

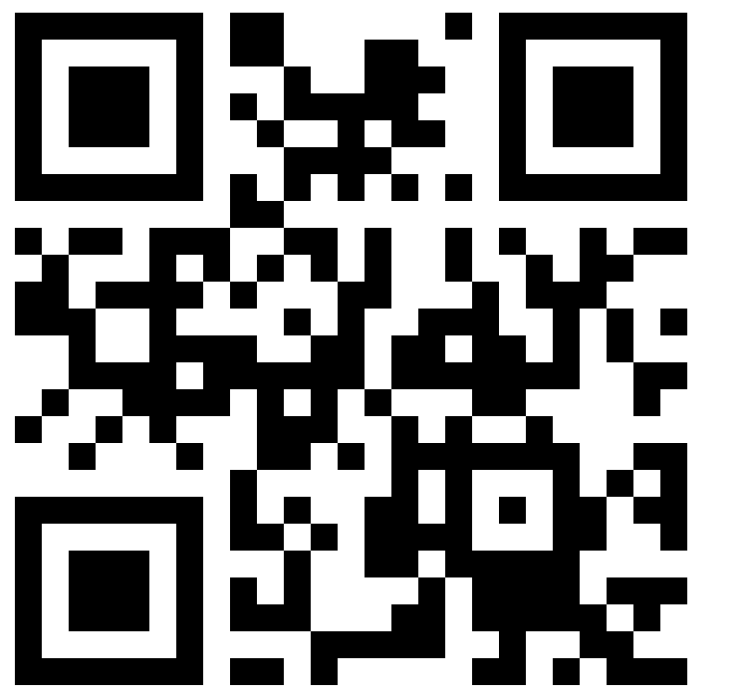
# Case Study Analysis of Bill C-61: Supporting Indigenous Relationality to the Waters Through the Co-development of Federal Legislation

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For more information

## 1 LITERATURE REVIEW

Water crisis, Co-development, Co-governance  
• Academic and Grey Literature



## 2 CASE STUDY & DOCUMENT ANALYSIS

First Nations Clean Water Act (Bill C-61)  
• News Articles  
• Media Reports  
• Parliamentary Readings  
• Academic and Grey Literature



## 3 CODING

Qualitative Coding for:  
• Bill C-61 Opinions  
• Engagement/Consultation  
• Co-development



## CHALLENGES

- Time constraints
- Broad application and scope
- Case study challenges
  - Prorogation
  - Conflicting messaging



## 4 NEXT STEPS

- Thesis Report
  - Revised literature review
  - Final analysis
  - Results and discussion
- Oral Defense



Figure 1. Graphic timeline of work completed and next steps

## Introduction

- Indigenous people have a constitutionally protected right to self-determination. [1] [2]
- One method currently being tested to achieve co-governance and enforce a Nation-to-Nation relationship is co-development. [3] [4]
- A proposed co-developed piece of legislation is Bill C-61, The First Nations Clean Water Act. [5]
- Bill C-61 emerged from the 2021 Safe Drinking Water for First Nations Class Action Settlement Agreement and was introduced to parliament in 2023. [5] [6]

## Analysis



Figure 3. Co-development key themes derived from Nvivo 12 analysis of the First Nations Clean Water Act (Bill C-61)

## Co-development [verb]

1. Collaborative process of designing and developing legislative, program, and policy initiatives undertaken by the Government of Canada and provincial and territorial governments in partnership with Indigenous Nations. [3, p. 5]
2. A consent-based legislative co-drafting process rooted in nation-to-nation relationships. Indigenous people and the government are co-authors of the proposed legislation, but the subsequent parliamentary legislative process remains unchanged [9, p. 7]

## Purpose

Investigate the tools and techniques available to support the co-development of legislation through the analysis of the First Nations Clean Water Act (Bill C-61)

## Research Questions

1. What techniques are currently in place?
2. What are the benefits and challenges?
3. How does the co-development of legislation advance Indigenous self-determination and co-governance in relation to water management?
4. What improvements can be made to current practices?

## Preliminary Results

“In terms of co-development, it's about listening and allowing an Indigenous voice” [10, p.15]

- There is an overall positive opinion of the intent behind Bill C-61; however, there are several concerns about the “co-development” of the act and the implications of the language within the bill.
- Key amendments and preconditions required for the co-development of Bill C-61, or any other co-developed legislation include:

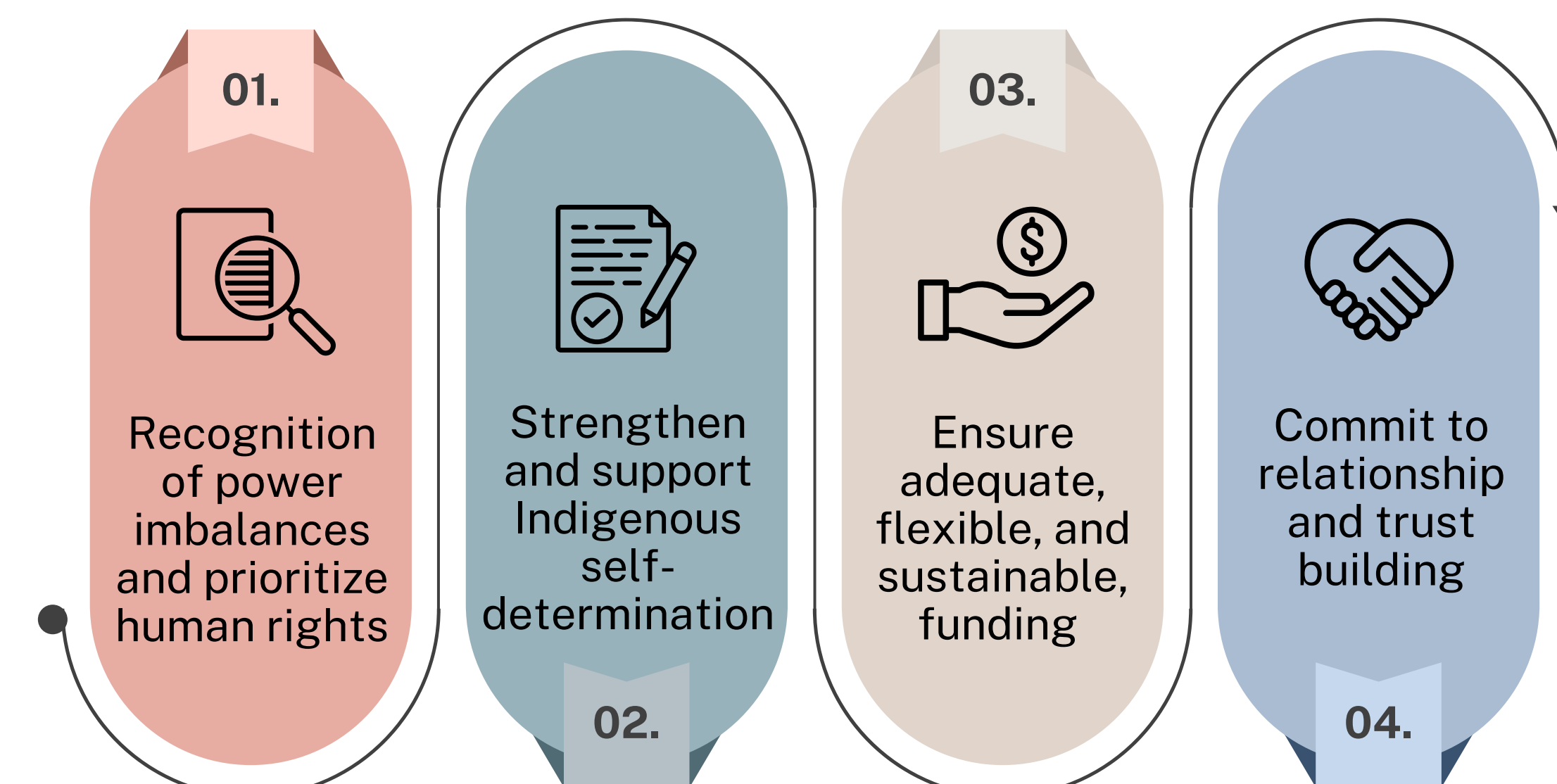


Figure 4. Preconditions of co-development derived from Nvivo 12 analysis of co-development literature review

“Co-development represents a commitment to develop effective solutions for advancing shared priorities” [11, p.2]

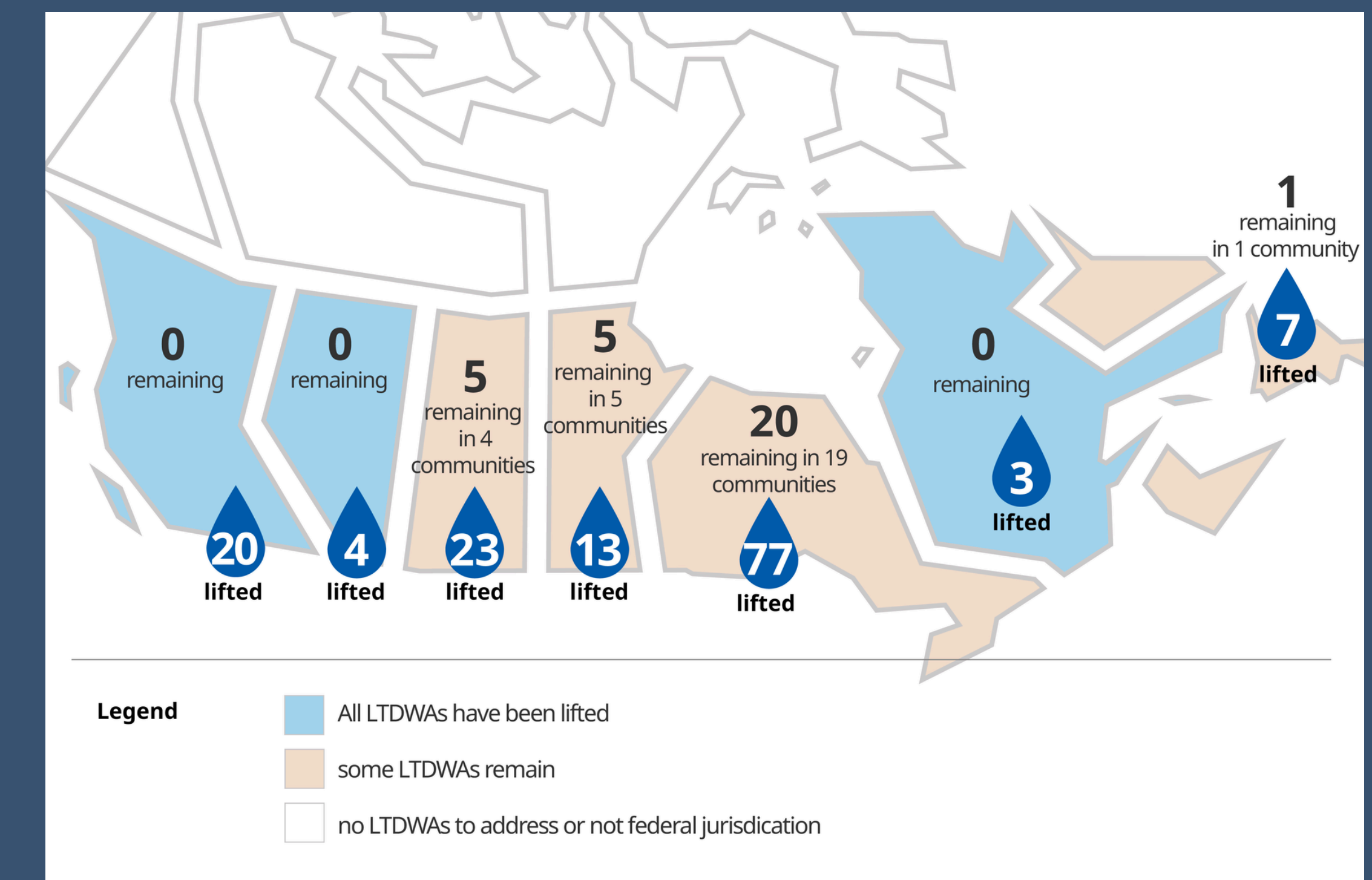


Figure 2. Active long-term drinking advisories as of November 7, 2024 [7]

## Framework Development

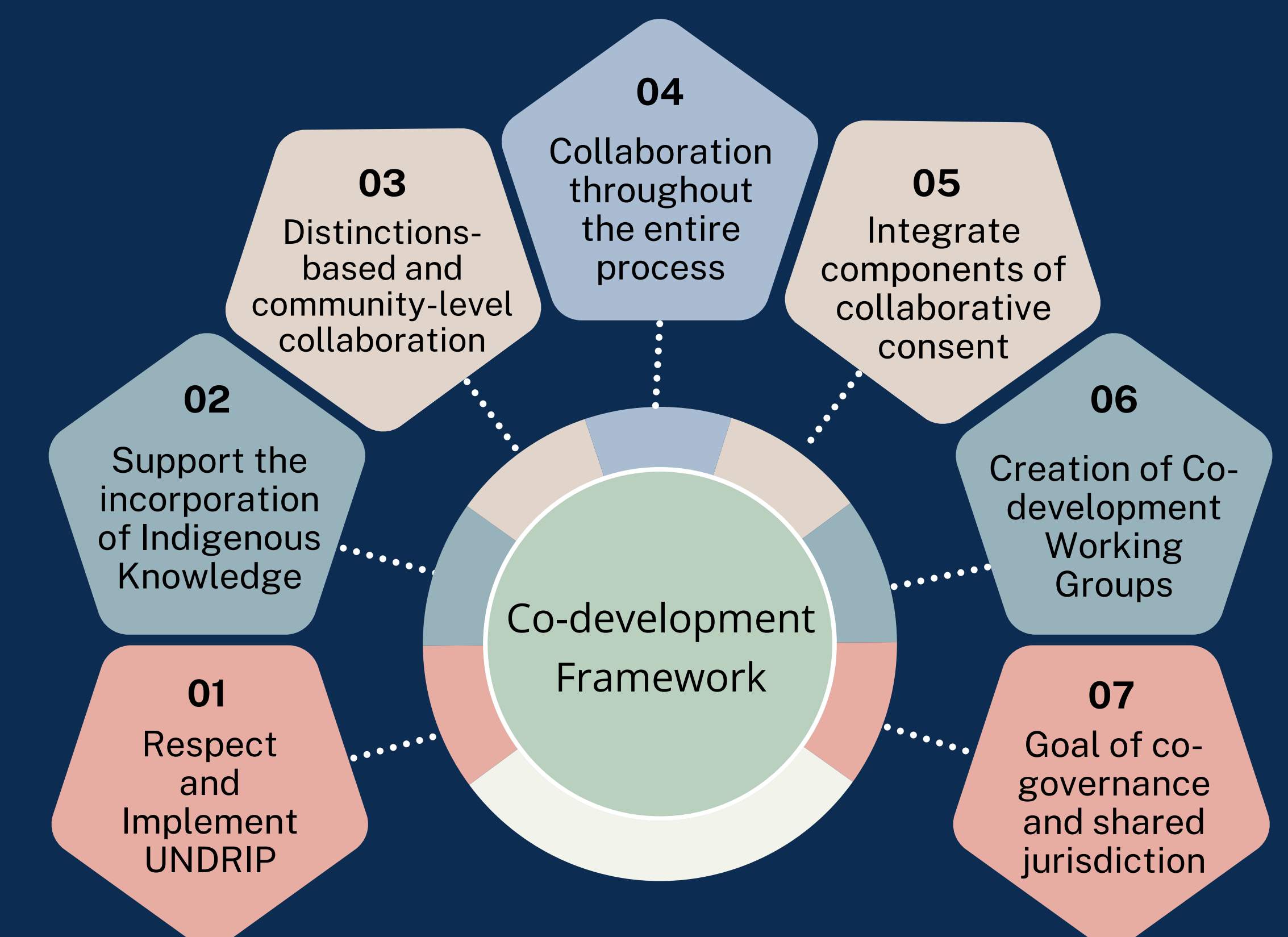


Figure 5. Preliminary components of a co-development framework derived from Nvivo 12 analysis

## References

- [1] Indigenous Corporate Training Inc. (2018, February 1). The Indian Act vs Self-Determination. Indigenous Corporate Training Inc. <https://www.ictinc.ca/blog/indian-act-vs-self-determination>
- [2] Department of Justice Canada. (2021, September 1). Principles: Respecting the Government of Canada's Relationship with Indigenous Peoples. Government of Canada. <https://www.justice.gc.ca/eng/cj-sj/principles-principes.html>
- [3] Centre for Indigenous Environmental Resources. (2024). Indigenous Water Rights in Federal Freshwater Governance: Submission to the Standing Committee on Environment and Sustainable Development for its Study on Freshwater. Centre for Indigenous Environmental Resources. [https://www.cierresources.ca/Content/Committee0411ENY/Reaf/PRB12028218for\\_external/CenterforIndigenousEnvironmentalResources.a.pdf](https://www.cierresources.ca/Content/Committee0411ENY/Reaf/PRB12028218for_external/CenterforIndigenousEnvironmentalResources.a.pdf)
- [4] Wilson, N. (2020). Quenjer Water Co-Governance: Yukon First Nations and Water Governance in the Context of Modern Land Claim Agreements. Water Alternatives, 13(1), 93-118.
- [5] Indigenous Services Canada. (2023, December 11). Bill C-61: First Nations Clean Water Act (short title), or an Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands. Government of Canada. <https://www.canada.ca/en/indigenous-services-canada/news/2023/12/bill-c-first-nations-clean-water-act-short-title-or-an-act-respecting-water-source-water-drinking-water-wastewater-and-related-infrastructure-on-f.html>
- [6] Indigenous Services Canada. (2024, June 13). Drinking water and wastewater legislation (Guide). Government of Canada. <https://www.sac-isc.gc.ca/eng/1697555066364/1697555089256>
- [7] Indigenous Services Canada. (2024, December 6). Active long-term drinking water advisories (Geospatial material). Government of Canada. <https://www.sac-isc.gc.ca/eng/1614387410146/1614387435325>
- [8] Stefanovich, O. (2023, December 11). Feds introduce bill to set drinking water standards in First Nations. CBC News. <https://www.cbc.ca/news/politics/ottawa-bill-protect-first-nations-drinking-water-1.7055352>
- [9] Water Security for Canadians. (2021, May 14). Renewing the Canada Water Act: Submission to the Standing Committee on Environment and Sustainable Development for its Study on Freshwater. [https://static1.squarespace.com/static/6466245ac1684d07640e3716/n/6466245ac1684d07640e3716/168477610349/Water\\_Security\\_for\\_Canadians\\_ENVI%20Committee\\_Brief\\_Canada%20Water\\_Act\\_Final.pdf](https://static1.squarespace.com/static/6466245ac1684d07640e3716/n/6466245ac1684d07640e3716/168477610349/Water_Security_for_Canadians_ENVI%20Committee_Brief_Canada%20Water_Act_Final.pdf)
- [10] British Columbia Assembly of First Nations, & NAQSMIST. (2024). A Vision for Co-Development of the BC First Nations Climate Leadership Agenda: What We Learned from Reports and Co-Development Principles. <https://www.bcafn.ca/sites/default/files/docs/reports-representations/1-1-2024%20Final%20-%20WVLR%20-%20A%20Vision%20For%20Co-development%20ENCL%20agenda.pdf>
- [11] Inuit-Crown Partnership Committee. (2022). Inuit-Crown Co-Development Principles. Inuit Tapiriit Kanatami. <https://www.itk.ca/inuit-crown-co-development-principles/>