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Item No. 17.1
Halifax Regional Council
January 30, 2018

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Jacques Dubé, Chief Administrative Officer

DATE: January 27, 2018

SUBJECT: Commemoration of Edward Cornwallis

ORIGIN

April 25, 2017 motion of Halifax Regional Council:

That Halifax Regional Council, in the spirit of the Council-adopted Statement of Reconciliation of December 8, 2015, request a staff report with terms of reference and a recommended composition for an expert panel to review and advise Council regarding any changes to the commemoration of Edward Cornwallis on municipal assets, including Cornwallis Park and Cornwallis Street, and recommendations to recognize and commemorate the indigenous history in the lands now known as Halifax Regional Municipality.

October 3, 2017 motion that Halifax Regional Council adopt Administrative Order Number 2017-012-GOV, with friendly amendments to consistently refer to "Staff" as "Municipal Staff" throughout the document and to reflect gender-neutral/non-binary language, respecting the commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History Special Advisory Committee, as set out in Attachment 1 of the staff report dated September 26, 2017, to establish a special advisory committee to Council.

January 26, 2018 communication from the Assembly of Nova Scotia Mi'kmaq Chiefs calling on HRM to remove the statue of Cornwallis immediately and indicating their withdrawal from the special advisory committee process.

LEGISLATIVE AUTHORITY

Power to expend money

79 (1) The Council may expend money required by the Municipality for

...

(ai) public grounds, squares, halls, museums, parks, tourist information centres and community centres;

Standing, special and advisory committees

21 (1) The Council may establish standing, special and advisory committees.

(2) Each committee shall perform the duties conferred on it by this Act, any other Act of the Legislature or the by-laws or policies of the Municipality.

(3) The Council may appoint persons who are not members of the Council to a committee and may establish a procedure for doing so.

(4) A committee shall operate in accordance with the procedures provided in this Act and the procedural policy for the Council applies to committees unless the Council, by policy, decides otherwise.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct the CAO to proceed to remove the statue of Edward Cornwallis immediately and to place the statue in temporary storage until Council makes a decision about the statue's long term situation
2. Seek, through the Mayor's office, to re-engage the Assembly of Nova Scotia Mi'kmaq Chiefs in establishing a special advisory committee as set out in Administrative Order 2017-012-GOV; and
3. If the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC) chooses not to re-engage under the current committee process, direct the CAO to return to Council with a revised approach to examining the commemoration of Edward Cornwallis and the commemoration and recognition of Indigenous history in the lands now known as Halifax Regional Municipality, and with any necessary proposed amendments to Administrative Order 2017-012-GOV.

BACKGROUND

On October 3, 2017 Halifax Regional Council adopted Administrative Order Number 2017-012-GOV, respecting the commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History Special Advisory Committee. The Administrative Order set out a membership of 8 persons with half being appointed from a slate of nominations put forward by the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC).

On January 26, 2018, a public communication was issued by the Assembly of Nova Scotia Mi'kmaq Chiefs calling on HRM to remove the statue of Cornwallis immediately and indicating their withdrawal from the advisory committee process.

DISCUSSION

Administrative Order Number 2017-012-GOV established a special advisory committee of Council, describing the purpose, mandate and principles under which the special advisory committee would operate. Staff proposed a framework that left considerable room for the panel to determine the most appropriate methods to serve its mandate and achieve its purposes.

As outlined in the staff report considered by Council on October 3, 2017, a variety of expertise and experience was proposed to be represented in the committee including, leadership and chairing experience, history and commemoration, military history, Mi'kmaq history and Indigenous and non-Indigenous community experience.

The members of the committee have not yet been appointed by Council. As noted above, the Assembly of Nova Scotia Mi'kmaq Chiefs announced publicly Friday, January 26, 2018 that it was calling on Council to remove the statue of Edward Cornwallis in Cornwallis Park immediately, and that it was withdrawing its support of the advisory committee process. Since this announcement public protests have been planned at the statue for Sunday, February 4, 2018.

The most immediate concern around the statue is one of public safety. The stated aim of protestors is to bring down the Cornwallis statue. Given probable increased volatility due to the passage of time since the

last protest and the withdrawal of the ANSMC from the process, the protests may be less peaceful than the protests of July 2017 and represent a significant risk for damage to the statue, conflicts among protestors and counter-protestors and personal injury.

The statue has increasingly become a flashpoint for protests. It also represents a hindrance to engaging many Mi'kmaq and Indigenous persons in dialogue about how to commemorate our shared history and how to engage in dialogue on reconciliation. Removing the statue offers the opportunity to reduce the current volatility around discussions of commemoration, protect the statue, and undertake a public engagement in a less charged environment than is currently the case.

With respect to the advisory committee, staff consider that a committee still represents the best approach to leading public engagement, encouraging respectful dialogue and making recommendations around how we commemorate our shared history. To this end, staff recommend that Council seek to re-engage the Assembly of Nova Scotia Mi'kmaq Chiefs in establishing a special advisory committee. If the ANSMC chooses not to reengage under the current committee process staff could return to Council with a new recommendation on how to commemorate Edward Cornwallis and how to commemorate and recognize our Indigenous history in the lands now known as Halifax Regional Municipality.

FINANCIAL IMPLICATIONS

Costs to remove the statue and commemorative plaques from the base foundation and put them in an HRM storage location have been initially estimated at approximately \$25,000. These costs can be covered in Capital Account CP000011, Cornwallis Park Master Plan Implementation. The remaining base foundation would be made safe and remain in the park until Council makes a decision about the statue's long term disposition.

RISK CONSIDERATION

The most immediate risk is the risk of civil unrest and conflict associated with protests planned at the statue for Sunday, February 4th, 2018. Clashes arising from protests and counter-protests of controversial statues in other jurisdictions have in some cases resulted in injury and damage to public property and in a worst case, death. There is a reputational risk to Halifax from the attention associated with this unrest.

COMMUNITY ENGAGEMENT

Staff engaged with several persons and organizations in the development of the terms of reference appropriate make-up of the panel, assessment criteria for panelists and potential panelists, as described in the discussion section of the report considered by Council on October 3, 2017.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications to this report.

ALTERNATIVES

Council could choose from a range of alternatives with respect to the short and long term treatment of the statue of Edward Cornwallis and with respect to how HRM approaches the commemoration of Edward Cornwallis on municipal assets and how Indigenous history is commemorated and recognized. These include leaving the statue in place as is, leaving the statue in place and recontextualizing it, placing hoarding (semi-permanent scaffolding) around the statue, or permanently removing the statue and seeking to relocate it or store it permanently.

In the short term, leaving the statue in place or shrouding it as was done in July 2017 is likely associated with an increased risk of personal injury and property damage compared to temporary or permanent removal of the statue. Removing the statue permanently in advance of a broader community discussion reduces the opportunity for focused educational and constructive dialogue, particularly with the majority of HRM's population that currently indicate a preference to see the statue remain.

With respect to HRM's approach to the commemoration of Edward Cornwallis on municipal assets and how Indigenous history is commemorated and recognized, in addition to the recommended option, Council could: amend the administrative order to appoint members without seeking nominees from the ANSMC, direct the CAO to propose an alternate committee process and structure, direct the CAO to undertake engagement and make recommendations, or contract an individual or firm to conduct engagement and make recommendations. Given the opportunity that the currently proposed structure represents to engage Mi'kmaq leadership, commemoration, these options are not recommended.

Alternative 1 – Halifax Regional Council may choose to direct the CAO to temporarily remove the statue of Edward Cornwallis and direct the CAO to return to Council with a revised approach to examining the commemoration of Edward Cornwallis and the commemoration and recognition of Indigenous history in the lands now known as Halifax Regional Municipality, and with any necessary proposed amendments to Administrative Order 2017-012-GOV. This is not recommended if an alternative that would see the proposed special advisory committee continue is possible.

Alternative 2 - Halifax Regional Council may choose to maintain the status quo, leaving the statue in place. This is not recommended given public safety concerns related to planned protests.

Alternative 3 – Halifax Regional Council may choose to direct the CAO to permanently remove the statue. This is not recommended as doing so without a broader community discussion reduces the opportunity for educational and constructive dialogue, particularly with the majority of HRM's population that currently indicate a preference to see the statue remain.

Alternative 4 – Halifax Regional Council may choose to direct the CAO to return to Council with specific amendments to, or the repeal of, Administrative Order 2017-012-GOV, including possible amendments to the composition or mandate of the committee.

ATTACHMENTS

None

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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