

# **Time Table - On the road leading to the POPULAR VOTE on the PROHIBITION of the use of very toxic, harmful and polluting PESTICIDES in the municipality of Mals.**

Compiled by Johannes Fragner-Unterpertinger, spokesman of the promoter committee for a pestizid-free municipality Mals: The history of the "promoter's committee for a pesticide-free municipality", from its foundation on 25.02.2013 up to its resolution on 18.02.2016.

1) After years of efforts to protect the health of the population and the peaceful co-existence of all farming practices have proved ineffective because the fruit industry ruthlessly produces its pesticides, and in a landscape area which is on one hand small structured, and on the other hand is haunted by the constant upper wind ('Oberwind', a special wind of the area), [for some examples of this effort: "Agreement 2010"\*, see → Gemeindebroschüre "KulturLandschaftLeben"] on the 25th of February 2013 a meeting was held in the Mals Library to form a "promoter committee for a pesticide-free municipality of Mals": 47 citizens were present in person, 25 other citizens submitted power of attorney.

\_\_\_\_\_ In this "Promotorenkomitee", all age groups as well as all professional groups were represented, from the dairy, livestock and grain farmer to the university professor. The explicitly supporting groups were: Hollawint, Adam & Epfl, Bioland / Demeter, organic farmers of the municipality of Mals, naturefriends Obervinschgau, environmental protection group Vinschgau, Kornkammer and the "doctors / pharmacists / veterinarians / biologists of the manifesto of 30th July 2013".

\_\_\_\_\_ Johannes Fragner-Unterpertinger, pharmacist in Mals, was elected spokesman for the "Promotorenkomitees".

2) The Promoter Committee organised around 20 meetings by 19 August 2014, in which experts provided scientific information on pesticides and their dangers, but the Promoter Committee also presented the principles of its economic, social, ethical and ecological project to the municipality of Mals.

3) On April 22, 2013, Johannes Fragner-Unterpertinger, in the municipality, deposited the official request of the 47 first promoters' list of signatories necessary to form a "People's vote on the ban on pesticides in the municipality of Mals".

4) The veracity of all signatures and the residence of the signatories was checked by the municipality. However, this first attempt failed on 16 May 2013 (meeting of the municipal commission). Formal mistakes were made on the part of the municipality commission as well as on the part of the contractors, so that a new start was necessitated.

5) On 30th July 2013 the doctors, dentists, veterinarians, biologists and pharmacists of the "Sprengels Obervinschgau" (the Reschen-Prad area) wrote a "Manifesto for the Protection of Health", expressing concerns about public health. The mayors of the area "Oberer Vinschgau" and all the persons responsible in the South Tyrol region were asked to implement serious alternatives in cultivation, including the prohibition of the application of chemical-synthetic pesticides and insecticides, especially in the area of "Malser Haide".

6) On 26 August 2013, the second request for a national vote was given as part of a "common breakfast".

- 7) On 5 December 2013, the 20-minute hearing of the promoter was held before the Jurists Commission of the Municipality of Mals, where he justified the request for a national vote.
- 8) On 5 December 2013, the "Promoter Committee" was given the legal right to request the COLLECTION of signatures for the holding of a popular vote at the municipal level.
- 9) On 20 January 2014, the council of Mals established prohibitive[?] periods making it virtually impossible to have a popular vote, and to collect signatures.
- 10) From 12 February 2014 onwards, the collection of signatures on the municipal level in Mals commenced, ensuring a popular vote could take place at all.
- 11) Within 90 days, the "Promoter Committee" collected 289 certified signatures and deposited them in the municipality of Mals.
- 12) As of March 12 2014, more than 400 citizens of the municipality of Mals had signed the application. Altogether about 800 signatures were collected.
- 13) After submitting the official signatures, and after checking their veracity by the local authority, the mayor established the date of the popular vote.
- 14) The municipality also published a voting bill, in which proponents and opponents could present their arguments in equal measure.
- 15) Due to a formal error on the part of the incompetent[?] local authority (belated notification of the electoral lists), and due to more or less unfair interventions and attempts to prevent elections by the pesticide supporters, the targeted electoral term shifted by weeks.
- 16) Pesticide supporters, and opponents of voting, attempted to sue the spokesman of the promoter committee, Johannes Fragner-Unterpertinger, both personally, and in his capacity as spokesman for the promoter committee.  
\_\_\_\_ The lawyers of Johannes Fragner Unterpertinger protest violently against this complaint and write:

"The nullification of this application is asserted in a legally and pre-eminently respectable manner, since the claim against Dr. Johannes Fragner Unterpertinger was brought before the court in an absolutely incomplete and incomprehensible manner, with the result that this defendant party can not adequately defend himself in the present proceedings, which is why the annulment of the action brought before the defendant Dr. Fragner-Unterpertinger may be judicially ascertained. Only the question of the "*passive legitimization*" of the promoter committee was dealt with, but there was no clear complaint against this committee and against the alleged legal representative."

The promoter committee wrote a press release: "Human rights to freedom of expression are one of the basic pre-requisites for a successful democracy and for a free society. This is why the promoters feel the degradation of this democratic right, as a threat, and as an attempt to intimidate them."

- 17) In spite of all the adverse circumstances, the mayor finally set the election date. It was chosen to be held from noon on the 22nd of August to the 5th of September 2014. Both in the form of (1) "voting" and in the form of (2) "direct election": (a) insertion into the ballot box during the opening hours of the community offices, (b) insertion into a "24 hour ballot

box", where you could deposit your voting card round the clock through a specially made "voting slot" (in the western wall of the community building ).

18) From 12:00 on 5 September 2014, the votes were counted, the result announced around 7 pm:

- Electoral participation: 69.22% of the electorate
- Result: 75.68% YES for a pesticide-free community Mals
- 24.32% NO, and invalidated votes.

19) The law, or the statutory law, provides that the result of a binding referendum must be implemented within six months.

20) In the municipal council, there is no 2/3rd majority required for a change to the constitution because of the voting behavior of some municipal councillors.

21) The law provides for the municipal authority to appoint a commissioner to replace a defaulting municipal council, and implement the binding popular vote. However, since the municipal elections took place within 6 months, the municipal authority does not have to appoint this „Kommissar ad acta“ ... and does not.

22) May 10 2015, municipal elections in Mals: mayor Ulrich Veith is re-elected with 72% of the votes and his group, which we strongly support (because all candidates have promised in advance that they would implement the binding popular vote) gets a 2/3rd majority on the town council.

23) On 16 July 2015, the decisive council meeting in Mals was held: with a 3/4 majority (14 YES, 3 abstentions, 1 NO: 78% in favour) the new commune rate to be adopted in accordance with our popular vote of September 2014.

24) Afterwards, all members of the "Promotorenkomitees" who supported the founding of the Bürgergemeinschaft Obervinschgau BGO (→ [www.bgo.bz.it](http://www.bgo.bz.it) ←), voted between 12.02.2016 - 18.02.2016, on retention or dissolution of the promoter committee. A 92.3% majority voted for the dissolution of the promoter committee. The original objective (ie. popular vote and anchoring in the commune council) had been achieved, and the individual groups and members of the promoter committee would continue to fulfill their mission.

25) On 29 March 2016, the Malser council unanimously (ie 12: 0 - 12 to zero) introduced the new implementing provisions on the prohibition of pesticides.

Thus, the objective of the "Promotorenkomites for a pesticide-free municipality of Mals" was fulfilled, and it ends our story with a beautiful, but hard-fought, success.

PS to item 16. Complaint against the spokesman of the promoter committee: Johannes Fragner-Unterpertinger is "freed" in the civil procedure in 2016, because he was "*not passively legitimated*" [*This doesn't make any sense in English - but I can't offer an alternative since I don't know what it actually means!*]. But the many thousands of euros in the cost of proceedings remain attached to him.

## The principles of our health, political, social, ethical and ecological project are:

- the preservation and strengthening of the health of all
- a healthy development and the integration of all sectors of the economy project, in the interest of the common good, whereby we attach particular importance to the strengthen the local loop
- the switch to ecological agriculture, driven by different economic, social, ethical and cultural incentives
- "Marketing" of ecology also as a tourist quality feature (e.g. a brand "Obervinschgau"), because healthy, ecological and sustainable tourism will also be an important economic driver for agriculture, crafts and trade
- further strengthening of the identification of the local population with our health, political, social, ethical and ecological project and thus
- an attempt to change and strengthen the attitude and behavior patterns of the population towards an environmentally conscious, social and ethical attitude

Everyone has an influence on the environment. He must be aware of this and act and live responsibly, so that the next generation still has the basis of a livelihood and quality of life. This coincides with - and is in the spirit of - the encyclical "Laudato Si" by Pope Francis I.

Future plans include organisational charts, to ensure our future is always further developed. This is why our project group is working openly and transparently for a pesticide-free municipality in Mals. It is not a political confrontation, but the development of a health, social and ecological alternative. Like cultural artefacts, the countryside - its stock and products - are increasingly held in the public domain, and are thus the subject of general interest and conservation.

Our future program ranges from solidarity in economy to software development, from permanent agriculture to permanent culture - a life-promoting culture in the widest sense. The goal is the added value, and the value-added certification, of a pesticide-free municipality.

\* Several meetings in 2011 from "Kornkammer", "Adam & Epfl", "Environment Protection Group of Vinschgau", "Alliance of Alternative Cultivators", "Working Group of Biodynamic Farmers" and concerned citizens, countless AbCert residue surveys, until March 2012, when the district farmers' federation, the advisory center and the trial center "Laimburg" rounded off a public, factual discussion.

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