the arena with the intention of influencing the adversary's strategy (theory of mind). This strategy is always to trump an opponent pushed by an evolutionary strategy and is applied until the

criminal organization can not impose to the local actors the best strategy for itself. This strategy in fact leads the criminal organization to operate through actions involving extortion, intimidation and usury. In this context the licit economy actor has two alternatives. It can surrender to extortion or adopt the theory of mind, assume a constant defection position until the criminal actor does not change behavior. This strategy explains the reaction of all those local economic actors in the presence of actions of extortion, usury and intimidation decide not to surrender to the criminal game refusing to collaborate in reinforcement the criminal economy. This game theory in any case does not contemplate the possibility of a player to counter an opponent in any way other than the strategies foreseen in the game. The reality shows that the criminal organizations' reaction to constant defection may be extremely violent.

When civic actor begins to operate on the property confiscated, the criminal organization uses within the field of the strategies extortive zero determinant strategies guided by the theory of the mind to reduce the civic agent victory even at the cost of reducing their own benefit. The analysis of the data and the evolution of the cases of productive reactivation suggest that to get out of this attempt of aggression, civic actor can choose to adopt one of the following strategies. Adopt the theory of mind and make a constant defection (and this is the case when the civic actors focus solely on their sustainability) or use zero determinant strategies (aimed at defining the opponent's score) based on cooperation.

This subset of cooperative strategies are not facing criminal actor but act to others actors licit economy. Such cooperation is successful because it allows the actor of licit economy to get a better result - not against the criminal organization - but against other players of their same type.

The theory in fact demonstrates that evolutionarily stable strategy must not only be able to invade another population (which extortionary ZD strategies can do) but must also perform well against other players of the same type (which extortionary ZD players do poorly, because they reduce each other's surplus).

Theory and simulations confirm that beyond a critical population size, ZD extortion loses out in evolutionary competition against more cooperative strategies, and as a result, the average payoff in the population increases when the population is bigger. In addition, there are some cases in which extortioners may even catalyze cooperation by helping to break out of a face-off between uniform defectors and win-stay, lose-switch agents. While extortionary ZD strategies are not stable in large populations, another ZD class called "generous" strategies is both stable and robust. In fact, when the population is not too small, these strategies can supplant any other ZD strategy and even perform well against a broad array of generic strategies for iterated prisoner's dilemma, including win-stay, lose-switch. Generous strategies will cooperate with other cooperative players, and in the face of defection, the generous player loses more utility than its rival. Generous strategies are the intersection of ZD strategies and so-called "good" strategies, which were defined by Akin (2013) to be those for which the player responds to past mutual cooperation with future cooperation and splits expected payoffs equally if he receives at least the cooperative expected payoff. Among good strategies, the generous (ZD) subset performs well when the population is not too small. If the population is very small, defection strategies tend to dominate. This last consideration transferred in the field of productive reactivation of confiscated property leads to the conclusion that, even in contexts

characterized by a small number of stakeholders defection may lead to a dominant strategy (able to win regardless of the opponents strategy), strategies based on cooperation applied in contexts characterized by a high or average number of stakeholders, lead to best result on the condition of making the stakeholders more competitive against other actors of the same type.

8.4. Tragedy of Common

This scenario occurs when the paradigm is applied only in part, and the asset is exclusively designed as a common (Design for Environmental Justice). To better understand this scenario it's mandatory to introduce the "Tragedy of the Commons". The tragedy of the commons is an economic theory of a situation within a shared-resource system where individual users acting independently according to their own self-interest behave contrary to the common good of all users by depleting that resource through their collective action. The concept and name originate in an essay written in 1833 by the Victorian economist William Forster Lloyd, who used a hypothetical example of the effects of unregulated grazing on common land (then colloquially called "the commons") in the British Isles¹¹¹. In 1833, the English economist William Forster Lloyd published a pamphlet which included a hypothetical example of over-use of a common resource. This was the situation of cattle herders sharing a common parcel of land on which they are each entitled to let their cows graze, as was the custom in English villages. He postulated that if a herder put more than

111. Lloyd William Forster (1833), *"Two lectures on the checks to population"*. England: Oxford University.

his allotted number of cattle on the common, overgrazing could result. For each additional animal, a herder could receive additional benefits, but the whole group shared damage to the commons. If all herders made this individually rational economic decision, the common could be depleted or even destroyed, to the detriment of all. The concept became widely known over a century later due to an article written by the ecologist Garrett Hardin in 1968¹¹². Hardin's article was the start of the modern use of "Commons" as a term connoting a shared resource¹¹³. In this context, commons is taken to mean any shared and unregulated resource. The metaphor illustrates the argument that free access and unrestricted demand for a finite resource ultimately reduces the resource through over-exploitation, temporarily or permanently. This occurs because the benefits of exploitation accrue to individuals or groups, each of whom is motivated to maximize use of the resource to the point in which they become reliant on it, while the costs of the exploitation are borne by all those to whom the resource is available (which may be a wider class of individuals than those who are exploiting it). This, in turn, causes demand for the resource to increase, which causes the problem to snowball until the resource collapses (even if it retains a capacity to recover). The rate at which depletion of the resource is realized depends primarily on three factors: the number of users wanting to consume the common in question, the consumptiveness of their uses, and the relative robustness of the

112. Hardin G. (1968), "*The Tragedy of the Commons*". Science. 162 (3859): 1243–1248.

113. Frank van Laerhoven and Elinor Ostrom (2007), "*Traditions and Trends in the Study of the Commons*". International Journal of the Commons, Vol. 1, no. 1 October 2007, pp. 3-28

common¹¹⁴. The tragedy of the commons is often cited in connection with sustainable development, meshing economic growth and environmental protection, as well as in the debate over global warming. It has also been used in analyzing behavior in the fields of economics, evolutionary psychology, anthropology, game theory, politics, taxation and sociology. The “tragedy” is not in the word’s conventional or theatric sense, nor a condemnation of the processes that lead to it. Although commons have been known to collapse due to overuse (such as in over-fishing), many examples exist where communities use common resources prudently without collapse. Despite that the political economist Elinor Ostrom, although it is often claimed that only private ownership or government regulation can prevent the “tragedy of the commons”, it is in the interests of the users of a commons to manage it prudently, and complex social schemes are often devised by them for maintaining common resources efficiently. On the other hand Hardin’s use of “commons” has frequently been misunderstood, leading him to later remark that he should have titled his work “The Tragedy of the Unregulated Commons”¹¹⁵. The tragedy of the commons can be one of the worst scenarios that occur for those reactivated asset investing exclusively on the pursuit of purposes of environmental justice, on the involvement of communities in policy-making and in decision-making processes in environmental development,

114. Brigham Daniels (2007), “*Emerging Commons Tragic Institutions*”. Environmental Law. 37: 515–571 at 536.

115. The “tragedy” is not in the word’s conventional or theatric sense, nor a condemnation of the processes that lead to it. Similarly, Hardin’s use of “commons” has frequently been misunderstood, leading him to later remark that he should have titled his work “*The Tragedy of the Unregulated Commons*”. Garrett Hardin (1998). “*Extensions of “The Tragedy of the Commons”*”. Science. 280 (5364)

without changing the enabling factors (capacity, preferences, aspirations under the basis of the design for freedom) and the without production of renewed, economical, societal and environmental conversion factors (on the basis of the productive upcycling) but only on the basis of an unsustainable and unregulated open access.

9.

CONCLUSIONS

Results, Implications, Considerations, Recommendations and Further works

The research has addressed the issue of the reinsertion of the assets confiscated from organized crime in new productive life cycles in Italy and in Europe exploring the possibility of define and validate a renewed Urban Re-Cycle Model for confiscated criminal assets.

According to the objective of the present research the investigation tried to find out reasonable answers to the following questions:

Research question A - After 19 years since the first law that concerns the social reuse in Italy, how many productive cases are emerging? How? Why? What are the settlement strategies? Are there recurring patterns of output, outcome and impact?

Research question B - Is It possible to draw a model for productive reactivation of confiscated criminal assets from settlement practices? Is this model replicable across the European Members States? Under what conditions this model is replicable?

Research question C - What are the necessary and sufficient conditions that allow the emergence of productive reactivation of confiscated criminal assets? In which conditions the productive reactivation is a practicable public choice in urban policy?

The research has met two main limitations: first of all at European level the investigation came up with the fact that there isn't a single

European database accessible related to the assets confiscated to criminal organizations. At the Italian level, there are three different databases. The database that contains information about the social re-use of confiscated property is developed by ANBSC. This database presents aggregate pieces of information that can lead to an overestimation or underestimation of the phenomenon. For this reason, the research has developed a method for validating information based on the triangulation of three different sources. The process of triangulation/validation of the sources is described so as to enable further confutation, validation or expansion of the model. Through this method, 400 practices within the institutional and social reuse framework have been extracted and aggregated into two main subsets: learning subset and confutation subset. The analysis of the practices within the learning subset has allowed the extraction of a recurring pattern of productive outcomes. This result shows that a productive dimension actually exists within the subset of projects developed on the confiscated criminal assets in Italy. On the basis of the data collected, the research find out 24 re-activities: Cultural immaterial production (e.g. radio, music), immaterial cultural product fruition (e.g. showrooms, cinema, theatre), tourism and accommodation (e.g. guesthouses), catering and fair trade distribution; agro-touristic (e.g. farms with accommodation facilities), agro-educative (e.g. farms where people can go and learn a job like apiculture or farming), agro-social (e.g. farms that provide services or perform therapeutic activities for people with disability or with mental health problems or disadvantaged): Social-residential (e.g. social housing), social-healthcare (e.g. healthcare), social-assistance (e.g. facilities that assist women victim of violence or people with drugs problems and help them to change their lifestyles), social-employment (e.g. centres that facilitate young and older people without work to

enter in the labour market); energy production from solar and wind (e.g. wind farms, solar fields), energy production from biomass (also wooded areas planted to produce leaves and wood biomass); waste collection and treatment, water treatment (facilities but also fitodepuration fields), production of biodiversity and valorisation wetlands (e.g. wetlands for birds reproduction, bird watching and used for education related to biology and ornithology); fruition of the coast and free time (e.g. bathing beaches and lidos); shipbuilding activities; coastal productivities (e.g. fishing and aquaculture); aggregation, participation and culture; creation of businesses (e.g. enterprise incubator, co-working, maker spaces), creative physical production (e.g. manufacturing, recycle, creative up-cycling of physical objects that gives a second life to materials), creative immaterial production (e.g. recording studio for music digitalization, multimedia labs, film studios. The research synthesizes the 24 re-activities gathering them in six main re-activated cycles: creative production and distribution (FAB), cultural production and fruition (CULTURAL), coastal production and fruition of watercourses and wetlands (IDRO), multifunctional agriculture (AGRI), production of renewable energy and materials treatment (ENERGY), second level welfare and personal care services (HUMAN). The reiteration of the same re-activities in the whole Italian territory demonstrates that these experiences are replicable in different urban and regional contexts.

From the different declinations of the productive pattern, a paradigm for productive reactivation of confiscated criminal assets has been abducted. This design paradigm consists of three integrated instances: Design for Freedom, Design for Sustainability, and Design for Environmental Justice.

The first instance is based on the ethical approach to human development based on individual capabilities theorized by Amartyan Sen. This approach

reconceives development as expansion of the ability of individuals to use their abilities to pursue their aspirations. On the basis of this approach criminality can be reconceived as a phenomenon that constrains freedom acting on social, economical, environmental and personal conversion factors.

The second instance is based on the creative approach to Upcycle based on the studies of McDonough W. and Braungart M.. This approach reconceives the products at the end of their lifecycle as materials useful to create an higher societal, economical, environmental and personal value. On the basis of this approach confiscated assets can be reconceived as spatial products at the end of their life cycle related to purposes of social influence, economic profit under the colour of licit economy and environmental control of criminal organizations. The productive reactivation reconceive this spatial product as materials useful to create an higher value. The Upcycle approach allows to define as a fundamental element of the reactivation paradigm of confiscated criminal assets, the productivity, understood as valorisation of territorial capital and generation of a higher social, environmental, economic value through the mobilization of creative capitals.

The third instance is based on the responsible approach to environmental development based on environmental justice investigations. The environmental justice inquiry the fair treatment and meaningful involvement of all people regardless of race, colour, national origin, or income with respect to the environmental development, implementation and enforcement of laws, regulations and policies.

The environmental justice instances reconceive confiscated criminal assets as spatial products that enable the creation of options (through

the meaningful involvement of communities in environmental design), opportunities (though meaningful involvement of communities in the implementation, enforcement, entrepreneurship of laws, regulations and policies) and collective abilities (though the meaningful involvement of networks that can expand individuals' capacities, abilities and capabilities).

The model composed by paradigm and production pattern was made to collide with the subset of confutation. The model has provided a full explanation for the behavior of all assets in which there was a clear productive reactivation. In addition, the model is able to explain even those cases that do not reveal productive behaviors.

Analysis of these cases has allowed to define the scenarios of failure or partial application of the model: "Crimsonfield", "The Island of Legality", "The Prisoner's Dilemma", "The Tragedy of Common".

In the Crimsonfield scenario, the asset is still for the exclusive use of the subjects that are part of social networks of crime. The asset is still involved in processes connected to the development of illicit market and the activities are carried out to achieve social influence, economical profit under colour of licit economy, and control on the anthropized environments. When judicial authorities seize the spatial product, the property is vandalized or occupied illegally or criminal processes continue affecting the asset (even if the property is no longer formally owned by the person) or the interest of civic actors is discouraged by intimidation.

This Island of Legality scenario always occurs when the paradigm is applied only in part, and the asset is exclusively designed only on the basis of the design for freedom instances without expected productive outcomes. The asset is for the exclusive use of the subjects that are part of a social

network sensitive to the issue of legality. Civic actors have no ambition to change the social, economical and environmental conversion factors by which criminal organizations contract freedom of local communities.

The “Prisoner’s dilemma” scenario always occurs when the paradigm is applied only in part, and the asset is exclusively designed to achieve productive outcomes. The access to the confiscated resource is limited and regulated around the development of economic value creation processes. Civic actors fail to materialize reciprocal winning scenario and generate scenarios of rivalry with communities. It occurs when the civic actors focus their action exclusively on the productive factors and not on the conversion factors. The need to steer the sustainable development of the confiscated criminal asset towards scenarios of not rivalry is also strengthened by the results of the studies conducted by William H. Press and Freeman Dyson relative to the class strategies for the stochastic iterated prisoner’s dilemma called “zero-determinant” strategies.

In the “Tragedy of Common” scenario always occurs when the paradigm is applied only in part, and the asset is exclusively designed as a common (Design for Environmental Justice). The tragedy of the commons can be one of the worst scenarios that occur for those reactivated asset investing exclusively on the pursuit of purposes of environmental justice, on the involvement of communities in policy-making and in decision-making processes in environmental development, without changing the enabling factors (capacity, preferences, aspirations under the basis of the design for freedom) and without production of renewed economical, societal and environmental conversion factors (on the basis of the productive upcycling) but only on the basis of an unsustainable and unregulated open access.

On the basis of the model developed it's possible to provide reasonable answers to the research questions:

Research question A - After 19 years since the first law that concerns the social reuse in Italy, how many productive cases are emerging? How? Why? What are the settlement strategies? Are there recurring patterns of output, outcome and impact?

The analysis shows evidences of 96 productive cases. It is uncertain that this amount represent the entire domain of the asset, due lack of institutional datasets, and because the analysis uses mixed methods based on references on the web and on georeferenciated maps developed for civic monitoring. There are recurring patterns of output and outcome. Impacts acts on economical, societal environmental and personal conersion factors. Althrough it was not possibile to measure these impacts without the development of an evaluation model. Further studies should investigate how to measure these impacts on the basis of the FSJ model.

Research question B - Is It possible to draw a model for productive reactivation of confiscated criminal assets from settlement practices? Is this model replicable across the European Members States? Under what conditions this model is replicable?

It's possible to draw a model for productive reactivation of confiscated criminal assets from practices. The present research developed this model. It's uncertain that this model is replicable across the European Momber States. In any case, the analysis of existing practices in all the European countries suggests reasonably that the purposes of the capability approach, the productivity, the change of the conversion factors, the reactivation of territorial capitals and the transformation of the criminal sign in a

common good that strive environmental justice are already present even in partial measure. For example it is undeniable that the Scottish Cashback for Communities programme introduces in the actions the capability approach and environmental justice in the processes that leads to the participatory definition of the destinations of confiscated proceeds. This is a form of involvement in environmental development and policy-making and access to common resources (proceeds) as defined by Environmental Justice. Finally the purpose to “see investment in justice” is also an idea of changing conversion factors through productivity (as defined in the upcycle approach). The same is for the spanish case of Pazo Bayon.

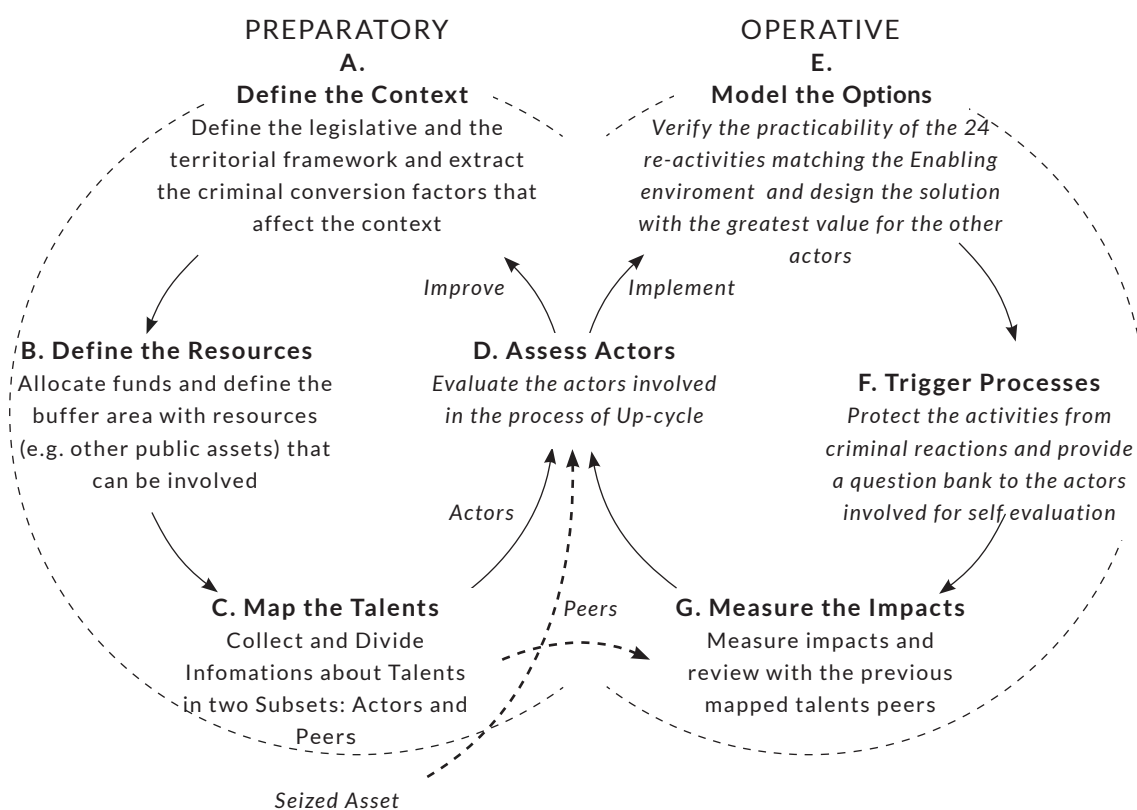
Research question C - What are the necessary and sufficient conditions that allow the emergence of productive reactivation of confiscated criminal assets? In which conditions the productive reactivation is a practicable public choice in urban policy?

Following the FSJ model is the only necessary and sufficient condition that allow the emergence of productive reactivation of confiscated criminal assets. The productive reactivation is a practicable public choice in urban policy for actions regarding a single confiscated asset, for interventions regarding urban parts affected by the phenomenon of organized crime, and as one of the objectives to be pursued within strategic plans and programs. Wherever there is organized crime, where there are civic actors that can carry out activities and where there is a legal framework that enable the re-use and management of public property under-used, disposed of or abandoned by economic and social actors. Research does not consider necessary and sufficient condition the restriction to certain classes of economic actor such as social cooperatives. More important it is that the activities are carried out in accordance with the productive

reactivation model.

The understanding gained from this research has provided an input to a multiplicity of actors: lawmakers at European, National and Regional levels with regard to the development of a new legal framework; Regions, Consortiums of municipalities, cities, agencies for the valorisation of public assets, subject with functional autonomy involved in the process of social re-use of confiscated assets with regard to the definition of

FIG. 46: IMPLEMENTATION OF THE FSJ MODEL: THE PROCESS



Implementation of the FSJ Model

Seven steps should be taken into account for the implementation of the FSJ Model: define the context, define the resources and the buffer area involved in the transformation, map the talents, assess the actors, model the available options, trigger the productive processes and measuring the impact. The implementation process has some similarities with the logical process developed for the elaboration of

the FSJ model. The process is cyclical, it's divided in two main cycles, preparatory and operative. It has the pivot in the evaluation of the actors who carry on the transformation. This implies the introduction of an evaluation model. It should in fact be taken into account to introduce two types of evaluation: a multi-criteria evaluation (with a question bank for self-improvement) and a peer review mechanism.

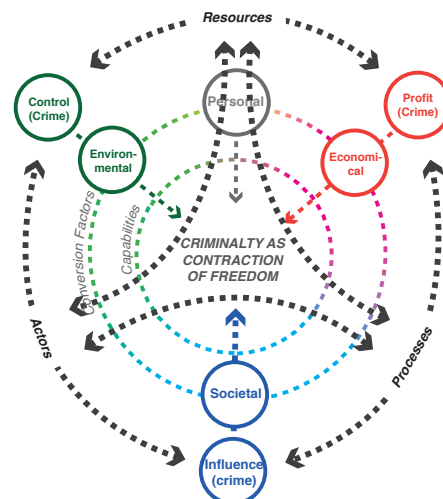
programs, plans, strategies, interventions and actions aimed at the creation of economic, social and environmental value fighting organized crime; foundations, social entrepreneurs, cooperative societies, consortium of cooperatives, civic actors, associations, venture capitals involved in social reuse, civic technologist, civic makers, urban makers, change makers, with regard to the development of renewed visions, settlement strategies and productive actions aimed at fostering freedom, sustainability and justice

FIG. 47: IMPLEMENTATION STEP 1: DEFINE THE CONTEXT

Define the Context (FSJ Model)



Criminality and Conversion Factors



Define the Context

The FSJ Logical Framework starts from the consideration that the process of materialization of the proceeds of illicit market in human environment provided by criminal organizations, is aimed at the achievement of social influence, economical profit and environmental control. Organized crime is a phenomenon that contracts the ability of individuals to pursue their own aspirations acting through the constriction of societal, economical and environmental conversion factors. The Up-Cycle of confiscated criminal assets aims at the production of economic, social and

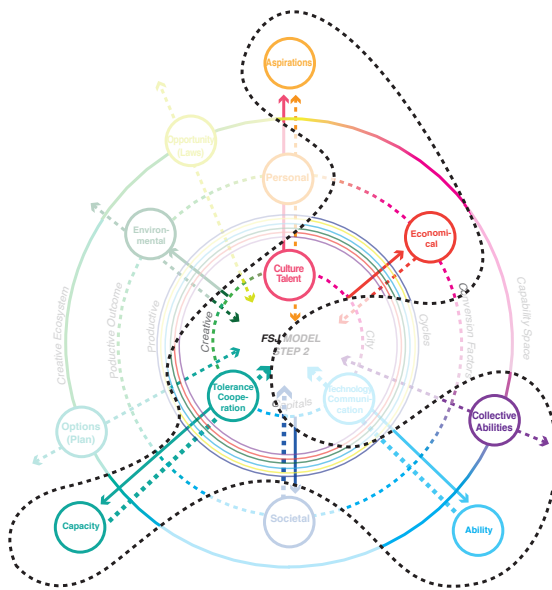
environmental value in an integrated way, enhancing the territorial capital obliterated by organized crime, countering criminality through the expansion of individuals' freedom. These assumptions imply that the first step for the implementation of the model is to identify the opportunities provided by the legislative framework, at the European, Italian and Regional level (e.g. social re-use) and analyse the context to find out the conversion factors affected by organized crime.

in contexts affected by the phenomenon of organized crime.

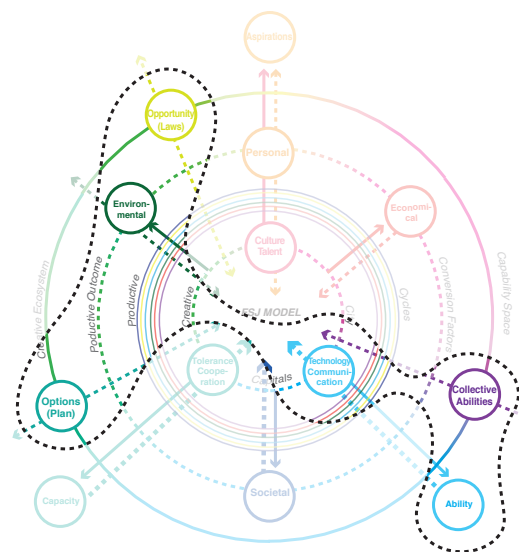
An implication of these findings is that both the paradigm and the pattern should be taken into account on evaluating the productive reactivation of other classes of public asset underused, abandoned or dismissed,

FIG. 48: IMPLEMENTATION: TALENT MAP AND TALENT'S ENABLING ENVIRONMENT

Civic Actors Assessment (FSJ Model)



Talent's Enabling Environment (FSJ Model)



Map the Talents and define Talent's Enabling Environment

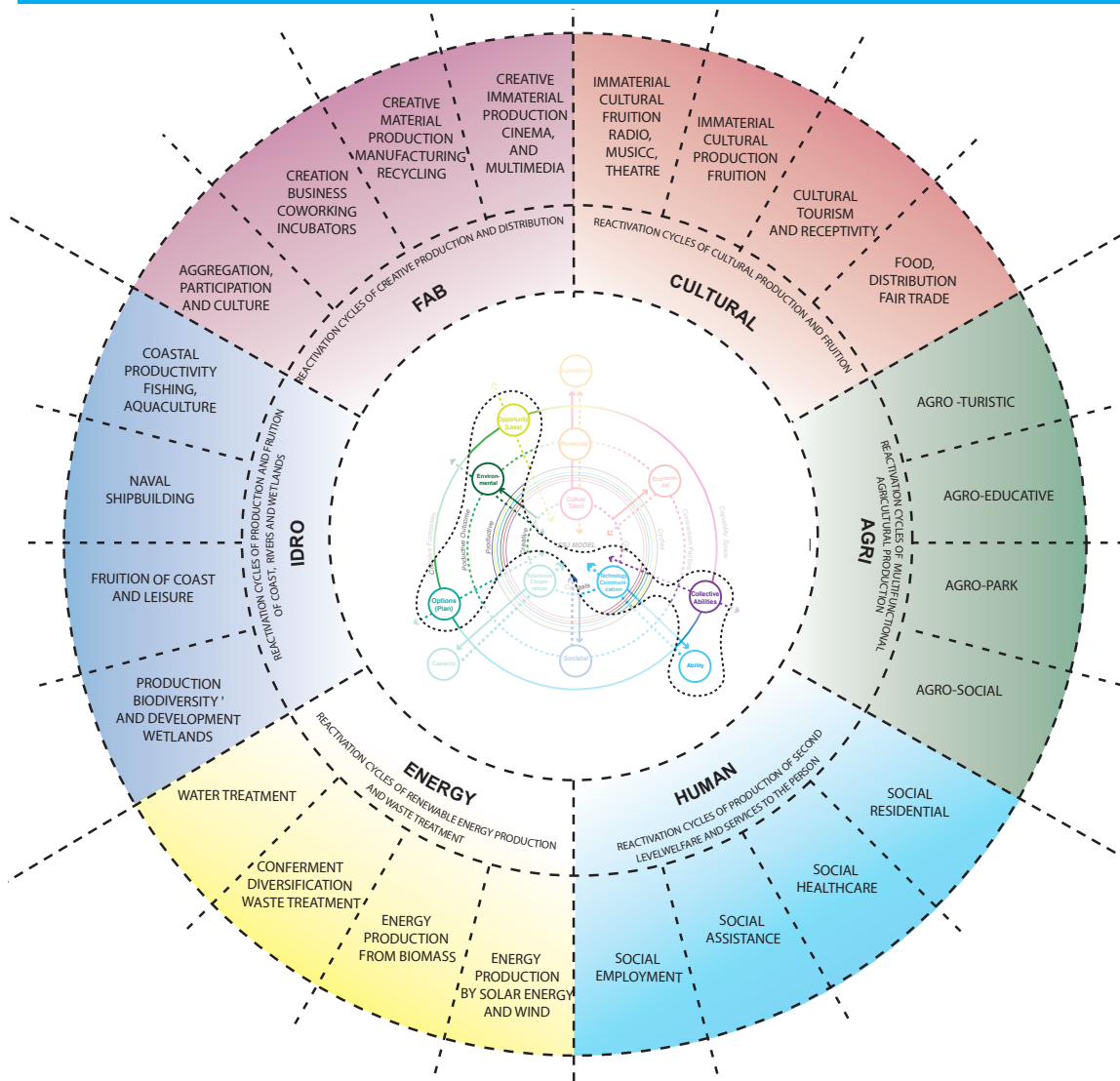
The core of the model is represented by the meaningful involvement of civic actors. The involvement of civic actors allows to implement the FSJ logical framework weaving with communities paratactic relationships (coordinates) and not hypotactic (subordinated) as it could be for example in the re-use of confiscated criminal assets for institutional purposes. The development of the Map of the Talents (Smart Planning Lab, 2014) and the prior knowledge related to the conversion factors affected by criminal organization is essential to operate promptly: the development of the map of the talents allows to quickly select the civic actors even when the assets is seized but not yet definitively and it is at risk depletion if not reactivated. It's also possible to operate through a public competition that supports

the creation of new entities. Otherwise the civic actors involved in the transformation have to be characterized by talent, intended as capacity to design, manage and improve processes in an integrated way with the purpose to transformer resources in value; tolerance or ability to reconceive diversity as a value; consistent with the aspirations of the social vocation of the reused confiscated property and able to use their capacities to achieve this aspiration. On the other hand it is necessary to define clearly the talent's space of viability. The Talent's Enabling Environment is formed by the opportunities arising from the laws, the environmental conversion factors, the options from the planning, personal capabilities, collective abilities and available technology that can enable further options.

especially on areas characterized by the presence of organized crime.

Seven steps should be taken into account for the implementation of the FSJ Model: define the context, define the resources and the buffer area involved in the transformation, map the talents, assess the actors, model

FIG. 49: IMPLEMENTATION: MATCHING ENABLING ENVIRONMENT AND DECLINATIONS



Matching Talent's Enabling Environment and Productive Declinations (FSJ Model)

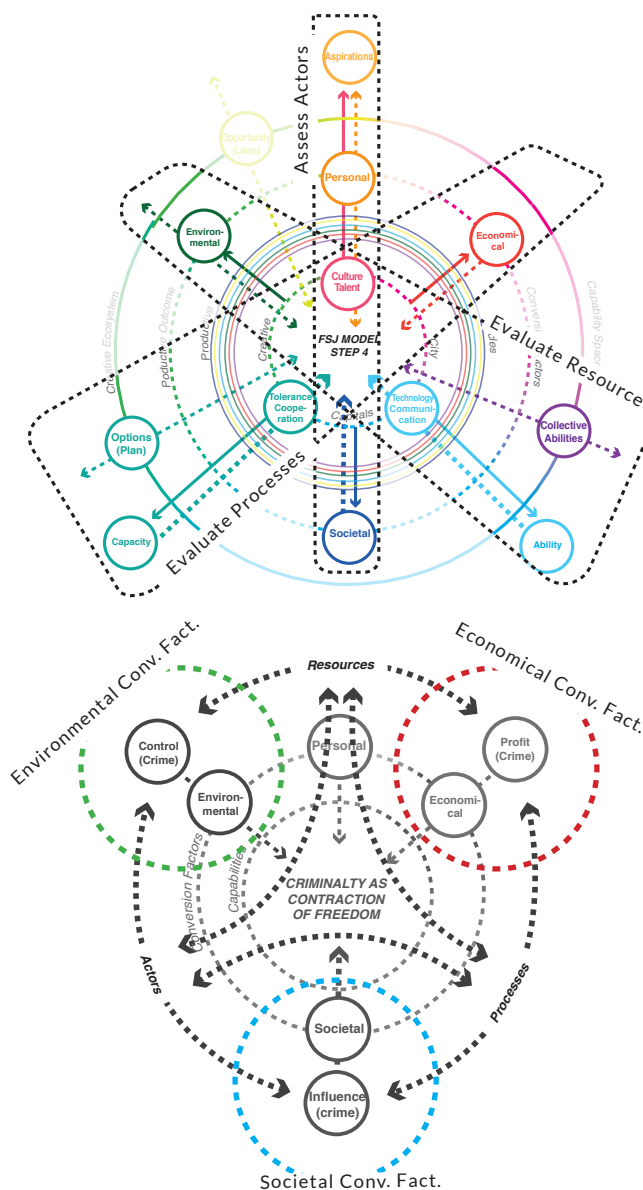
The definition of the enabling environment allows to generate a variety of scenarios that enable the meaningful involvement of talents in the territorial development. Crossing the enabling environment with the productive declinations of FSJ model it's possible to verify the practicability of

the declinations in the particular context and develop tailored solution - not having the best performance but - which have the greatest value for the other players in the territory materializing victory mutual scenarios.

the available options, trigger the productive processes and measuring the impact (Fig.47). The implementation process has some similarities with the logical process developed for the elaboration of the FSJ model. The process is cyclical, it's divided in two main cycles, preparatory and operative. It has the pivot in the evaluation of the actors who carry on the transformation. This implies the introduction of an evaluation model. It

FIG. 50: RECOMMENDATION FOR THE DEVELOPMENT OF AN EVALUATION MODEL

The FSJ logical framework allows to develop an evaluation model. Such model should be developed taking into account four main aspects.



Assess Actors

Evaluate actors in terms of talent, intended as capacity to design, manage and improve processes in an integrated way with the purpose to transform resources in value; personal boundaries, aspirations and social conversion factors.

Evaluate Processes

In terms of ability to enhance the resources, to exploit the plan's options, to develop an inclusive value proposition able to materialize mutual victory scenarios with existing lawful economic actors.

Evaluate Resources Exploitation

Assessment of significant community involvement in environmental design, in processes to enhance the confiscated property and the resources allocated. Evaluation the adoption of strategies and technologies that will protect their future use.

Evaluating Conversion Factors

Evaluate the change of Societal, Economical, Environmental conversion factors and the valorization of territorial capitals in terms of expansion individual freedoms.

should in fact be taken into account to introduce two types of evaluation: a multi-criteria evaluation (with a question bank for self-improvement) and a peer review mechanism.

This model certainly merits further investigation especially in problems involving a lot of unknowns, such as the evaluation model and the expansion of the model. An evaluation model should be developed to enable measurement, the identification of the status of the projects, misuse, underexploitation, overexploitation, to provide support, follow-up actions and enable the self-assessment of the projects of reactivation of confiscated criminal assets. Some critical issues must be taken into account: Further pieces of research could measure the ability of a reactivation project to extend individual freedoms, to trigger productive life cycles that can modify the conversion factors of the territory and foster the creation of spaces through the meaningful involvement of communities in environmental development (options, opportunities and collective skills). The question bank model developed in Scotland within the Cashback for Communities Programme should be taken in account as a good practice to define an evaluation tool for the model FSJ, useful both for self-assessment that for monitoring. The paradigm, the pattern and the process should be taken into account by further scholars on evaluating the productive reactivation of other classes of public asset underused, abandoned or dismissed, especially on areas characterized by the presence of organized crime.

The implementation of the model FSJ in new projects of productive reactivation of confiscated criminal assets through pilot interventions could provide useful information to extend, confutate or validate the operational effectiveness.

By making a comparison with the expected results, the research:

- Validates the “Expected Result A”: *Validate or Confutate the methodology described as a methodology for modelling emergent phenomenon in urban planning and urban design;*
- Validates the “Expected Result B”: *Find out a reasonable number of evidences of confiscated criminal asset productive reactivation among social reuse practices;*
- Validates the “Expected Result C”: *Find Out Societal, Economical and Environmental common patterns among the cases of productive reactivation of confiscated criminal assets;*
- The research does not have developed a benchmark system as claimed in the “Expected Results D”: *Find out recurring outputs, outcomes and impacts of analysed cases and define benchmarks for societal, economical and environmental outputs, outcomes and impacts;*
- Found the necessary and sufficient conditions as claimed as “Expected result E”: *Find out the necessary and sufficient conditions that ensure replicability or the emergence of the productive reactivation;*
- The research goes in the direction to foster the exchange of training and best practice in confiscated criminal asset recovery according to the “Expected Result F”: *Decision 2007/845/JHA concerning the co-operation between Asset Recovery Offices of the Member States in the field of tracing and identifying proceeds from, or other property related to, crime that provides the enhance of the*

exchange of training and best practices in confiscated criminal asset recovery for each Member State: foster the exchange of best practice;

- Define a replicable mode according to “Expected result G”: *“the art.3 of the Directive of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union 2014/42/EU, that encourages the implementation of the Reuse of confiscated criminal assets for public utility or social purpose across Europe.*

At the end of this investigation comparing the expected results and the achievements, it is clear that some issues still remain open. If on one side some questions remain open, on the other side however the model developed in the research goes in the direction of trying to fill an existing gap on the productive reactivation of assets confiscated from organized crime. The gap in the case-by-case social reuse of confiscated criminal assets has led to actions often imagined as disconnected from ideas of city, society, territory, economy, environment, involvement of actors, mobilization of resources, triggering of processes, reactivation of territorial capital or talent involved. A theoretical “hole” that too often led to interventions that have exhausted their reason to exist in the symbolic dimension of the landmark of the institution. The research deals with the questions relating to the lifecycles of the confiscated property not as a mere problem of public order or as a judicial problem related only to the application of patrimonial prevention measures. The investigation tries to reconnect the intervention on the confiscated property to a design process generated by a thought about city, territory, humanity and its development. The research tries on the one hand to achieve a synthesis

through the connections between different branches of knowledge, previous theories and previous pieces of research. On the other hand the investigation tries to take up the legacy of 20 years of social reuse of confiscated goods, a period of pioneering field trials. Great is the debt of the present research in relation to all pieces of research that analyzed the phenomenon of organized crime and issues related to the recovery of property confiscated in Europe. Similarly, large is the debt to all the ecosystem of stakeholders involved in social reuse of confiscated assets that in 20 years of application of the legislative framework have witnessed their civic commitment with ethical, creative and responsible actions. These actors have often clashed violence, abuse of power, criminal harassment, hostility even by economic operators and institutional actors who should have to encourage and look with greater curiosity to such practices. Many people have risked their lives and safety of their families. This model is not meant to belittle what has been done, but also to enhance it, to systematise the practices, enrich them looking with curiosity at what is being done in other countries, providing a general theory able to support the efforts of the existing practices and multiply further actions, in the awareness that the full exploitation of the confiscated property should become the norm, not the exceptional practice. Eradicate the phenomenon of organized crime, especially in certain contexts characterized by deep-rooted presence of criminal organizations, is not easy but can be done and post-criminal scenarios can be claimed releasing the best energies of the territory and local communities.

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