

Treaty #3 First Nation Veterinary Infrastructure Project

Frequently Asked Questions & Answers

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Treaty #3 First Nation Veterinary Infrastructure Project: Frequently Asked Questions & Answers
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Treaty #3 Veterinary Infrastructure Project

Frequently Asked Questions

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Question: What is infrastructure?

Answer: On a national level, it is the framework of laws, regulations, services, and roles that are essential in building a response to a citizen's need.

Explanation: When citizens have a need, it must be translated into a solution with services and roles. The process happening between the need and the change is the mechanism of change. A finished mechanism of change for a need is the infrastructure for the solution to that need. The mechanism of change is straight forward: Needs speak to a combination of three groups of rights (inherent, contractual, and legislated) to choose rights to respond to the need. Rights then choose laws to guarantee those rights. The laws then define regulations to ensure laws are met. Regulations define the blueprint for new services and roles. These new infrastructure services and roles then provide for the solution directly or by supporting other infrastructures that provide for the solution. For example: A community needs a road into the community from the highway. The need is community access to the highway, the road is actually the finished solution. There already exists an infrastructure for road building so we just have to put the need through the infrastructure to get the solution. The need speaks to the start point of the road infrastructure (zoning, right-of-ways, surveyors). These starting points outline all the regulations and legalities we must honour to build the road. We then hire different services that meet those laws and regulations (contractors, equipment, gravel, sand, workers). These infrastructure services build the road. Many of these road infrastructure services, themselves, need their own infrastructure. For example: The tractors that would be used to build the road are an infrastructure for the road but they also need their own infrastructure to exist (tires, fuel, oil, parts, manufacturer, designers, operator, etc.).

Question: What is a veterinary infrastructure?

Answer: It is all of the bylaws, Provincial and Federal laws, regulations, services, and roles that enable anything that a veterinarian is capable of doing, or supporting, to happen.

Explanation: There is a worldwide network of veterinarians that has been built to provide infrastructure services to all aspects of human life that interact with animals and their uses. These infrastructure services were developed predominantly for domestic, companion, laboratory, zoo, and food animals; very little has been developed for wildlife. There is a very large number of veterinary infrastructure services ranging from dog pounds and spay/neuter, to food animal and meat inspection, to international protocol preparation for meat import/export. The easiest way to describe a veterinary infrastructure is through the solutions it provides (goals) or the problems its absence causes. The Grand Council Treaty #3 resolution (#CA05-13) supporting the development

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of a First Nation veterinary infrastructure defines the veterinary infrastructure through its solutions as, “... integral for developed nations to establish regulatory frameworks through which protocols allow for national and international meat strategies; provide for animal care and animal disease management strategies; be involved with all animal species in respect to care, inspection, regulation, use, transport, slaughter and consumption; and create the foundation for humane societies and dog pounds for use in the control of companion animal populations.” The Grand Council Treaty #3 also recognizes the, “...absence of a veterinary infrastructure exposes the citizens of Treaty #3 to risks of eating uninspected meat and fish; exposure to preventable diseases from domestic and wild animals; increased dog attacks; and leaves the Anishinaabe Nation in Treaty #3 without the management tools to sustain and excel in traditional lifestyles; including the development of an international trade and commerce in wildlife harvest.”

Question: What is an Anishinaabe veterinary infrastructure?

Answer: It is the veterinary support service and the programs it develops and supports for the Anishinaabe Nation.

Explanation: While there are many laws, regulations, services, and programs that veterinarians can be involved with, only those that are important to the Anishinaabe Nation would be part of an Anishinaabe veterinary infrastructure. When the nation selects veterinary goals for its citizens, it also selects all the laws, regulations, services, and programs necessary to define and develop those goals. These selected laws, regulations, services, and programs plus the veterinary support service that prepares and supports them for our nation, are collectively the Anishinaabe veterinary infrastructure.

Question: What is a Veterinary Support Service (VSS)?

Answer: It is the working group or agency whose function is to develop, maintain, implement, and harmonize programs and services for the Anishinaabe Nation in Treaty #3.

Explanation: Selected veterinary goals will dictate which laws, regulations, services, and programs are needed for an Anishinaabe veterinary infrastructure but it will be veterinarians and their staff that will harmonize needed services and programs with traditional, regional, provincial, federal and international laws and regulations. The VSS will form the backbone of all direct and offshoot veterinary-related programs and their goals. For example: There can be no international retail of harvested wildlife or dog control using Anishinaabe programs without a VSS to prepare, deliver, and maintain these Anishinaabe programs. Veterinary support services already exist outside Treaty #3.

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In the federal government, the VSS is called the Canadian Food Inspection Agency (CFIA); provincially, it is in the Ontario Ministry of Agriculture and Food and Rural Affairs (OMAFRA). Every province, state, country, and government has a veterinary support service to meet its animal-related needs.

Question: What veterinary-related goals currently have their veterinary infrastructure under development?

Answer: There are two goals that have their veterinary infrastructure under development; a surplus wild deer harvest program and a dog control program. These are the two chosen pilot programs.

Explanation: The original pilot programs identified, through discussion, for infrastructure development included a surplus wild deer harvest/retail industry, a nuisance wildlife harvest/retail industry and a dog control program. At this point, the infrastructure is focussed on managing the region's out-of-control deer population to the benefit of the nation using an Elder-defined surplus harvest and an Elder-defined tribal-based trade and commerce system. Plus, helping communities and Treaty #3 police with dog problems (rabies prevention and quarantine, animal control and bylaw enforcement, population control and public education, bylaw development, and dangerous dog problems); including discussions on the development of pound and animal control officer services.

Question: What is the surplus deer harvest pilot project?

Answer: It is the management, harvest, and retail of surplus wild deer for the benefit of the Anishinaabe Nation in Treaty #3.

Explanation: Initial discussions regarding the veterinary infrastructure included ensuring that traditional food was safe. Veterinary infrastructures provide for inspection, harvest, handling, processing, storage, packaging, shipping, and exporting protocols to ensure the safety of all animal products; including meat and fish. It was soon understood that a safe food inspection infrastructure would result in a food product that met retail safety standards. In this manner, a safe traditional food infrastructure would allow for the retail of traditional food for the economic benefit of the Anishinaabe Nation in Treaty #3. After discussion and concept exploration, a surplus wild deer harvest program was birthed. It would use the surplus deer and solve the regional deer overpopulation problem, be based on Elder teachings, use all of the deer and its byproducts, and it would be completely owned by the citizens of the Anishinaabe Nation in Treaty #3. The surplus deer harvest pilot project would empower wild meat, deer hide tanning, and deer garment industries.

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Question: Why is the surplus wild deer harvest pilot project important?

Answer: The surplus wild deer harvest project has the economic and cultural power behind it to pioneer the reestablishment of our traditional trade and commerce systems.

Explanation: To rebuild our trade and commerce systems we need a pilot project that identifies missing roles in our trade and commerce structures as the project develops. The pilot project is the mechanism of change whose mandate is to restore the national foundation of trade and commerce roles, businesses, and industries. In this way, the pilot project pioneers the development of business structures and their industries. The business network that would be reestablished by the pioneer pilot project can then be used to establish other new and vibrant economic activity streams within the Nation. Once developed, the pilot project becomes a national trade and commerce engine which will provide Treaty # 3 governances with the regulatory framework, structures, and the financial capital to effectively manage our economy. The pilot project needs to meet certain requirements to have enough power to pioneer all that is in front of us. First, it needs to start with what we have. In this regard, we have the inherent right to (1) live on our traditional land and support our families; (2) Treaty rights to our avocations of hunting and fishing; (3) legislated rights within the Indian Act to hunt, fish, and manage wildlife on reserves; and, (4) international rights as Indigenous Peoples. The pilot project has to have the maximum economic development, revenue, multiple industry, and role potential possible so there is enough power to push change. It should be something that no one else is currently doing so we are not fighting to take it from another group. Finally, it should have a very firm cultural and historical foundation to make its development both technically and adaptively easier in the Nation. The surplus wild deer harvest pilot program from the Treaty #3 veterinary infrastructure development meets all the requirements of a pilot project capable of pioneering the reestablishment of traditional trade and commerce for the Anishinaabe Nation in Treaty #3.

Question: What is reestablished traditional trade and commerce?

Answer: Reestablished traditional trade and commerce is a finished sustainable economic development that respects all Elder teachings and forms the foundation of our Nation's economy and, therefore, its prosperity. It is an Anishinaabe business system based on traditional values and citizen ownership.

Explanation: Trade and commerce is economic development that has been completed. Trade and commerce functions on its own and self-sustains. In this regard, trade and commerce is sustainable economic development. If trade and commerce is a sustainable finished

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economic development, then trade and commerce must be the economy. When a nation's economy is prosperous, then the nation is prosperous. "Traditional" trade and commerce would be an economy based on traditional spiritual and moral teaching of the Elders. Ownership, ethics, motivations, goals, roles, and all other values that would underlie business performed in the economy should not conflict with the teachings of Elders. Traditional trade and commerce may or may not be based upon the harvested use of the land and its wildlife. The "reestablishing" of traditional trade and commerce would then be the rebuilding of traditional trade and commerce. To rebuild to the point of reestablishing lost trade and commerce would suggest that the reestablished traditional trade and commerce would form the foundation of the Nation's economy and therefore its prosperity.

Question: What is the dog program pilot project?

Answer: It is the development of dog-related services for Treaty #3 Nation communities that will empower communities to manage their dog populations, and problems within those dog populations.

Explanation: Dog overpopulation negatively impacts community public health through dog bites, pack aggression, mauling deaths, disease transmission, and animal suffering. It can also have a psychological impact on children and be linked to subsequent violent offences within the community. Nation community dog-related public health crises are a direct result of the lack of dog-related infrastructure services within Treaty #3. These dog-related infrastructure services are founded in public education services, veterinary services, bylaw regulations, and bylaw enforcement services. Unfortunately, most of these services, and therefore solution choices to manage dog populations, are nonexistent in most Treaty #3 Nation communities.

Question: Why can't the Treaty #3 police enforce dog control bylaws to make our communities safer?

Answer: Police obtain their enforcement authority through enacted laws and then enforce these laws using law enforcement regulations and infrastructure services. Treaty #3 police do not have the law enforcement infrastructures necessary to enforce dog control bylaws.

Explanation: It is easier to start the explanation with the infrastructure non-native communities use to handle their dog control problems. The Ontario Provincial Police obtain their authority to enforce law through the Police Services Act. Laws they enforce are a combination of municipal, Provincial, and Federal laws; with their regulations. When it

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comes to dog laws and regulations, municipalities have dog control bylaws, the Province has the Dog Owner's Liability Act, Ontario Society for the Prevention of Cruelty to Animals Act, and the Animals for Research Act, and the Federal government has the Health of Animals Act, including Reportable Diseases in Section (5), and Animal Cruelty laws within Part IX of the Criminal Code. All of these laws and regulations harmonize together to empower officers to enforce dog-related offences. Depending on the situation, charges are laid with Federal, Provincial, or municipal laws. A licensed animal control service (operating within the guidelines of the Animals for Research Act) will then take charge of the offending dog and hold it in a routinely inspected and licensed dog pound pending resolution of the case. After the case is processed through the collection of fines at a municipal bylaw office or through the appellate, Provincial, or Federal court system, the dog is returned to the owner, adopted out, or destroyed following regulations contained within the Animals for Research Act. Why is all this important for Treaty #3 police? The reason is that Treaty #3 police must follow these laws unless, for municipal and Provincial laws, Nation communities across Treaty #3 enact consistent bylaws to replace these laws. All developed bylaw and service systems in our Nation communities must be able to interface with existing appellate, Provincial, and Federal court systems to enforce dog control bylaws. Treaty #3 police also need an animal control system with officers and pound services that consistently meet legal standards throughout their jurisdiction. Coordinated Treaty #3 Nation community animal control bylaws and animal control systems do not currently exist. Because of this, Treaty #3 police can not make our communities safer by enforcing dog control bylaws.

Question: We have a dog control bylaw. Why does it not work?

Answer: Laws have no life on their own. They need infrastructure services to do the work of the law.

Explanation: We have a right to make governance laws. These rights are entrenched at three levels; inherent, treaty, and legislated rights. We have an inherent right to govern our citizens, Treaty #3 rights, and we have the legislated right to make laws within the reserve environment through the *Indian Act*. Unfortunately, these rights and our ability to pass law for dog control have not resulted in safe Nation communities. It is a far cry between the inherent right to make a law and the safety of a community. It is the infrastructure between the need for safety and the functioning dog control systems that will allow us to responsibly manage our dogs and keep our communities safe. Remember, the need speaks to rights, rights speak to laws, laws define regulations, regulations enable new services and roles, and it is these newly created infrastructure services and roles that provide for the need. Any law we enact regarding animal care or management will require an infrastructure to function. The best example of this in Treaty #3 Nation communities is the dog control bylaw. A number of communities have spay and neuter requirements in their dog control bylaws. However, the out-of-control dog

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overpopulation problem continues despite the bylaw. If the bylaw had access to spay/neuter veterinary services, public education services on dog reproductive cycles, and animal control (bylaw enforcement) services, the bylaw could effectively control a community's dog population problem. Laws without infrastructure have no life.

Question: What infrastructure do we need to manage dogs in our communities?

Answer: We need a combination of culturally appropriate public education, veterinary, bylaw, and bylaw enforcement infrastructures.

Explanation: The dogs currently in Canada are not indigenous to this continent. They were imported into Canada from around the world. These dogs were selectively bred for specific purposes. For example; Siberian Huskies and Norwegian Elkhounds were bred for pull sleds. When dogs were changed through selective breeding, they also lost their ability to live in the wild and to control their own population. Today's dogs are a man-made problem imported into Nation communities. While we need to be mindful of our responsibility to life, we also need to ensure our communities are safe. All of the solutions to manage dogs will be found in teaching, population and disease control, guidelines to help us respect our neighbours and our dogs, and consequences for our lack of respect to others. Some communities have some degree of these solutions for their citizens. These dog management solutions have been fully defined in non-native communities but need to be defined in more detail for our communities. After they are, we will be able to build and deliver our own dog management services for our communities.

Questions: Are our Anishinaabe Nation communities in Treaty #3 currently able to comply with existing dog-related laws and regulations?

Answer: No. Depending on the situation, our communities and citizens are in violation of a variety of Federal and Provincial laws and regulations.

Explanation: Treaty #3 police apparently violate their policing mandate because they lack essential dog infrastructures; pounds, animal control officers, and ubiquitous Nation bylaws that harmonize with existing Provincial and Federal laws and regulations. These laws would include regulations encompassing dangerous and aggressive dogs, property damage, criminal liability, civil liability, humane euthanasia, animal cruelty, and reportable diseases. Communities also generally lack harmonized dog control strategies and infrastructures. The result is that communities which enforce dog population control by gun shot, trapping, or poisoning can be in violation of a variety of laws and

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regulations. Individuals may violate existing laws and regulations by owning aggressive dogs or banned breeds, shooting their own dog, neglecting basic care/necessities, neglecting injuries or illnesses, ignoring reportable disease directives, and purposefully causing suffering or injury to a dog. While we may be inclined to belittle the dog control problem in the Nation, we can not ignore the public health crises caused by dogs (bites, pack aggression, mauling deaths, and disease transmission) and the link between animal suffering/cruelty and violent crimes within our communities. If dogs are this large an issue and our Nation is violating a myriad of laws and regulations while endangering our own citizens, why are Federal authorities not helping to fix the problem? Our only answer is that they refuse to acknowledge the problem and their responsibility in developing solutions.

Question: What is a national Elder consultation?

Answer: It is the bidirectional sharing of information on a specific topic with all authority levels of the Anishinaabe Nation in Treaty #3 that starts with the Elders speaking traditional law or truth on the topic.

Explanation: Changes that will affect the direction of the Anishinaabe Nation in Treaty #3 must be directed by its traditional law, people, and culture. Elders are the ultimate authority, under the creator, for the Anishinaabe. After the Elders, there are currently four authority levels in the nation. These are the:

- Authority of the community and its members;
- Authority of specialized councils and nation organizations;
- Practical organizational authority of regional tribal areas; and,
- Legislative authority of the grand council.

Question: What is the national Elder consultation for?

Answer: It will provide a successful traditional template upon which successful adaptation of citizen, tribal business, regional tribal industry, and governance roles for modernized traditional trade and commerce can be based. Consultation will also provide the traditional guidance templates for successful technical preparations of the respectful harvest, use of the land and its wildlife, for sustainable prosperity.

Explanation: The veterinary infrastructure and its pilot programs need to be spoken through the authority levels of Treaty #3 to activate modernized traditional roles but these programs also need tradition-based guidance from the Nation. While the Elders have the

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penultimate moral and spiritual authority of the nation, each Anishinaabe authority level will have their own roles, each with another piece of the national puzzle. The Elder consultation process must also consult these authority-specific roles. The development of dog programs for the Anishinaabe Nation in Treaty #3 was clearly not the driving force for national consultation. That process is powered by the surplus wild deer harvest program. When the surplus deer harvest program was introduced to Grand Council Treaty #3, the veterinary infrastructure project took on an economic development dimension; the management, harvest, and retail of surplus wild deer meat and its by-product industries as a proposed pilot program to fuel culturally-defined tribal business development within Treaty #3. The enormous potential impact of a proposed surplus deer industry has to be given direction from the nation and guided by Elders. These consultations are absolutely key for the development of a traditional business base in Treaty #3.

Question: Why can't Nation communities own a veterinary facility?

Answer: Nation communities can't own a veterinary facility because they don't have a veterinary infrastructure and they were not legislated into owning a veterinary facility.

Explanation: At first glance, most veterinary regulations are Provincial and therefore subject to Section 81 and Section 88 of the Indian Act. It appears we can enact bylaws to own First Nation veterinary facilities. However, the College of Veterinarians of Ontario has made it clear, any veterinarian that works in a First Nation-owned facility in Ontario will be charged immediately and have their license suspended. The basis for this are laws and regulations governing a veterinary facility's infrastructure, such as; the Pharmacy Act, Controlled Drug regulations (narcotics), professional liability, criminal liability (Did you know a veterinarian can sign a passport?), the Federal Reportable Disease Act, and Federal corporate law regarding veterinary professional incorporation and ownership. For Nation communities to own their own veterinary facility, we would have to take one of two paths: The first path is to rebuild all of the Provincial and Federal infrastructure service systems and laws conflicting with our ownership of a veterinary facility (create a separate infrastructure). The second would be to selectively target those laws and regulations that, if changed, would allow Nation community ownership while harmonizing with current International, Federal, and Provincial laws and existing veterinary infrastructures service systems such as veterinary education standards, licensing, facility accreditation, codes of conduct, disciplinary boards, and *etc.*. It would be a 20-40 year struggle to build a First Nation veterinary infrastructure following the first path. Treaty #3 Nation communities may be inclined to follow this path if and when other Treaty governances elect to join a growing First Nation veterinary infrastructure. However, it turns out that Provincial humane societies were legislated to be able to own a

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veterinary hospital facility and municipal governments were legislated to be able to own a spay/neuter facility. If Nation communities had been legislated into these ownership regulations, they would also be able to own these veterinary facilities; by default, Nation communities were legislated out. To follow the second path, and have Nation communities included quickly onto the list of veterinary facility owners, a lobby of the College of Veterinarians of Ontario for inclusion into these ownership regulations would need to be pursued. The College should be open to adjusting legislation for First Nation needs. As an example, they have given Dr. Richard Herbert, D.V.M., a written exemption from in-community facility requirements so he can provide mobile vaccination, euthanasia, and routine non-surgical animal medical care to our communities. However, Dr. Herbert still needed to build a veterinary hospital to act as a base facility for this mobile service; in keeping with current regulations.

Question: Why can't communities of the Nation simply make laws for animal care, management, harvest, and retail?

Answer: Nation communities can make laws for animal care, management, harvest, and retail. However, these laws will need to harmonize with regulations and standards that meet Provincial, Federal, and International Laws. Further, Nation animal-related laws would need infrastructure services to enable them.

Explanation: The best example of why we must harmonize with outside regulations and standards comes from Korea. North and South Korea have the same culture, people, and languages. Each has their own sovereign nation. The difference is that North Korea refused to harmonize with the international community and severely limited its trade potential; South Korea harmonized. As a result, South Korea is one of the most prosperous nations in the world. Whereas, North Korea is one of the poorest. We have a right to make governance laws. These rights are entrenched at three levels; inherent, treaty, and legislated rights. We have an inherent right to govern our citizens, Treaty #3 rights, and we have the legislated right to make laws within the reserve environment through the Indian Act. Unfortunately, these rights and our ability to pass law have not resulted in prosperity. It is a far cry between the inherent right to make a law and the prosperity of a nation. It is the infrastructure between the need for prosperity and the functioning tribal business systems that will allow us to responsibly manage our resources for our citizens within the global economy. Remember, the need speaks to rights, rights speak to laws, laws define regulations, regulations enable new services and roles, and it is these newly created infrastructure services and roles that provide for the need. Any law we enact regarding animal care, management, harvest, or retail will require an infrastructure to function. The best example of this in Treaty #3 Nation communities is the dog control bylaw. A number of communities have spay and neuter requirements in their dog control bylaws. However, the out-of-control dog overpopulation problem continues despite the bylaw. If the bylaw had access to

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spay/neuter veterinary services, public education services on dog reproductive cycles, and animal control (bylaw enforcement) services, the bylaw could effectively control a community's dog population problem. Laws without infrastructure have no life.

Question: What existing temporal laws would our veterinary infrastructure need to harmonize with?

Answer: Laws and regulations that affect our relationship with animals can be found at local, regional, national, and international levels. The vast majority of laws and regulations involving animals and their products, focus on animal welfare and safe products. They vary in weight from suggested guidelines to criminal offences and they can prevent movement of animals, demand their destruction, or enable their retail.

Explanation: The legalities governing animals, our care of them, and our use of them is a huge topic that we can not do justice to in a paragraph. In Brief: Animal Cruelty laws, the Health of Animals Act, and the Reportable Disease Act are Federal and so First Nations are subject to these laws and regulations. Some wildlife protection falls under Federal jurisdiction and some under Provincial; deer and bear harvest are Provincial. Dogs have both the Ontario Society for the Prevention of Cruelty to Animals Act and the Dogs Owner's Liability Act plus the Federal Animal Cruelty laws that must be considered. Dog pounds need to pay attention to the Ontario Research for Animals Act. When it comes to meat retail, there are Provincial, Federal, and International laws and regulations. Further there are International laws (CITES) at the United Nations governing the use and retail of wildlife on the planet. The UN has even broken down the right to wildlife harvest for indigenous aboriginal people. It just so happens that white-tailed deer and the North American black bear are coded to allow for aboriginal harvest and international retail; providing they meet United Nation international regulations (CODA) for the harvest, handling, packaging, and shipping of meat. There is a veterinary infrastructure for all of these levels of meat regulation that begins with private veterinary practitioners and then goes up to veterinarians in OMAFRA, then Federally to the CFIA, and then internationally to both the United Nations and to other countries at their Federal level. While we have an inherent right to work with our pets and wildlife, we need a veterinary infrastructure to enable us to take our place in the management of animals within Ontario, Canada, and the rest of the world. We need to harmonize our traditional law with existing temporal law.

Additional Literature:

The following information packets are available in connection with the First Nation

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veterinary infrastructure program development:

1. First Nation Veterinary Infrastructure Program: A Brief Overview.
2. Animal-related Public Health Crises in Treaty #3
3. Reestablishing Traditional Trade and Commerce in Treaty #3
4. Dog Control Strategies in Treaty #3
5. Treaty #3 First Nation Veterinary Infrastructure Project: Frequently Asked Questions and Answers

Acknowledgements:

The introduction and input for the First Nation veterinary infrastructure program has followed a path of its own, breaking ground wherever it has been shared. We would like to thank Ida Linklater, then Health Director in Naicatchewenin First Nation, for initial input into program development and the Fort Frances Chiefs Secretariat for their initial support. We would like to thank Lac Des Milles Lac First Nation for funding partnerships, bringing the veterinary infrastructure initiative to the Anishinaabe Nation in Treaty #3, and for spearheading, on behalf of the Nation, early program development. We would also like to thank the Office of the Ogichidaa, Grand Council Treaty #3, and the Treaty #3 resource staff for their input and support.

There are many other individuals and communities through which aspects of this veterinary infrastructure and its derivative programs have developed. Thank you and forgive us for not having kept a detailed list of contributors only the way.

Miigwetch