

SUBMISSION: Food Bill SOP 278 by Stephen Blackheath, 31 July 2013

Submission on the **Food Bill SOP 278** to the **Primary Production Committee**

I do **not** wish to give an oral submission.

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Table of Contents

Introduction.....	1
Aspects of the Food Bill.....	1
Aspect 1 - Incorporation of material by reference.....	1
Aspect 2 - Domestic and export foods held to same standard.....	2
Aspect 3 - Ability to appoint private food safety officers.....	2
Background.....	2
Global centralization of power.....	2
Handing over the power to legislate.....	3
The Food Bill and Codex Alimentarius.....	4
Trans-Pacific Partnership Agreement.....	5
The risks of handing power over to Codex Alimentarius.....	6
What might go wrong.....	7
Case study: Economic collapse in Russia 1990-1997.....	8
The Food Bill is not good for New Zealand.....	11
The influence of lobbying.....	11
Putting it all in a larger context.....	12
Conclusion.....	13
Recommendation.....	13

Introduction

I have an abiding interest in geopolitics, and I been studying it for ten years. In this submission I argue that the Food Bill could contribute to a global monopolization of food production with consequences that are not in New Zealand's interests.

I oppose the bill.

Aspects of the Food Bill

This submission will focus on three aspects of the Food Bill:

Aspect 1 - Incorporation of material by reference

403 Material incorporated by reference

The following documents may incorporate material by reference under Schedule 6:

(a) regulations; and

SUBMISSION: Food Bill SOP 278 by Stephen Blackheath, 31 July 2013

- (c) adopted joint food standards; and
- (d) notices issuing domestic food standards; and
- (e) any other notices (other than notices under section 359).

Aspect 2 - Domestic and export foods held to same standard

346 Regulations about standards in relation to food

Regulations made under this section must not set a standard for food sold for export that is different from the standard set for food sold on the domestic market.

Aspect 3 - Ability to appoint private food safety officers

243. Appoint food safety officers

- (1) The chief executive may appoint a person as a food safety officer for the purposes of this Act, **whether or not the person is employed in the State sector.** [my emphasis]

Background

Global centralization of power

The latter 20th century has seen a great global centralization of government, corporate and financial power, broken down as follows:

- LAW: The formation of the World Trade Organization as the centrepiece of a vast system of international trade under the rubric of 'globalization';
- GOVERNANCE: The signing by governments of 200,000 United Nations treaties since 1946¹;
- INDUSTRY: Huge consolidation of every industry from media, technology, medicine, energy and (of course) food and agriculture, into oligopolies and tending towards monopoly. Nearly every industry now has a “big five” with near total dominance;
- MILITARY: A few big countries dominate with the United States at the top;
- FINANCE, importantly.

There is also a concentration of wealth. According to the 2012 Credit Suisse Global Wealth Report, the top 0.6% of the population have \$87.5 trillion, nearly twice as much as the bottom 91.8% at \$39.4 trillion.² This disparity has been steadily increasing: Oxfam says, “*Extreme wealth and inequality are reaching levels never before seen and are getting worse,*” and “*Globally the incomes of the top 1% have increased 60% in twenty years*”.³

The world's richest 200 people have \$2.7 trillion,⁴ while the bottom 69.3% of the world has a comparable \$7.3 trillion.⁵

1 http://treaties.un.org/Pages/Overview.aspx?path=overview/overview/page1_en.xml

2 http://economics.uwo.ca/news/Davies_CreditSuisse_Oct12.pdf Global wealth pyramid, page 18

3 <http://www.oxfam.org/sites/www.oxfam.org/files/cost-of-inequality-oxfam-mb180113.pdf> pages 1 and 2

4 <http://www.bloomberg.com/news/2012-11-01/the-world-s-200-richest-people.html>

5 http://economics.uwo.ca/news/Davies_CreditSuisse_Oct12.pdf Global wealth pyramid, page 18

The world's economy is heading for debt saturation. The population no longer counts pennies. It now counts repayment months as incomes become increasingly inadequate to cover costs. Interest rates have steadily declined to compensate, keeping debt servicing costs roughly constant. The people are nearly maxed out.

The small rich segment owns the debt of the majority. As discussed, a rich minority has comparable wealth to the majority, but in addition, as the world's major debt owners, this minority has a claim over a large portion of the world's assets held as collateral for that debt.

This effectively means that given sufficiently difficult economic times, a rich minority has the legal right to confiscate a large part of the wealth of the majority – specifically, those assets that have debt over them.

This is just one of many ways in which the concentration of wealth translates into a concentration of power as the rich minority uses its resource base to gain influence.

Handing over the power to legislate

The Codex Alimentarius Commission is a committee of the United Nations' Food and Agriculture Organization, which New Zealand has participated in since the 1960's. The committee produces a set of “soft” food standards, or “best practices.”

I intend to show here that the Food Bill *could* be used to hand over the power to write enforceable food regulations to the Codex Alimentarius Commission.

Most of the 456 pages (including amendments) of the Food Bill Supplementary Order Paper are concerned with procedures, the structure of regulations and the mechanics of enforcement. However, the following two aspects mentioned above have a very specific effect:

- Aspect 1 - Incorporation of material by reference
- Aspect 2 - Domestic and export foods held to same standard

What they do is to make the Food Bill into a socket that Codex Alimentarius standards can be plugged into to allow the following two things to happen:

1. Transform Codex Alimentarius “best practices” into regulations with the force of law;
2. Transform Codex Alimentarius into a committee that can write food regulations for New Zealand without any consultation.

The proof of the second point is as follows:

404 References to standard works

(2) A reference in a document to the current edition of a specified standard work of reference must be read as a reference to the latest edition of the work available at the time of reading, together with any changes made to it up to that time.

(4) A standard work of reference is a work of reference that the chief executive considers is accepted internationally or by an industry as a standard one to refer to on its subject matter. Examples are the Food Chemicals Codex and the Pharmaceutical Codex.

To adopt a standard work, there is a requirement for some level of public consultation (Schedule 6 section 7), but once this is done, whatever committee wrote it can update it without any need to consult. It is instructive to see how the committee can then effectively write council bylaws:

405 Relationship with local authority bylaws

(2) If a bylaw made by a local authority is inconsistent with a document,—

(a) the document prevails and the bylaw has no effect to the extent of the inconsistency; and

(b) the local authority must amend or revoke the bylaw to remove the inconsistency.

You can see that it gives total control down to the community level to the committee writing the “standard work”. This is injurious to local sovereignty, and it could result in idiotic regulations, because it prevents food standards being adapted to local conditions.

For example, in the USA, feeding beef cattle on corn has led to health problems. To correct this, the cattle are treated with antibiotics.⁶ It is conceivable that Codex Alimentarius might mandate the use of antibiotics. This would be unnecessary in New Zealand where cattle are grass fed, but the Food Bill would require it even for locally sold beef.

Also any requirements relating to the risks of international transport would be pointless expense for food sold locally.

To emphasize the lack of requirement to consult, see Schedule 6 section 7:

7 However, nothing in section 41 of the Legislation Act 2012⁷ requires material that is incorporated by reference in regulations to be presented to the House of Representatives.

So the Food Bill *could* be used to permit the power to write enforceable food standards to be handed over lock, stock and barrel to Codex Alimentarius. Or, it could be done in small fragments.

It is important to reiterate that these standards **must be the same for exports and food sold on the domestic market** (section 346). This means that in this scenario, Codex Alimentarius would be writing regulations for **all** sales of food, **no matter how small or localized**.

The Food Bill and Codex Alimentarius

Here I expand on the connection between the Food Bill and Codex Alimentarius.

The Ministry for Primary Industries has put out a document called “New Zealand's Strategic Objectives in Codex.”⁸ Here are some excerpts:

New Zealand attaches great importance to the work of Codex and has been a member since its formation in 1962. (p5)

Furthermore, as a trading nation, New Zealand sees the work of Codex as central to reducing technical barriers to trade and facilitating greater market access through the development of sound international standards with wide application. (p5)

A strong, efficient and responsive Codex system is essential in fulfilling the Codex mandate for the development of international standards for health protection and trade. (p11)

Actions for achieving this strategy

3.1.1 Undertake inter-sessional work to maintain the momentum and advancement of Codex text in areas of interest to New Zealand. (p11)

6 <http://michaelpollan.com/articles-archive/power-steer/>

7 This section just requires legislation to be presented in the House of Representatives. Section 41 (2) *All legislative instruments and those disallowable instruments must be presented to the House of Representatives not later than the 16th sitting day of the House of Representatives after the day on which they are made.*

8 http://www.foodsafety.govt.nz/elibrary/industry/Strategic_Objectives-Influence_Priority.pdf

A lot of effort is ongoing to construct and strengthen the Codex Alimentarius framework, but this document omits to mention anything about how its food standards will be brought into effect in New Zealand. After all, food standards are no use whatsoever if they can't be enforced.

Trans-Pacific Partnership Agreement

The Trans-Pacific Partnership (TPP) Agreement is a trade agreement currently under negotiation between nine countries: Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, Vietnam, and the United States.⁹

The treaty negotiations are being held in secret. The reason why this process is not acceptable is because it allows it to be a *fait accompli* when it is finally presented to the public for approval. Many of its provisions will already have been implemented.

So secret are these negotiations, in fact, that they're not even telling the United States government:

Senator Ron Wyden (D-Oregon) introduced legislation on Wednesday that specifically targets the Obama administration by demanding that the White House open up on details about the proposed Trans-Pacific Partnership, a massive, international trade agreement that, if passed, would greatly affect consumers from coast-to-coast. The lawmaker isn't alone in his opposition against the administration, either — more than 60 House Democrats and at least one Republican have objected to provisions of the TPP, and more are expected to line up as details are made public.

According to the senator, President Obama and his cabinet have gone out of their way to keep Congress uninformed on the details surrounding the TPP, including even members of his own political party, such as Sen. Wyden. What's more, argues the senator, is that if anyone should be kept update on the issue, it's him — as chair of the United States Senate Finance Subcommittee on International Trade, Customs, and Global Competitiveness, it is his job to be up to snuff on proposals such as this.¹⁰

Since the negotiations are secret, it would be pretty difficult for me to prove that the TPP requires compliance with Codex Alimentarius. Which *could* be exactly the point.

If the TPP did require Codex compliance, and if they wanted governments to introduce Codex-enabling legislation around the world similar to the Food Bill without anyone being able to connect it back to Codex until it was too late, then keeping the TPP texts secret would serve that purpose well.

The good news is that I can rescue my argument, because as it turns out, New Zealand is already expected by the TPP to harmonize with Codex Alimentarius. An earlier agreement of the same name was signed between a shorter list of countries in 2005 including New Zealand, and it said this:

The objectives of this Chapter are to:

*(a) uphold and enhance implementation of the SPS Agreement and applicable international standards, guidelines and recommendations developed by relevant international organizations (OIE, IPPC and **Codex Alimentarius Commission**); [my emphasis]¹¹*

The quote above also alludes to the fact that World Trade Organization membership also requires

9 <http://www.ustr.gov/about-us/press-office/fact-sheets/2011/november/united-states-trans-pacific-partnership>

10 <http://rt.com/usa/news/obama-trade-wyden-senator-117/>

11 http://www.fta.gov.sg/tpfta/p3+authentic+trans-pacific+sep+text+english_v1.pdf page 50

harmonization with Codex, through the Sanitary and Phytosanitary (SPS) Agreement which all members must sign. New Zealand is a member. The World Trade Organization has made it into a requirement, but the TPP is (likely to be) concerned with the *implementation* of it

So we know the following things:

- New Zealand is expected by international agreements to harmonize its laws with Codex Alimentarius standards.
- Standards are no use if they can't be enforced. There has to be *some* national legislation to enable them.
- The New Zealand government has put a lot of work into both the Codex Alimentarius Commission and the development of the Food Bill.
- The Food Bill is capable of giving the force of law to Codex Alimentarius standards.

It's therefore reasonable to conclude that the Food Bill *is* the vehicle for the “activation” of the Codex Alimentarius system.

The risks of handing power over to Codex Alimentarius

International trade is more efficient with international standards. Local trade is more efficient with local standards, because they adapt to local conditions and avoid unnecessary compliance costs. But this is not what the Food Bill gives us.

Applying international standards to local trade as the Food Bill does is anti-competitive, because it necessarily favours businesses operating on a large scale. If local foods were made to local standards, international and local standards would effectively be competing with each other for quality and safety. This is what the Food Bill *should* be doing. If imported goods can't compete with local goods made to local standards, then we shouldn't be buying them.

The main purpose of food standards is to protect people's health. Making trade more efficient is also a worthy goal provided it does not compromise health.

However, looking at the FAO website, it is clear that the FAO is pitching to businesses that they can **buy influence**:

For private sector entities, the engagement with FAO could generate:

- *Increased opportunity to **be heard in international policy development and standard setting processes for food and agriculture**;*
- *Improved alignment of national requirements with international standards, which would enhance the ease of doing business;*
- ***Enhanced dialogue with governments and opportunity to contribute to the development of national planning frameworks**;*
- *An environment that is more conducive to private sector responsible and productive investments; and*
- *Participation in processes to establish codes of conduct for responsible business practices, and promote creation of level-playing fields that would enable fairer competition and a more stable business environment.*¹²

We should also be concerned about how this process is monitored. It would at least appear that the

¹² <http://www.fao.org/partnerships/private-sector/en/>

FAO is intending to **monitor itself**:

FAO's current risk assessment consists of four distinct steps:

- 1. Preliminary Screening by the Private Sector Partnerships Team;*
- 2. Review of the partnerships proposal by the Sub-Committee of Financial and other Agreements;*
- 3. Final endorsement of partnership proposals by the Partnerships Committee; and*
- 4. Monitoring and reporting by the Private Sector Partnerships Team with FAO focal points for partnerships.*

When food standards are developed with the true intention of protecting public health, they are a good thing. But if influence can be bought, food standards can be abused. I give an illustration of this in the next section.

What might go wrong

Here is an imaginary future timeline to show what could go wrong, given the already existing concentration of power in the food industry, and the possibilities that I have highlighted. It featuring a fictitious food manufacturer called United Vegetables.

- 2013 – Food Bill becomes law.
- 2013-2016 – Codex Alimentarius standards are progressively adopted in New Zealand as “material incorporated by reference.” The same thing happens in other countries at varying speeds.
- 2016 – United Vegetables embarks on an ambitious strategy to dominate the worldwide vegetable market.
- 2014 – It approaches the FAO as a partner, giving it generous donations.
- 2014-2017 – United Vegetables merges most of its large-scale competitors worldwide, giving it dominance in most countries.
- 2017-2018 – United Vegetables pays the media to publicize every case of food poisoning relating to vegetables that it can find. In the end, people demand something be done about the terrible problem of vegetable food poisoning (even though it has not increased in reality).
- 2017 – United Vegetables outsources research into vegetable food safety problems and processing methods that might fix them.
- 2018 – A new processing method, “klystron activation” is invented that reduces the incidence of food poisoning.
- 2019 – United Vegetables uses its influence with Codex Alimentarius to require klystron activation on all vegetables sold worldwide.
- 2019-2024 – As the requirement for klystron activation is phased in, New Zealand producers buy klystron machines at \$200,000 each. The costs of electricity, government inspections and replacement tubes comes to \$80,000 per year per machine. The smaller producers rent time on the machines of the larger producers.

SUBMISSION: Food Bill SOP 278 by Stephen Blackheath, 31 July 2013

- 2024 – Scientists in Denmark discover a possible link between klystron activated foods and bowel cancer.
- 2019-2025 – United Vegetables seems to be able to consistently undercut local producers with their cheaper imported vegetables. Local farms close down one by one until there are only a few large farms left. United Vegetables acquires those large farms.
- 2025-2028 – United Vegetables shuts down its smaller uneconomic farms in countries like New Zealand. All the world's vegetables are now produced in three vast hydroponic facilities in Brazil, China and Ukraine.
- 2028-2032 – An unprecedented global financial collapse and depression takes hold. International commerce grinds to a halt. United Vegetables can no longer operate. With the elimination of most vegetable farming worldwide, there is mass famine.
- 2032-2034 The United Nations sets up an alternative global food distribution system, but before it is fully operational, millions starve to death worldwide.

For anyone in possession of all the facts, a scenario like this is easy enough to foresee. The food industry is already becoming monopolized at a furious rate. The effect of the Food Bill will be to facilitate greater levels of monopolization. This is extremely dangerous. We need instead to reverse it.

If we don't, then within a decade or two we are likely to have a very small number of people controlling all the food in the world, and we had better hope they are benevolent towards us.

Case study: Economic collapse in Russia 1990-1997

Here I present a real world example to illustrate why small-scale agriculture is important.

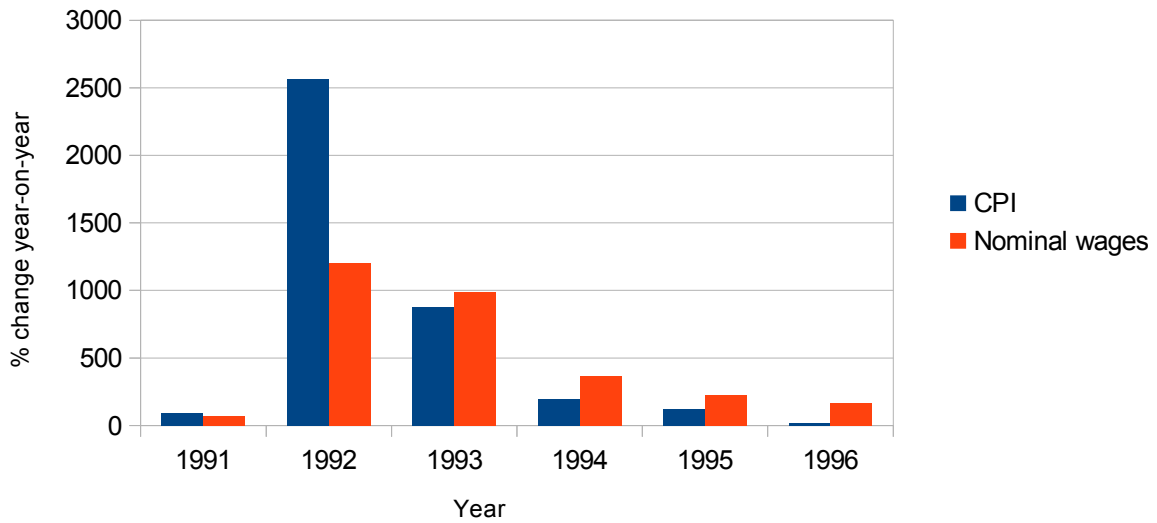
During the fall of the Soviet Union in Russia, small-scale agriculture – mostly in the form of *dacha*¹³ gardens – played a role in averting a famine. Here are some graphs based on figures sourced from the paper “Russian Reforms: the Return of the Peasant”, by Dirk J. Bezemer,¹⁴ with the text partly sourced from there.

The fall of the Soviet Union saw a severe economic crisis for most of the 1990s.

13 *dacha* means “summer house in the country”

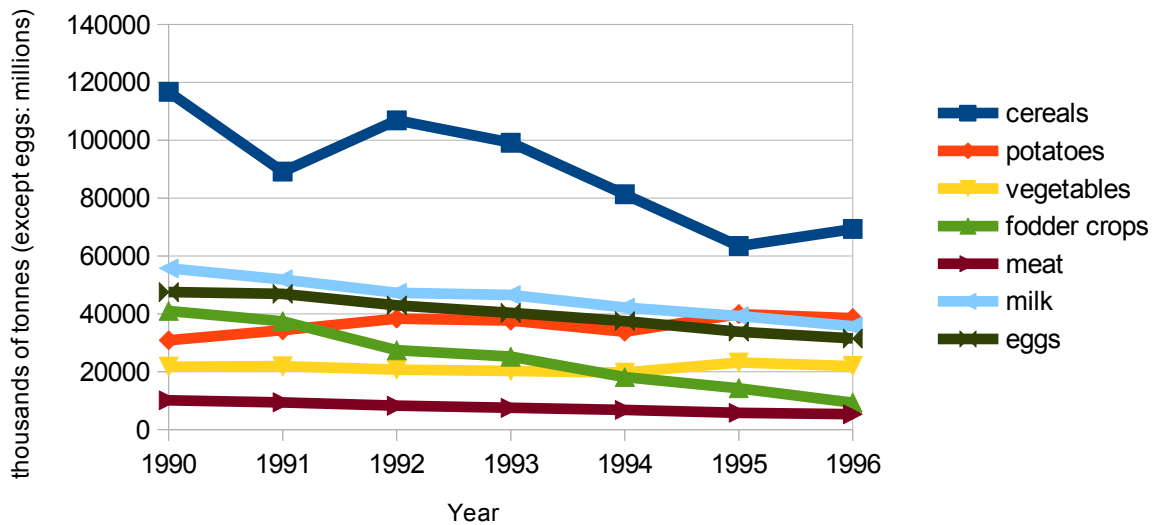
14 <http://papers.tinbergen.nl/99046.pdf>

From table 3: Russian purchasing power

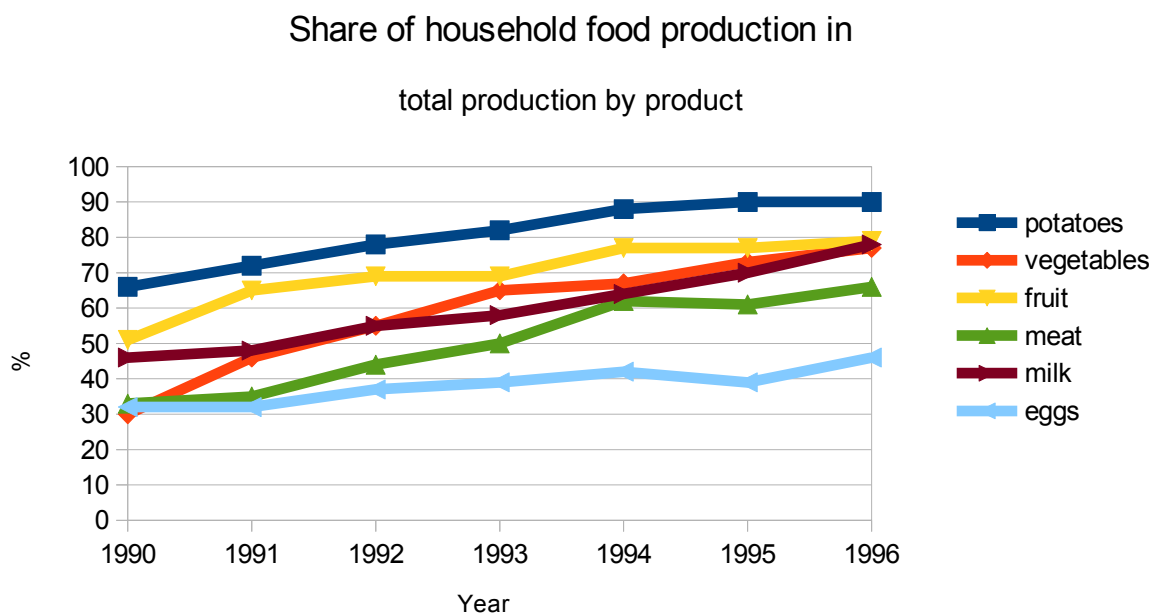


The Consumer Price Index surged in the first phase of the transformation, while nominal incomes rose much slower, causing real incomes to fall.

The demise of traditional agriculture



The demise of traditional agriculture was part and parcel of early reform plans for Russian agriculture, and so was their replacement by smaller and supposedly more efficient family farms. This development, however, never occurred on any significant scale for a variety of reasons.



Russians have traditionally had, for good reason, a lack of trust in their government to feed them reliably. Household food production had therefore always provided a large proportion of a household's food, and that's why the contribution of household food production was so high (30% to 66%) before the crisis took hold.

How would the United States feed itself in a severe economic collapse if it happened today? Its level of household food production is insignificant.

Consider that question while you read this quote from “The Corruption of American Agriculture” by Tad Williams:

The rise of corporate agriculture to dominate the economies of rural and farm communities has been one of the most devastating events in U.S. history. The days of Jefferson's yeoman farmer are long gone. Only 60 years ago there were over six million farms dotted across the American landscape. By 1998 only two million remained, and many of these are small and medium-sized operations. To illustrate: in 1965 there were 85,000 farms in Virginia, averaging 145 acres. By 1997 there were 47,000 farms, averaging 181 acres.

*The bulk of corporate agriculture's profits accrue to only a few hundred super farms. **Three percent of farms with more than \$500,000 in sales account for over 44% of agricultural production in the U.S.** In 1940 the average farmer fed only 22 people; today an average farm feeds 139. This 'efficiency' is not the result of mechanization, which took off more than a century ago. This is industrialization, and industrialization of agriculture has not been good for farmers; it has been good for corporate profits. The farm value of agricultural output in 1997 was \$120 million [sic: should be billion] dollars, while total farm production expenses were \$189 billion. **To stay afloat, farmers are forced to seek out full-time employment, accumulate debt, or lease the farm.** [my emphasis]¹⁵*

My purpose in including this section is to show that large-scale food production is vulnerable to political and economic shocks, in a way that small-scale local production is not. For true resilience, a country should have a significant proportion small-scale agriculture. To undermine small-scale

15 <http://s242798577.onlinehome.us/media/TadFinal.pdf>

agriculture, as the United States has done, and as Codex Alimentarius will do, could be very lethal.

The Food Bill is not good for New Zealand

To summarize the supporting evidence:

- Today, industry and finance are severely concentrated across the board into a small number of very large companies. This is also true of the food and agriculture industries.
- There is a very real probability that the New Zealand Government will hand the power to write food standards over to a committee of the United Nations Food and Agriculture Organization (FAO) called the Codex Alimentarius Commission.
- Multinational corporations can buy influence with FAO. It says so openly on its website.
- Multinational corporations are clearly keen on promoting market concentration.
- The Food Bill requires locally sold food to comply with the same standards as food sold for export. If big businesses can influence policy, then they will call for expensive compliance costs in the name of “food safety”. This weakens small businesses, so they can be acquired more cheaply.
- Multinational corporations need not wait for the government to enforce food standards. The Food Bill allows for the appointment of enforcement officers from the private sector (section 243).
Here's how it might be abused: After weakening them with compliance costs, big corporations can use their own officers to directly disrupt the operations of the small businesses they want to acquire.
Incidentally, the Food Bill allows for warrantless searches, a perfect tool for disrupting the operations of a company. This potential for abuse is precisely the reason why warrantless searches are associated with dictatorships, not democracies.
- Recessions do happen, and they affect both food production and people's purchasing power. Local small scale agriculture is affected far less by these forces. If local agriculture is destroyed, famines are a real risk.
- Monopolization does not benefit New Zealand. Apart from the dairy industry, New Zealand is not in any “big five”. Monopolization of the world economy will generally result in marginalization of the New Zealand economy.

The influence of lobbying

It seems reasonable to conclude that New Zealanders would not accept their local food regulations being written by a globally centralized authority that sells influence to multinational corporations. If this is so, then the Food Bill can only be passed if the facts I have outlined here are not generally known.

By all appearances, the New Zealand government knows this.

The government seems to have been careful to conceal any connection between the Food Bill and Codex Alimentarius: Between December 2011 and April 2012 there was much publicity in the media about the Food Bill. I watched it closely, and I did not hear Codex Alimentarius mentioned once specifically in any mainstream media coverage or government communication (or even Green

Party communication).

However, a few times, compliance with “international standards” was mentioned vaguely in passing. The only place where, as far as I have found, Codex Alimentarius was specifically mentioned in mainstream coverage during this period was in the comments section on Green Party blogs.

Given that it is on the public record that New Zealand is expected to harmonize with Codex Alimentarius standards, **the government's failure to mention such an important issue amounts to a deliberate omission.**

42,790 people have signed the “Oppose the New Zealand Government Food Bill 160-2” online petition.¹⁶ In spite of this issue's complexity, that is 1 out of every 100 New Zealanders. This legislation is deeply unpopular, because it is bad, and people know it.

It seems that part of the reason why the Trans-Pacific Partnership Agreement is being negotiated in secret is to assist in this subterfuge.

The government has also done the following:

- After a burst of publicity, it let the issue go quiet for about a year (May 2012 to July 2013).
- It made some changes to the bill, produced a daunting 456 page document. As Sweet Brown would say, “*ain't nobody got time for that.*”
- It then re-opened it for submissions with a short period (one month: 17 July – 16 August 2013), precisely when the far more obviously bad “GCSB spy bill” was receiving a lot of attention.

This seems to be calculated to give the appearance of democracy while making it difficult for objectors to mobilize people to write submissions. Taken together, these are the actions of a government that wants to push legislation through.

It appears that the New Zealand government has been lobbied. This has led to the employment of deception and tactics. Thus there has been no real informed consent, so this bill has no mandate.

Putting it all in a larger context

As discussed, the richest people in the world do make use of their resource base, translating it into power. One of the ways they do this is by lobbying governments to promote their interests. As I illustrated in the case of the FAO, there is a ready marketplace for the selling of influence.

Politicians are in a difficult position therefore, sandwiched as they are between two opposing constituencies, the people and the lobbyists who largely operate in secret. As the power of the lobbyists is concentrated globally, their lobbying becomes more intense, and governments must work harder to “sell” unwanted laws to the people. This is not acceptable.

What we have seen with the Food Bill is part of a larger pattern.

We are now seeing extreme laws being introduced in all the western democracies across the board, including total surveillance, Internet censorship, arbitrary arrest and every dictatorial power imaginable. A free society is defined by the quality of its institutions, not by being called a democracy or by the pretense of engaging in democratic processes.

Lobbying today is so advanced that governments effectively do not act in the interests of the people.

¹⁶ http://www.activism.com/en_NZ/petition/oppose-the-new-zealand-government-food-bill-160-2/34017

The illusion persists, but sooner or later, it will hang in tatters. A crisis in confidence in the government is looming, and when it arrives, the unpopular “lobbied” laws will be hard to enforce.

Conclusion

As discussed, several international organizations, including the World Trade Organization, want to make the Codex Alimentarius Commission into the food standards setting body for the world. The Food Bill is the New Zealand vehicle for handing food sovereignty over to Codex Alimentarius.

Sadly Codex Alimentarius's parent organization – the Food and Agriculture Organization (FAO) – sells influence, which means that food standards are trying to serve two masters: The first is public health and trade efficiency, the second is the interests of global power. There is every reason to believe that global power will dominate, and I have argued that this will result in the marginalization of New Zealand's economy and it presents a real risk of worldwide famine.

The New Zealand government appears to have been lobbied, and to be using deception and tactics to “get legislation through” rather than to achieve any sort of real mandate. These actions show that the government knows the truth: They are afraid to inform the people, because people would see that Codex Alimentarius is not progress – it's a road to monopolization and ruin.

This is part of a larger, intensifying pattern of corruption and centralization, and that pattern is leading us to a crisis in confidence in government that will ultimately undermine its ability to function.

Recommendation

Because the intention behind the bill is bad, it cannot easily be fixed. There could be any number of loopholes in it. If this is what the political process gives us, then the process is itself a problem and we need to re-evaluate it.

The Food Bill is part of a much larger creeping global centralization of everything by stealth, whose logical extension is one global government with influence for sale, with jurisdiction everywhere, and nothing to check its power.

The Food Bill presents an opportunity: It must be rejected outright. 42,790 people have already said they oppose it. We can afford to stall the political process, to step back and get this right, and we can't afford not to. It is imperative we send a message that we do not accept the concept of the nation state being simply stolen away by degrees.

The stakes get higher with each opportunity lost. This is by no means the last opportunity, but I fear that it will be lost.