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Panel: Social cooperatives and inclusion

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Title: The Management of assets confiscated from Mafias: paths and evolutions in social cooperatives experience in Italy

ABSTRACT

The assets confiscated from the mafias constitute an economic and symbolic resource for the territory in which they are located and it is necessary to manage them in a synergistic way to overcome the multiple difficulties that arise in their allocation and management. The Italian State is the only State that has produced a complete legislation ranging from the aggression of the assets of organized crime to their re-use for institutional and economic purposes and in favor of the community with social purposes. The legislation on this area dates back to 1982 (Rognoni-La Torre Law) and has had numerous evolutions.

After 37 years we can say that the legislation was certainly a fundamental fact in the change of social attitude towards the mafia. The awareness of all those assets seized and confiscated by the State has demonstrated very concretely, more than the arrests and convictions inflicted in the numerous trials, the "change of pace" of the State and has perhaps broken forever the aura of impunity of which the mafia has always fed.

But if from a certain point of view the Italian antimafia legislation can be considered an example all over the world, there are still various aspects that have yet to be improved.

Here I will deal with two aspects in not excessively technical terms: the problems of the process that goes from the seizure to the final confiscation (or sometimes to the restitution to the owners) and the experience of the social reuse of the confiscated assets to the mafia. Regarding the first aspect, we can mention the beginning of Exit Voice and Loyalty in which Hirschmann describes his goal of questioning the economist's indifference to the failures of individual companies (which can be replaced by their competitors). In our case we must instead question the indifference of the State with respect to the failure of hundreds of companies, not for market reasons, but for the scarce efficiency of the judicial system that intervenes in the management of these companies immediately after their seizure.

This problem may seem secondary to the main objective of defeating mafia power, but it must be considered that in some areas of the country a very wide interpretation of the so-called "mafia influence" has caused the seizure (and not always the final confiscation) of entire sectors economic (eg the building sector) or led under the judicial or prefectural

administration, important pieces of territorial economies (such as the one I come from) and, with them, hundreds of jobs, with too often negative results. Obviously it is not a question of renouncing an instrument that has demonstrated its enormous impact on the mafia phenomenon, but of improving the capacity of the State, and in particular of the National Agency for Confiscated Goods, to put confiscated companies back on track creating development and legality where before there was crime and money laundering. A major debate is taking place on this issue in Italy involving many trade organizations and Third Sector entities.

With respect to the second question (the social use of confiscated assets) it must be said that it was a great achievement of the Italian Civil Society as a reaction to the Cosa Nostra terrorist strategy. The law that established it was voted unanimously by the Parliament in 1996 after the collection of 1 million signatures throughout Italy.

Since then this law, thanks to the commitment of the national network "Libera, against the mafias" has allowed the birth of many social realities or social enterprises that, overcoming many difficulties, have often achieved a remarkable entrepreneurial success. In this case it is a question not only of reinforcing these experiences, but of improving their social impact, especially in the territories in which they operate. The founding principle of these experiences is in fact above all in the recognition of the confiscated good as the Common Good of the whole society and, as such, capable of activating dynamics of virtuous involvement of local communities. On this issue like CRESM and within the largest Italian Cooperative Confederation (Confcooperative) we are carrying out a systemic project that aims to reaffirm these principles and support the hundreds of small and large social realities that have accepted this challenge.