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Item No. 11.1.10
Halifax Regional Council
July 21, 2020

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by
Jacques Dubé, Chief Administrative Officer

DATE: June 30, 2020

SUBJECT: Report - Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History

ORIGIN

Motion of Halifax Regional Council, April 25, 2017, requesting 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 of Council to establish a "Special Advisory Committee" that would report to Council on the commemoration of Edward Cornwallis and the recognition and commemoration of Indigenous history.

January 30, 2018, motion that the statue of Edward Cornwallis situated in the south end of Halifax should be removed to temporary storage pending an eventual decision of Council on its future.

October 30, 2018, motion that Halifax Regional Council authorize the establishment of a joint committee that will reflect an equal partnership between Halifax Regional Council and the Assembly of Nova Scotia Mi'kmaq Chiefs and further the joint committee, constituted with the existing members of the Commemoration Committee, will be responsible for its own determination of the process and procedures by which it will fulfill the existing mandate, and the funding will be a joint and equal responsibility of HRM and the Assembly of Chiefs.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter Section 21 respecting Standing, Special and Advisory Committees.

Administrative Order Number 2017-2012-GOV Respecting the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History Special Advisory Committee.

RECOMMENDATIONS ON PAGE 2

RECOMMENDATION

It is recommended that Halifax Regional Council:

1) Accept the attached report of the Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History (Attachment 1),
2) Approve the proposed HRM responses to the recommendations of the Task Force report (Attachment 2), and
3) Direct the CAO to return to Council annually to report on progress addressing the recommendations.

BACKGROUND

As noted in the origin, on October 30, 2018, at the request of the *Committee on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History,* Halifax Regional Council authorized the establishment of a joint committee to reflect an equal partnership between Halifax Regional Council and the Assembly of Nova Scotia Mi'kmaq Chiefs. The committee became responsible for its own determination of the process and procedures it would follow. The mandate remained to provide advice and make recommendations to the Council, through staff, on:

(a) proposed changes to the commemoration of Edward Cornwallis on municipal assets, including Cornwallis Park and Cornwallis Street; and

(b) recognizing and commemorating the indigenous history in the lands now known as Halifax Regional Municipality.

In December 2018, an administrative approach to the new governance structure was agreed to between the Halifax Regional Municipality and Kwilmu'kw Maw-klusuaqn Negotiation Office (Mi'kmaq Rights Initiative) on behalf of the Assembly of Nova Scotia Mi'kmaq Chiefs and the Mi'kmaw of Nova Scotia. This addressed such things as staff support and cost sharing.

A motion was passed at the first meeting of the newly constituted committee on January 21, 2019 for the Special Advisory Committee to be renamed the Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History (Task Force). Additional background on the Task Force can be found on Halifax.ca here.

A detailed description of the activities of the Task Force is included in its final report. The Task Force completed its final report in April 2020 (Attachment 1). Due to delays within the municipality related to Covid 19, the report was formally submitted by the Co-chairs to the Chief Administrative Officer on May 29, 2020.

DISCUSSION

Staff have conducted an initial review of the 20 recommendations of the Task Force and have provided a response to each recommendation, identified Business Unit lead(s), and anticipated timelines for implementation. A detailed outline of the response is included in Attachment 2.

Staff agree with each of the 20 recommendations in the report. In some cases, the agreement is qualified with respect to how these recommendations can be implemented. Implementation of several recommendations are tied to existing municipal programs and initiatives or require policy changes and as such will require staff to return to Council for additional direction. In some instances, the municipality is not the primary lead but can facilitate discussion or processes with the appropriate parties to advance the recommendation.

As noted in the recommendation section of this report, staff propose to update Council annually on progress implementing the recommendations identified by the Task Force.

FINANCIAL IMPLICATIONS

Task Force related expenditures were within HRM's operating budget. Task Force directed spending was approximately $13,000 and included such things as advertising and promotions for public engagement, transcription of public sessions, and meeting expenses. Expenditures related to honouraria totaled approximately $6,400. Together these expenditures came in well below the original Council approved budget of $50,000. The establishment of the Task Force as a joint effort between the Assembly of Nova Scotia Mi'kmaq Chiefs saw HRM's expected budget share reduced.

Financial implications arising from implementation of the recommendations will be addressed in future staff reports and HRM departmental budgets as required.

RISK CONSIDERATION

There are no significant risks identified associated with accepting the recommendations in report. To determine this, consideration was given to reputational, operational and financial risks. Given the process followed by the Task Force including engagement and expert consideration, risks associated with not accepting the recommendations, particularly reputational, may exceed any associated with accepting the recommendations.

COMMUNITY ENGAGEMENT

The Task Force held two series of public engagement sessions. Four public sessions took place in June 2019. The second series of public engagement sessions took place in October 2019. The results of these consultations are detailed in the attached Task Force report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

Alternative 1: Council may choose not to accept the report. This is not recommended.

Alternative 2: Council may direct the CAO to respond differently to any or all of the Task Force recommendations.

ATTACHMENTS

Attachment 1 - Report and Recommendations of the Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History dated April 2020.

Attachment 2 – Proposed HRM responses to recommendations

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.

Report Prepared by: Maggie MacDonald, Manager, Regional Recreation Services, Parks and Recreation, 902.490.6252

Report Approved by: Original Signed
Denise Schofield, Director, Parks and Recreation, 902.490.4933

Report Approved by: Original Signed
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Financial Approval by: Original Signed
Jane Fraser, Director of Finance, Asset Management and ICT/CFO, 902.490.4630

Report Approved by: Original Signed
Jake Whalen, Acting Managing Director, Government Relations and External Affairs, 902.490.2349

Attachment 1

REPORT OF THE TASK FORCE ON THE COMMEMORATION OF EDWARD CORNWALLIS AND THE RECOGNITION AND COMMEMORATION OF INDIGENOUS HISTORY

April 2020

HALIFAX

Maw-lukutijik Saqmaq
Assembly of Nova Scotia
Mi'kmaw Chiefs

TABLE OF CONTENTS

ACKNOWLEDGEMENTS

This report of the Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History would not have been possible without numerous contributors. They include members of the public who gave generously of their time and energy to submit to us their ideas and feedback through written submissions and public presentations, and through participation in our discussion circles. We thank all participants both for expressing their views and for the spirit of civility and respectfulness that prevailed.

The co-chairs benefitted early in the process from the advice of Senator Murray Sinclair, former Manitoba Justice and Chief Commissioner of the Truth and Reconciliation Commission of Canada, on the Task Force structure and process. We are also grateful to staff members of Engage Nova Scotia for their guidance and help with the public engagement sessions.

The engagement sessions ran smoothly and efficiently with the facilitation of Tracey Jones-Grant, Halifax Regional Municipality (HRM) Diversity Manager (sessions 1, 2, and 4), and Kateri Stevens, Community Outreach Coordinator – Communications at the Kwilmu'kw Maw-klusuaqn Negotiation Office (the Mi'kmaq Rights Initiative) (KMKNO) (session 3). The table hosts and recorders of the discussion circles played important roles in facilitating, recording, and capturing a wide spectrum of insightful observations by the members of the various groups.

The Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC) and the HRM shared the financial resources and in-kind services provided to the Task Force. We are pleased to have completed our work well within the budget and two-year timeline allotted to us.

Finally, heartfelt thanks go to staff members of the HRM, the KMKNO, and the Mi'kmaw Native Friendship Centre, for their support. We especially thank Ms. Stevens and Simon Ross-Siegel, Legislative Assistant of the HRM Office of the Municipal Clerk, for assistance with coordination of our monthly meetings, and the HRM's Cheryl Copage-Gehue, Maggie MacDonald, and Margaret Soley for guidance on process and protocol.

Yvonne Atwell
Sheila Fougere
Pam Glode-Desrochers
Chief Roderick Googoo (Co-Chair)
Dr. John Johnston
Dr. Monica MacDonald (Co-Chair)
Heather McNeill, Q.C.
Mi'kmaq Elder Dr. Dan Paul
John Reid

*Jaime Battiste stepped down from the Task Force upon election as Member of Parliament for Sydney—Victoria.

EXECUTIVE SUMMARY

The Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History is a joint initiative of the Halifax Regional Municipality and the Assembly of Nova Scotia Mi'kmaq Chiefs. In its report the Task Force provides a road map for making a start on the commemorative elements of the Halifax Regional Council's stated intention of "taking action to ensure the needs and aspirations of Aboriginal people are fully acknowledged" and "committing to a new equal partnership with Aboriginal people in Canada; one based on truth, dignity, and mutual respect."

The report distinguishes between history and commemoration. History is the analytical and evidence-based process of understanding the past, while commemoration is the way in which communities of the present day choose to remember and publicly celebrate the past. Because community values evolve over time, there are occasions when older forms of commemoration no longer fit with the ethical standards of today. To make changes for that reason is not to 'erase' history, but to take a responsible approach to maintaining the integrity of public commemoration.

In this process, Canada and other countries are presently dealing with the legacies of past empires, through which monuments that were intended to glorify colonization must be measured against increased understandings of the devastating costs inflicted on Indigenous populations in many parts of the world. Reports such as that of the Truth and Reconciliation Commission, among others, have provided Canada with important guidance in this area.

The Task Force has had the benefit of extensive public engagement, as well as written submissions, and its recommendations are consistent with the views of the majority of the public contributors. Edward Cornwallis, based in Mi'kma'ki from 1749 to 1752 as British governor of Nova Scotia, had a career characterized by violence directed against non-English peoples, including Mi'kmaq, and Highland Scots. Although his assumptions of racial superiority were not uncommon for a man of his era and social background, continued public commemoration of his role is incompatible with current values. The Cornwallis statue should be retained in HRM collection storage pending the establishment of a civic museum, where it can be accessioned into the museum collection in order to be available for research purposes, with potential to be exhibited as part of an educational display. The current Cornwallis Park should be renamed and repurposed, and Cornwallis Street should be renamed.

Regarding Indigenous commemoration, the HRM – in cooperation with the Mi'kmaw community and with major Mi'kmaw organizations – has an invaluable opportunity to lead. The Task Force makes a series of specific recommendations intended to contribute to redressing the current near-absence of public Mi'kmaw commemorations, and thus to enrich the cultural life of the broad community of Indigenous and non-Indigenous residents and visitors. Many of the recommendations will bear little or no cost. Others will require investment, but will result in key enhancements to the cultural infrastructure, including economic benefits through tourism. The HRM has committed itself to the cause of reconciliation – not least in partnering with the ANSMC in forming the Task Force – and the recommendations of this report are framed accordingly.

SUMMARY OF RECOMMENDATIONS

(1) That the statue of Edward Cornwallis not be returned, under any circumstances, to a position of public commemoration.

(2) That the Cornwallis statue be retained in storage pending the creation of a civic museum (see also recommendation 6), owned and operated by the HRM according to the highest professional museological standards, and that the statue then be transferred to the collection of the civic museum.

(3) That Cornwallis Park be renamed "Peace and Friendship Park."

(4) That the renamed Peace and Friendship Park be repurposed, and possibly redesigned and re-landscaped, to accommodate the creation of a performance space; that any organized activities in the park include programs that have a focus on youth; and that civic programming there include an emphasis on education as a way of addressing and combating racism of all kinds.

(5) That Cornwallis Street, subject to an expression of approval by the congregation of the New Horizons Baptist Church, be renamed "New Horizons Street."

(6) That the HRM prioritize the creation of a civic museum, owned and operated by the HRM according to the highest professional museological standards, and begin immediately to explore potential funding and planning processes for this purpose.

(7) That, pending the opening of the civic museum, the HRM create a virtual museum, along with working with and supporting the Mi'kmaw Native Friendship Centre to enhance its capacity for displaying material representations of Mi'kmaw history.

(8) That the Point Pleasant Park Mi'kmaq Heritage Area Interpretive Plan (June 2008) be made a priority for HRM action, and that the process of assembling funding proceed without delay.

(9) That the HRM, as the capital city of Nova Scotia, initiate a process (with full participation by representatives of the Mi'kmaw community) by which further outdoor spaces for the recognition and commemoration of Indigenous history can be identified and appropriate action taken, and that priority be given to memorializing survivors of the Shubenacadie Residential School and missing and murdered Indigenous women and girls.

(10) That the process leading to finalization of the art and commemoration components of the Cogswell Street Redevelopment Project be continued and supported, and that every opportunity be taken to involve Mi'kmaw artists and designers in all aspects of the process, including architectural design.

(11) That in the interests of ensuring that the art and commemoration components of the Cogswell Street Redevelopment Project are accompanied by the continued and enhanced health of North End Halifax communities, a rigorous requirement be applied for affordable housing in all the related developments, and that the relevant criteria be developed with the full participation of the Mi'kmaw community in the area.

(12) That the HRM explore the development of bonusing guidelines that will offer incentives for elements of any development that will demonstrably bring benefits to the Mi'kmaw community, through commemorative installations or in any other evident way, and that representatives of the Mi'kmaw community participate in assessment of proposals that apply for such an incentive.

(13) That the diversity of new names for streets and other HRM assets be enhanced by working with the Mi'kmaw community to generate an expanded list of potential names.

(14) That opportunities be comprehensively explored for additional usage of the Mi'kmaw language in naming and signage, beginning with currently anglicized Mi'kmaw names being adjusted back to the Mi'kmaw original, such as Chebucto Road to K'jipuktuk Road.

(15) That the HRM work with the Halifax International Airport Authority and the Halifax Port Authority, and with Mi'kmaw artists and designers, to develop welcoming displays drawn from Mi'kmaw culture and history.

(16) That the HRM work with Mi'kmaw organizations to offer opportunities for educational programming, supplementary to formal education, in such areas as Treaty Education and Mi'kmaw Language Education, and that libraries in particular be supported to create such programs.

(17) That copies of this report be placed in schools and libraries throughout the HRM.

(18) That the HRM prioritize support of youth activities furthering the recognition and commemoration of Indigenous history, and that a small fund be created that can provide grants on an adjudicated basis to Indigenous or non-Indigenous recipients who propose activities that will bring benefits in this area.

(19) That where and when possible, the HRM look for and facilitate the holding of major Indigenous events that combine economic benefits with the opportunity to showcase Mi'kmaw history and culture.

(20) That the HRM continue to nurture its close and productive relationships with Mi'kmaw organizations that can assist with the effective recognition and commemoration of Indigenous history, including (though not limited to) Kwilmu'kw Maw-klusuaqn (the Mi'kmaq Rights Initiative), Mi'kmaw Kina'matnewey (the Mi'kmaw education authority), and the Mi'kmaw Native Friendship Centre.

1: Process

1.1. Origins of the Task Force

Although the longer-term origins of the Task Force can be found in the public debates outlined in section 2.9 below, the more immediate reasons for its establishment can be dated to 2016. In a letter of 4 April 2016, the Mi'kmaw Native Friendship Centre requested the Halifax Regional Municipality (HRM) to rename Cornwallis Street. The request was supported by the then-named Cornwallis Street Baptist Church (now the New Horizons Baptist Church). On 10 May 2016, the HRM council debated a motion introduced by Councillor Waye Mason, seconded by Councillor Jennifer Watts, that would have called for a staff report "with recommendations regarding a public engagement process to review and advise Council regarding possible changes to the commemoration of Edward Cornwallis on municipal assets, including Cornwallis Park and Cornwallis Street." The motion was defeated by 8 votes to 7.[1]

The matter rested there until the Council meeting of 11 April 2017, at which Mi'kmaw poet (and at the time HRM Poet Laureate) Rebecca Thomas gave a reading of her poem *Not Perfect*, calling upon the HRM to revisit its position on the commemoration of Cornwallis. A notice of motion was submitted later in the meeting by Councillor Shawn Cleary, who signified his intention to introduce a motion substantially similar to the one defeated in the previous year.[2] As ultimately put forward by Councillor Cleary on 25 April 2017, seconded by Councillor Lindell Smith, the motion added certain elements to the earlier motion, notably that the scope would be extended, and that an "expert panel" would be formed on the basis of a staff recommendation:

> 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

[1] Minutes of Halifax Regional Council (HRC), 10 May 2016, p. 17.

[2] Samantha Schwientek, "Moved by Poem, Councillor Wants Halifax to Revisit Cornwallis Controversy," 13 April 2017, https://www.cbc.ca/news/canada/nova-scotia/council-shawn-cleary-edward-cornwallis-rebecca-thomas-poem-1.4068843 (accessed 27 January 2020); Minutes of HRC, 11 April 2017, pp. 11-12.

> Cornwallis Street, and recommendations to recognize and commemorate the indigenous history in the lands now known as Halifax Regional Municipality.

On this occasion, the motion was passed by an overwhelming majority (15 to 1). Although further modifications were made during the subsequent process, the motion formed the basis for the eventual establishment of the Task Force.[3]

1.2. HRM Statement on Reconciliation

That the successful motion of 25 April 2017 began by citing the Statement of Reconciliation was a key recognition that the questions surrounding the commemoration of Edward Cornwallis and the commemoration of Indigenous history must necessarily be situated in the wider context of the Calls to Action issued in 2015 by the Truth and Reconciliation Commission (TRC). The statement had been unanimously adopted by Council on 8 December 2015, on motion of Mayor Mike Savage, seconded by Councillor Jennifer Watts. In our view as a Task Force, this is a foundational document that deserves to be quoted in full and thus integrated into our report:

> That Halifax Regional Council:
>
> recognizes the significance of the undertaking of the Truth and Reconciliation Commission (TRC) with the release of the TRC's final report and its recommendations. It took many decades of advocacy by residential school survivors to establish the Commission, and the several years of gathering testimony, evidence and developing recommendations have been a difficult and exhausting process for survivors and Commissioners alike.
>
> We recognize the deep and lasting traumatic impact that Canada's Indian Residential Schools had on individuals, their families, and communities both Aboriginal and non-Aboriginal. The history of these schools is one of pain and gross injustice that requires us all to make ongoing and concerted efforts to learn the truth about residential schools, acknowledge this history and its modern legacies in our cities and begin a shared journey of reconciliation.

[3] Minutes of HRC, 25 April 2017, pp. 15-16.

> Many Aboriginal people now living in Canada's largest cities continue to grapple with the most severe consequences of the intergenerational trauma caused by residential schools – but we are committed to supporting and delivering real change, working together with Aboriginal leaders. Today we declare that we stand with Canada's big city mayors and with the Federation of Canadian Municipalities, and commit ourselves to learning from the lessons of the Truth and Reconciliation Commission, and taking action to ensure the needs and aspirations of Aboriginal people are fully acknowledged in the great cities we seek to build.
>
> We stand together today in committing to a new equal partnership with Aboriginal people in Canada; one based on truth, dignity, and mutual respect.[4]

While the statement placed its greatest emphasis on the direct and devastating legacy of the residential schools, it was also far-sighted in recognizing that the establishment of "a new equal partnership … based on truth, dignity, and mutual respect" would crucially depend on "taking action" in a broad context. This recognition underpinned the linkage of the Statement to the HRC resolution of 25 April 2017, and it is also a key principle that has guided our deliberations.

1.3. Reconstitution of the Task Force, Partnership of HRM and ANSMC

The process leading to formal establishment of the expert panel envisaged in April 2017 underwent a number of changes that resulted in the launching of the Task Force in its present form in December 2018. On 3 October 2017, following municipal staff input, the HRC adopted by a wide majority (15 to 2) a motion proposed by Councillor Shawn Cleary, seconded by Councillor Waye Mason, to establish a "Special Advisory Committee" (SAC) that would report to the Council on the commemoration of Edward Cornwallis and the recognition and commemoration of Indigenous history.[5] Initially envisaged as an eight-person body, to which four members would be nominated directly by the HRM and four by the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC), arriving at the composition of the SAC took a number of months of complex

[4] Minutes of HRC, 8 December 2015, p. 13.
[5] Minutes of HRC, 3 October 2017, pp. 4-5.

discussions. In the meantime, as a measure to preserve the engagement between the HRM and the ANSMC on the matter, the HRC voted on 30 January 2018, on motion of Councillor Bill Karsten, seconded by Deputy Mayor Waye Mason, that the statue of Edward Cornwallis situated in the South End of Halifax should be removed to temporary storage pending an eventual decision of Council on its future. The motion was passed by a majority of 12 votes to 4.[6]

In a media release dated 26 July 2018, the composition of the SAC – now expanded to 10 members – was announced. As well as a membership that would undergo some changes over the ensuing months, the co-chairs were named as We'koqma'q Chief Roderick Googoo, and public history specialist Dr. Monica MacDonald. Significantly, the release gave a prominent place to citing the 2015 Statement of Reconciliation and in doing so reiterated the HRM's commitment to "learning from the lessons of the Truth and Reconciliation Commission, and to a new equal partnership with Indigenous people in Canada, based on truth, dignity, and mutual respect."[7]

However, further discussions were required in order to determine the status and procedures that would best express what was by its nature an innovative collaboration between Indigenous and non-Indigenous authorities. Thus, at the first public meeting of the SAC, on 22 October 2018, the committee formally recommended that it be reconstituted to recognize a full partnership between the HRM and the ANSMC. Instead of being exclusively a committee of the HRC, the group would now be a committee of the partnership, with its budget of $50,000 shared equally by the HRM and the ANSMC, and with the authority to determine its own process and procedures for fulfilling its mandate.[8] Accordingly, a further motion was passed by the HRC, by a wide majority (13 to 2), on 30 October 2018, on motion of Councillor Shawn Cleary, seconded by Councillor Richard Zurawski:

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[6] Minutes of HRC, 30 January 2018, pp. 11-12.

[7] "Commemoration Advisory Committee Members Named," https://www.halifax.ca/home/news/commemoration-advisory-committee-members-named (accessed 27 January 2020); http://mikmaqrights.com/wp-content/uploads/2018/07/Press-Release_Cornwallis-Advisory-Committee_26July18.pdf (accessed 27 January 2020).

[8] Minutes of SAC, 22 October 2018, p. 2, https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/181022CC_0.pdf (accessed 27 January 2020).

> That Halifax Regional Council authorize the establishment of a joint committee that will reflect an equal partnership between Halifax Regional Council and the Assembly of Nova Scotia Mi'kmaq Chiefs and further the joint committee, constituted with the existing members of the Commemoration committee, will be responsible for its own determination of the process and procedures by which it will fulfill the existing mandate, and the funding will be a joint and equal responsibility of HRM and the Assembly of Chiefs.[9]

The new approach, with an outside timeline of two years to complete the work, was made official through an exchange of letters in December between HRM CAO Jacques Dubé and KMKNO (operating in this instance as the secretariat of the ANSMC) Executive Director Janice Maloney. Under the authority of the new partnership, the final step in the body's reconstitution was reached at a public meeting on 21 January 2019, at which the main business was the renaming of the committee as the "Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History." As well as adopting the new title and affirming the HRM-ANSMC Partnership, the members determined that the Task Force would meet monthly and hold both private working meetings and public meetings, in addition to designated public engagement sessions.[10]

1.4. Terms of Reference

The terms of reference under which the Task Force has operated are brief but comprehensive:

> On October 30, 2018 Regional Council approved the formation of a new committee to reflect an equal partnership between Halifax Regional Municipality (HRM) and the Mi'kmaw community, as represented by the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC). This Committee is tasked to advise Regional Council on the following:

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[9] Minutes of HRC, 30 October 2018, p. 13.

[10] Meeting Overview and Highlights, 21 January 2019, https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/190121CTFmeetingoverview.pdf (accessed 27 January 2020); Aisha Goyette, "Cornwallis Task Force: New Name, New Partnership," 23 January 2019, https://signalhfx.ca/cornwallis-task-force-new-name-new-partnership (accessed 27 January 2020).

(a) Proposed changes to the commemoration of Edward Cornwallis on municipal assets, including Cornwallis Park and Cornwallis Street.

(b) Recognizing and commemorating the indigenous history in the lands now known as Halifax Regional Municipality.[11]

1.5. Summary of Meetings

During 2019, the Task Force held twelve regular monthly meetings, in addition to six public engagement sessions. From January to March 2020, three regular meetings took place. Summaries of the regular meetings can be found at https://www.halifax.ca/city-hall/boards-committees-commissions/a-c/task-force-commemoration/meeting-information and at https://mikmaqrights.com/our-community/commemoration-task-force/. In addition to the public engagement sessions as such, regular meetings were opened to the public on 21 January 2019 and 13 May 2019. On the latter date, informative presentations were made by members of HRM staff:

Ms. Gayle MacLean, Civic Address Coordinator, on commemorative naming policies;

Ms. Kellie McIvor, Cultural Asset Manager, on public art and recent commemorative projects;

Ms. Cheryl Copage-Gehue, Advisor, Indigenous Community Engagement, on the Gord Downie/Chanie Wenjack Legacy Room;

and Mr. Seamus McGreal, Heritage Planner, on the Barrington Street Heritage District.

By the later months of 2019, meetings also began to define the specific timeline for preparing the final report and recommendations. It became clear that a final report in the spring of 2020 was within reach, therefore to be submitted well before the end of the two-year reporting period.

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[11] "Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History," https://www.halifax.ca/city-hall/boards-committees-commissions/a-c/task-force-commemoration (accessed 27 January 2020).

1.6. Public Engagement I

From the beginning, public engagement was a major priority of the Task Force, which decided early in 2019 that it would hold two complementary series of public engagement sessions. Engage Nova Scotia assisted greatly in the planning and organizing of the process and individual sessions. The first series of four sessions would be open to all speakers who registered on the evening of the session. The second series of two sessions (see section 1.7), would consist of facilitated group discussions.

The first series of public engagement sessions took place in June 2019. The sessions were held at the Mi'kmaw Native Friendship Centre (6 June); the Scotiabank Theatre, Saint Mary's University (11 June); Millbrook Community Centre (13 June); and the Zatzman Sportsplex (18 June). Speakers were specifically invited to present their views on the following two questions:

- How best to recognize and commemorate Indigenous history, in the area known as K'jipuktuk, or the Halifax Regional Municipality, as part of a more complete history of the area;
- The commemoration of Edward Cornwallis on municipal assets including the statue, park and street.

In total, over the four sessions, 51 presentations were given by 45 speakers. Two speakers presented at all four of the sessions; one speaker presented at two of the sessions; and in one case a single presentation was given by a team of three speakers (representing students of the Booker School). While the majority of participants spoke as individuals, one presentation was made on behalf of an organization, the Maritime Institute of Civil Society (MICS).

1.7. Public Engagement II

The second series of public engagement sessions took place in October 2019. The sessions were held at the Zatzman Sportsplex (28 October); and the Mi'kmaw Native Friendship Centre (29 October). Both sessions, of 2½ hours each, proceeded according to a facilitated sequence of group discussions, the format ensuring that the groups

changed their composition whenever a new topic was introduced. Three questions were presented sequentially on each evening:

- Why is it important for you to be here?
- Think about the history or aspects of history that are most important or interesting to you. How could it best be commemorated and what contexts or perspectives should be taken into consideration?
- What is the call to action for the HRM to recognize and commemorate Mi'kmaw history, and Indigenous history in general?

Between the two sessions, there were approximately 70 participants.[12] Although some difficult conversations took place, we are grateful to all those who expressed their views with courtesy and respect.

Though not directly connected with the public engagement sessions, we also wish to acknowledge with appreciation that 76 written submissions were received from 55 unique contributors. While we will take note specifically in the sections below of some of these contributions, all have been carefully read and considered. Full lists of those who participated in the public engagement sessions, and/or who communicated with us in writing, can be found on the HRM website.

1.8. Process of Arriving at the Recommendations

An outline for the final report was adopted at the regular meeting of 16 December 2019. Beginning in January 2020, drafts of sections of the report were circulated to members of the Task Force for comment and discussion. The drafts were based on the deliberations at earlier regular meetings, framed in part by the contributions made by participants at the public engagement sessions and through correspondence. The drafts were revised and refined until agreed by the Task Force to be in final form, and then put together to be reviewed for overall clarity and consistency. The text of the final report was adopted at the meeting of 16 March 2020.

[12] Although there were 52 who signed in, this did not include Task Force members who were also present or a number of others who participated without formally registering.

2: Historical Background

2.1. History and Commemoration

As will become clear in the sections that follow, we as a Task Force do not regard the issue of how if at all Edward Cornwallis should be publicly commemorated as entirely or even primarily a historical question. Commemoration is not about history, which has the analytical role of providing an evidence-based understanding of the events and processes of the past. Rather, it is about how people and communities (which may mean groups large or small) choose to remember the past, and for what purposes. The purposes can range widely. For example, commemoration often has the role of preserving the memory of sacrifices made by members of a national or local community. War memorials, created after major conflicts and carefully maintained in perpetuity, are familiar examples. They offer to succeeding generations a focus for remembrance, and in Canada they also enshrine the shared service of Indigenous

Erasing history?

It is important to distinguish commemoration from history. Whereas history requires an ongoing effort to understand the past in all its contexts and complexity, and in faithful reference to the surviving evidence, commemoration is all about the values of today. Celebrations of a past individual or event, or the propagation of past values can and must be reappraised in the light of whether or not they are in harmony with current principles and standards. This does not mean that sites of commemoration should or ever will be lightly cast aside. It does mean, however, that if those sites are found to be in serious conflict with the deeply-held values of today, then consideration must be given to their removal, or – in the case of a physical reminder such as a statue – their placement in a context where they become objects of educational scrutiny rather than of celebration. Such actions do not in any sense imply erasing history. The records of past historical findings will remain accessible, and further historical enquiry continues independently of commemoration. What these actions do represent is a careful, responsible effort to harmonize commemoration with publicly-held values, and in particular to resolve situations in which sites of commemoration may have become actively offensive to those values.

and non-Indigenous people in the two world wars and other conflicts. But there are also other forms of commemoration. Among them is the celebration of individuals considered in their time, or subsequently, to have major achievements or acts of benevolence to their credit, and to be worthy of emulation. Commemoration may also have the intention of instilling specific values deemed to be of lasting worth.

What all forms of commemoration have in common is that they are oriented towards the present day. It is important, therefore, to distinguish commemoration from history. Whereas history requires an ongoing effort to understand the past in all its complexity and in faithful reference to the surviving evidence, commemoration is all about the values of today. While war memorials, with their recognition of sacrifice, represent one end of a spectrum at which abiding remembrance and reverence are unlikely ever to come into question, by contrast celebrations of a past individual or the propagation of past values can and must be reappraised in the light of whether or not they are in harmony with current principles and standards. This does not mean that sites of commemoration should or ever will be lightly cast aside. It does mean, however, that if those sites are found to be in serious conflict with the deeply-held values of today, then consideration must be given to their removal, or – in the case of a physical reminder such as a statue – their placement in a context where they become objects of educational scrutiny rather than of celebration. Such actions do not in any sense imply erasing history. Historical enquiry continues independently of commemoration. What these actions do represent is a careful, responsible effort to harmonize commemoration with publicly-held values, and in particular to resolve situations in which sites of commemoration may have become actively offensive to those values.

Yet, while history and commemoration are two separate processes, they are not disconnected from one another. Both are concerned with the past, and history frequently provides a context for commemoration. As an evidence-based form of enquiry, history is a dynamic discipline. Historical understandings can and do change, either as new evidence emerges or as existing evidence is subjected to new questions. Evidence can take many forms. As history in its modern form emerged some 200 years ago in Europe and North America, it closely followed at first the importance attached in those societies to written documentation. As the discipline is currently practised, documents remain essential pieces of evidence for many historical purposes. But also

crucial in numerous areas of enquiry are other forms of evidence. Examples include oral history, film, and material objects. Especially relevant to our area of responsibility as a Task Force are the insights of Indigenous knowledge. This means not just the mining of Indigenous knowledge by non-Indigenous scholars – which, though largely well-intentioned, was all too often a twentieth-century practice – but recognition of Indigenous knowledge in its own right.

Thus, in providing a historical context for our recommendations, we recognize two essential principles. First, we note that historical evidence is complex. As in the legal arena, history must contend with areas in which evidence is incomplete and frequently contradictory. Comparably with legal judgments, interpretive decisions must be made as to how a historical understanding can best be developed in such a way as to be fully evidence-based. Secondly, when dealing with any historical areas that involve relationships between Indigenous and non-Indigenous historical participants, it is not good enough to restrict the enquiry only to evidence generated and then interpreted in a non-Indigenous frame of reference. Many of the early published histories of these relationships by non-Indigenous authors – historians and, especially, the authors of school textbooks – were restricted during the 19th and 20th centuries both by the use of limited evidence and by the assumption that Indigenous history was somehow less significant than non-Indigenous history. Accordingly, caution is necessary in approaching their findings. Without suggesting that earlier historical works must necessarily lack value, it is important to avoid the trap of assuming that there is a settled view of history derived from these authors that must be permanently preserved.

Within this framework, we offer the following brief outline of our understanding of the historical context of the commemorative questions we are tasked with investigating. It makes no attempt to be a comprehensive history of complex developments that have been portrayed in numerous lengthy studies. Rather, it provides a benchmark for the historical context that informs in part the recommendations made later in this report.

2.2. Mi'kma'ki – Past and Present

The Indigenous history of Mi'kma'ki – the Mi'kmaw territory – must be understood on a time scale that contrasts with that of the non-Indigenous presence in this territory. Initial contacts with European sojourners go back slightly further than 500 years, with colonial settlement on a small scale following about a century later, but settlement

going beyond primarily coastal outposts belongs to a period beginning less than 240 years ago. Indigenous occupation is measured in millennia, and archaeological evidence going back approximately 10,600 years ago points to a history that unquestionably went back further – perhaps much further. Geographically, Mi'kma'ki has spanned early periods in which coastlines differed greatly from their modern form, but for the later eras of Mi'kmaw history it can be mapped to include, in non-Indigenous terms, all of Nova Scotia and Prince Edward Island, substantial portions of New Brunswick, Québec, and the island of Newfoundland, as well as reaching into the extreme northeast of Maine. A complex cultural landscape emerged over time, defined by place names reflecting the verb-based Mi'kmaw language. A structured though consensus-based political organization included districts based on river drainages and their economic importance to systematic resource harvesting. While culture and economy were of course dynamic over thousands of years that saw many environmental changes associated with gradual climate change, the onset of the European presence brought about further transitions. The beginning of large-scale settlement in the 1780s resulted in a rapid and ruthless process of dispossession, as noted in section 2.7 below.

Yet the catastrophic consequences, including population loss associated with hunger and disease and later the oppressive influences of day schools and of the residential school at Shubenacadie, were not sufficient to erase Mi'kmaw resilience. It is for that reason that Mi'kma'ki, although stretching far back into antiquity, is not just a historical concept. In the 21st century, Mi'kma'ki has a defined geographical footprint, distinct governance structures, a treaty-based relationship with non-Indigenous neighbours that is recognized by the Supreme Court of Canada (SCC), and a youthful and rapidly growing Mi'kmaw population. For us as a Task Force, as we examine the ways in which commemoration should reflect a history shared between the Mi'kmaw community and the numerically larger but much more recently-established non-Indigenous population, the integrity and durability of Mi'kma'ki is a crucial consideration.

2.3. European Claims

Driven by a growing population and its nutritional demands, and then increasingly by the economic returns of exploiting resources in other continents of the world,

European nations began in the 15th century and then continued in the five ensuing centuries to make claims to trade routes and territories. The religious and legal assertions collectively known as the Doctrine of Discovery gave a pretext for maintaining that "discovery" of lands outside Europe conferred territorial rights that invalidated those of Indigenous inhabitants. In the oceanic context often defined by historians as the North Atlantic World, the claims began in the late 16th century but belonged more typically to the 17th and were increasingly fought over in major wars among European powers during the 18th. Although colonial settlement was one possible consequence of a claim, resource exploitation without extensive settlement was also globally a frequent pattern. In Mi'kma'ki, geographically widespread settlement was a late development in a complicated history of resource exploitation that included the Basques and Portuguese as well as future colonial claimants, and then the entangled and contradictory 17th-century claims by England, Scotland, France, and briefly by the Netherlands. The Treaty of Utrecht (1713) attempted to settle the differences between France and Great Britain (English and Scottish interests having combined with the Union of 1707), by allocating Île Royale (Cape Breton Island) and Île Saint-Jean (later known as Prince Edward Island) to France and peninsular Acadie/Nova Scotia to Great Britain. However, it left crucial territorial ambiguities that resulted in rival claims to the territory later known in colonial terms as New Brunswick. Only after further phases of warfare would the Treaty of Paris (1763) recognize, for the narrow purposes of European international relations, all of Mi'kma'ki as British.

The consequences of European claims, from an Indigenous perspective, were always significant. Some of the results were deeply damaging, including epidemic disease and environmental change arising from the fur trade. Trade, however, also had advantages for both sides through technological exchange, as well as forming part of a generally collaborative Mi'kmaw relationship with the Acadian communities that formed the small colonial presence throughout most of the 17th century and up until the Acadian expulsion of 1755-62. Mi'kmaw diplomacy, supported by a clear though rarely used military supremacy, was more than adequate to set boundaries on the influence of either of the main European powers. Thus, an outpost such as Port Royal/Annapolis Royal was tolerated consistently under French, Scottish, English, and British occupations. The French fortified town of Louisbourg and smaller related outposts likewise enjoyed toleration from the post-Utrecht era onwards, based on diplomacy.

European claims, therefore, had on-the-ground significance. They were surrounded by important and consequential conflicts among the claimants. However, in terms of their legitimacy they were entirely self-referential. They were asserted in accordance with particular versions of European legality. They were contested among European powers through wars and international treaties, but never otherwise justified except through prejudicial characterizations of Indigenous inhabitants as lacking the benefits of European civilization and so being incapable of having any territorial right. It was of course true reciprocally that there were many recorded Indigenous statements on the shortcomings of Europeans in diverse respects. But the approach of European powers to territorial claims was especially significant in that it ensured that in this important arena European and Indigenous legalities would remain separate and insulated from one another. For the mid-18th century conflicts that involved Edward Cornwallis, this had the crucial result that from an Indigenous perspective an armed incursion – well outside of the accepted confines of Annapolis Royal and Louisbourg – would necessarily be treated not as a tolerable initiative but as an invasion.

2.4. Treaties

Where European and Indigenous legalities did come together, however imperfectly, was in the establishment of diplomatic relationships operating within Mi'kma'ki. Coexistence in various localities began with informal trade connections, continued with the Mi'kmaw-Acadian relationship, was facilitated in French contexts by Roman Catholic missionaries operating as cultural intermediaries, and reached its most formal pre-1713 expression in the long and continuous existence of Port Royal/Annapolis Royal. From then onwards, two separate diplomatic relationships developed. One was the French-Mi'kmaw relationship sealed by annual working visits to Mi'kmaw communities by Louisbourg-based governors, again facilitated by missionary priests. There was also an intermittent military dimension, although French requests for armed support sometimes received favourable Mi'kmaw consideration and at other times were denied. The criteria for either depended crucially on the status of British-Mi'kmaw friendship at any given moment. British officials suspected the missionaries of stirring up Mi'kmaw hostility, and there is no doubt that a priest such as the Abbé Jean-Louis Le Loutre saw himself in this role. But as the historian Stephen Patterson

has pointed out, "native people still retained their independence of thought and action."[13]

As for the British, from 1719 to 1784, every Nova Scotia governor received the instruction directly from the Crown that "you should cultivate and maintain a strict Friendship and good Correspondence with the Indian Nations inhabiting within the precincts of Your Government."[14] Royal instructions were the highest and most binding formal requirements placed on colonial governors. The principal expression of this friendship, a value that had resonance on both sides of the relationship and implied reciprocal benefits, was the series of treaties of peace and friendship concluded from 1725 to 1779.

Much has been said and written about the treaties, which are living documents in a legal sense as well as having crucial historical importance. They were extensively discussed in evidence presented in legal cases, notably in the case of *R. vs. Donald Marshall Jr.* during the mid-to-late 1990s. This case, among other SCC decisions, resulted in an especially strong upholding of the treaties, based in particular on those of 1760-61. The treaties are complex historical sources, not least because they were recorded by the British side in writing, whereas they were understood on the Mi'kmaw side – and so recognized by the SCC in *Marshall*[15] – as also incorporating commitments made in spoken form during the negotiations.

Even in the written texts, the treaties include no land surrender. The 1726 Mi'kmaw ratification of the original Treaty of 1725, the most recent specifically Mi'kmaw treaty at the time of Edward Cornwallis's arrival in Mi'kmaki in 1749 as Nova Scotia governor, envisaged possible British colonial settlement but with the significant qualifier that it

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[13] Stephen E. Patterson, "Indian-White Relations in Nova Scotia, 1749-61: A Study in Political Interaction," *Acadiensis*, 23:1 (Autumn 1993), 59.

[14] Instructions to Richard Philipps, 14 July 1719, The National Archives, United Kingdom (UKNA), CO5/189, 427-8. Minor changes to the wording occurred in the versions issued to later governors, but the essence of the instruction remained the same. See also Instructions to Edward Cornwallis, 29 April 1749, (UKNA), CO 218/3, 25-6.

[15] Among other references to this principle, the SCC noted in the *Marshall* judgment that "where a treaty was concluded verbally and afterwards written up by representatives of the Crown, it would be unconscionable for the Crown to ignore the oral terms while relying on the written terms"; https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1739/index.do (accessed 27 January 2020), Section 12.

would be limited to "their Settlements already made or Lawfully to be made."[16] While all of the written texts of the treaties contained clauses indicating submission to the Crown, not only was the 1726 version riddled with ambiguities but also friendship depended at its core on reciprocity rather than subjection. Even so knowledgeable a British commentator as Sir William Johnson, imperial Superintendent of Northern Indians from 1756 to 1774, contested the idea that Algonkian languages contained words to express "*Subjection* and *Dominion*," and warned against efforts to impose such concepts as likely to lead only to "Jealousy and Resentment."[17]

Certainly, as the treaty relationship unfolded approaching the mid-18th century, in the context of simmering French-British tensions and conflicts regarding their competing claims, resentment and even hostility emerged recurrently though not continuously. The period immediately following the French-British Treaty of Aix-la-Chapelle (1748), which halted four preceding years of inter-European warfare but failed to resolve the underlying sources of conflict, saw extensive manoeuvring for military advantage by the two imperial powers. The British expedition of 1749 to K'jipuktuk (from that time onwards known to the British as Halifax) represented a new and heavily armed colonial establishment, without the diplomatic preparation that friendship would have demanded.

The inclusion of some 2500 settlers, while a relatively small number in itself, also raised the possibility of increasingly uncontrolled settlement along the lines that had had disastrous consequences in Maine and New Hampshire for Wabanaki allies of the Mi'kmaq. A Mi'kmaw letter sent to Edward Cornwallis from Port Toulouse (St. Peter's) in Cape Breton, in September 1749, promised armed resistance if the British persisted, although also offering a meeting to attempt a resolution, "so that all may take a turn for the better."[18] The meeting never took place, and the results for Cornwallis's

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[16] Treaty Ratification of 1726, 4 June 1726, UKNA, CO217/5, 4-5.

[17] Sir William Johnson to Henry Bouquet, 6 December 1764, in James Sullivan *et al.*, eds., *The Papers of Sir William Johnson* (13 vols.; Albany: University of the State of New York, 1921-62), IV, 610-11.

[18] "Déclaration de guerre des Micmacs aux Anglais s'ils refusent d'abandonner Kchibouktouk (Halifax)," in *Collection des Documents Inédits sur le Canada et l'Amérique publiés par le Canada-Français*, Volume I (Québec: Demers & Frère, 1888), 17-19. The original document was noted as being located at the Seminary of Québec, although a slightly shortened version also exists at UKNA, CO217/9, 166.

governorship followed quickly. An Indigenous raid later in September, at a sawmill established in Dartmouth, resulted in the deaths of four military woodcutters, and the capture of another, and soon afterwards a proclamation on Cornwallis's authority offered a bounty for Mi'kmaw scalps or for Mi'kmaq captured alive. The order to "Annoy, distress, take, or distroy the Savages commonly called Micmacks wherever they are found," was also to be extended "to all such as are aiding or assisting them."[19]

2.5. Use of Scalp Bounties

The use of scalp bounties was not new in 1749. The practice seems to have originated in New England during Metacom's War in the 1670s, when payments for the scalps of Indigenous men, women, and children were awarded by the Massachusetts General Court. It was extended by the Governor of New France in 1688, who offered beaver pelts to Wabanaki allies of the French for the scalps of any Indigenous or non-Indigenous enemies. Bounties offered by legislation followed in Massachusetts in 1694 and 1704, an amendment in the latter year specifying a higher payment for men and youths than for women and children, and providing also that Indigenous children under 10 years old should be enslaved and transported rather than being killed. In this era, bounty-hunting by mercenaries emerged as a recognizable form of profiting from hostilities.[20] Scalp bounties were also offered by the Massachusetts colony during the New England and Nova Scotia campaigns of the War of the Austrian Succession (1744-48), with a scale of payments that specified the bounties for men, women, and children, and were claimed among others by the ranger force led by John Gorham.[21] More generally, according to the military historian Wayne E. Lee, "*Norms* of warfare against Indians included scalping, village destruction, food destruction, indiscriminate

[19] Minutes of Nova Scotia Council, 1-2 October 1749, UKNA, CO217/9, 117-18.

[20] See James Axtell and William C. Sturtevant, "The Unkindest Cut, or Who Invented Scalping?", *William and Mary Quarterly*, 3rd series, 37:3 (July 1980), 470-2.

[21] Geoffrey Plank, *An Unsettled Conquest: The British Campaign Against the Peoples of Acadia* (Philadelphia: University of Pennsylvania Press, 2001), 110-11; Brian D. Carroll, "'Savages' in the Service of Empire: Native American Soldiers in Gorham's Rangers, 1744-1762," *New England Quarterly*, 85:3 (September 2012) 406-7.

killing of women and children (or even allied Indians), enslavement, and very likely rape."[22]

Although Mi'kma'ki was well enough defended in the mid-18th century to put effective limitations on warfare of this kind, ranger and militia forces such as the one sent to Chignecto in early 1750 "to surprise as many old Indians Women and children as … [it] could" undoubtedly took their toll.[23] French authorities at Louisbourg and Québec, meanwhile, offered bounties for the scalps of British soldiers and colonists brought in by Indigenous allies. The standard price paid was 30 *livres* per scalp, though at times it went as high as 100 *livres*.[24] Of the two French administrations, the one in Québec was much more active in this area than officials at Louisbourg, but such payments do show up in the Louisbourg official government accounts. Perhaps the best-known French advocate of scalping was Le Loutre, who in 1753 paid 1800 *livres* for 18 British scalps brought to him at Fort Beauséjour.[25] Although there were both French and British individuals who condemned the offering of bounties, they were rationalized by others on the ground that they were necessary in the context of North American warfare.

Thus, the scalp and prisoner bounty of 1749 drew on an extended history of such practices by both British and French that extended back for many decades. It would also be followed in 1756 by another offer of scalp bounties by Governor Charles Lawrence. Nevertheless, the 1749 proclamation was distinctive in its origin. As the historian Geoffrey Plank has pointed out, Cornwallis had expressed the far-reaching ambition even before hostilities against Dartmouth had commenced, to "root … [the Mi'kmaq] out entirely" from peninsular Mi'kma'ki. It was an idea that the British Board of Trade – the government body to which Cornwallis and other colonial governors

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[22] Wayne E. Lee, "Mind and Matter – Cultural Analysis in American Military History: A Look at the State of the Field," *Journal of American History* 93 (2007), 1128. Emphasis in original. On Gorham's rangers, see Brian D. Carroll, "'Savages' in the Service of Empire: Native American Soldiers in Gorham's Rangers, 1744-1762," *New England Quarterly*, 85:3 (September 2012), 383-429.

[23] Cornwallis to Board of Trade, 19 March 1750, UKNA, CO217/9, 190.

[24] At the time, the *livre* was equal to about one British shilling.

[25] Olive Patricia Dickason, "Louisbourg et les Indiens: une étude des relations raciales de la France, 1713-1760," *Histoire et archéologie*, No. 6 (Ottawa: Parks Canada, 1979), pp. 116-117, 199-200.

reported – found alarming, and it shows that the proclamation cannot simply be seen as a response to an immediate crisis.[26]

2.6. Role of Edward Cornwallis

Edward Cornwallis, who at the time held the military rank of Colonel, was appointed governor of Nova Scotia in March 1749, and arrived in June of that year at the K'jipuktuk site that was known thenceforth to the British as Halifax. He remained governor until October 1752, when he returned to Great Britain amid suggestions of ill-health. During the intervening three years of his brief governorship, Cornwallis supervised the construction of Halifax as a defensible imperial outpost, although having no success in extending any significant British control further into Mi'kma'ki. The settler population, primarily from England and New England as well as "Foreign Protestants" from continental

A man of his times?

It is true that in European terms Edward Cornwallis was in many respects a product of his times, in that his assumptions of racial supremacy were characteristic of many English or other European members of his social class. Yet, in that his career not only included a proposal to "root out" Mi'kmaw people and the subsequent issuing of the scalp and prisoner proclamation of 1749, but also active participation in the punitive campaign in the north of Scotland in 1746, following the Battle of Culloden, his personal role in regard to non-English peoples was an exceptionally troubled one that was shot through with violence. He must and will continue to be treated historically as a significant figure, to the degree that evidence-based analysis shows him to have influenced consequential events and processes. Whether his activities deserve to be celebrated through positive commemoration, however, is a totally different question. That decision must be based in part on considering the respects in which Cornwallis was exceptional for his times, but also on whether even a man of his times who regarded and treated Indigenous people as Cornwallis did should be celebrated in 2020.

[26] Geoffrey Plank, "The Two Majors Cope: The Boundaries of Nationality in Mid-18th Century Nova Scotia," *Acadiensis*, 25:2 (Spring 1996), 19. See also Cornwallis to Board of Trade, 11 September 1749, UKNA, CO217/9, 89; Board of Trade to Cornwallis, 16 October 1749, UKNA, CO218/3, 85.

Europe, numbered in the low thousands. The promised Mi'kmaw hostilities exerted pressure on Halifax as well as causing the deaths of an uncertain but significant number among the outlying settlers.

The evidence contained in British reports and correspondence leaves no doubt that Edward Cornwallis had a personal commitment to what the Board of Trade described with disapproval as "totally extirpating" the Mi'kmaq from the peninsula.[27] Also, while no evidence exists as to what local advice Cornwallis may have received in advance of the decision to issue the proclamation of October 1749, or what were the dynamics of the preceding discussion by the Nova Scotia Council, a proclamation was by its nature an act by a governor in the name of the Crown. It can therefore rightly be attributed to Cornwallis. It is of course important to mention that in August 1749 Cornwallis concluded with Maliseet and Passamaquoddy representatives – and possibly one Mi'kmaw representative from Chignecto – a renewal of the foundational Treaty of 1725, and that he also initiated the discussions that led, after his departure from Halifax, to the Mi'kmaw Treaty of 1752. It is also true that in many respects he was a product of his time, in that his assumptions of racial supremacy were characteristic of many English or other European members of his social class. Yet, in that his career also included active participation in the punitive campaign in the north of Scotland in 1746, following the Battle of Culloden, his personal role in regard to non-English peoples was an exceptionally troubled one that was shot through with violence.

2.7. Colonial Settlement

Reciprocal hostilities between Indigenous and colonial forces, with non-combatant deaths on either side, continued intermittently throughout most of the 1750s, complicated by the onset of the Seven Years' War in 1754 and the Acadian expulsion. The fall of Louisbourg to a British expedition in 1758 proved to be the beginning of the end of the French imperial presence, even though the process was incomplete until the signing of the Treaty of Paris (1763). British governors, moreover, would warn repeatedly and consistently over the ensuing half century that Mi'kmaw and Maliseet forces remained powerful and that peace and friendship could never be taken for

[27] Board of Trade to Cornwallis, 16 October 1749, UKNA, CO218/3, 85.

granted. However, in practice the situation prevailing after 1758 put both Mi'kmaw and British imperial leaders in a position where new treaty negotiations were necessary in order to salvage the friendship that had been jeopardized in earlier years. The treaties of 1760-61 represented the last comprehensive round of treaty-making between the two sides, even though more localized treaties would follow in 1778 and 1779. With isolated exceptions, the 1760-61 treaties brought active hostilities to an end.

Demographic and environmental pressures on Mi'kmaw communities, however, were only beginning to become the lethal threat that they would clearly represent from the 1780s onwards. Previous settler populations, such as the Foreign Protestants and the New Englanders known as the Planters, were much smaller. From 1782 onwards and continuing with the subsequent formal ending of the War of the American Revolution, some 35,000 Loyalist refugees and discharged soldiers flooded into Mi'kma'ki and the adjoining Maliseet territory. Large numbers of migrants from the British Isles also settled in the region, notably Highland Scots but also Lowland Scots, Irish, English, and a few Welsh.

Prior to the Loyalist migration, Nova Scotia had had a settler population of some 15,000, clustered in a few centres and not spreading widely into Mi'kma'ki. By 1817 the settlers numbered about 90,000, and by the time of the first post-Confederation census in 1871 the figure was almost 390,000.[28] Together with roughly proportional increases in the other parts of Mi'kma'ki, encroachment reached into every corner where land had possible agricultural or commercial uses. Clearance of land, destruction of animal habitat, depletion of resources, obstruction of Mi'kmaw transportation routes, and disruption of coastal harvesting, were among the results. They were compounded by the actions of settler-elected assemblies and governments in confining Mikmaw inhabitants to small and barren reserve lands, and in tolerating settler encroachments even on these restricted areas.

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[28] Population figures are drawn from Julian Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870* (Montreal and Kingston: McGill-Queen's University Press, 1998), 25, 153. The figure for 1817 includes an estimated population for Cape Breton Island, even though it was at the time (until 1820) an autonomous colony.

Some of the newcomers offered sympathy. As early as in 1800, a committee of the Nova Scotia legislature took note of "the distresses of … the aboriginal proprietors of this country."[29] A few provincial officials, including Joseph Howe as Indian Commissioner, strove genuinely though with limited success to mitigate the impact. Appalled by the consequences of settlement, Howe reported in 1843 that "at this rate the whole [Mi'kmaw] Race would be extinct in 40 years."[30] There were many Mi'kmaw appeals to the treaty relationship, so that another Indian Commissioner, Abraham Gesner, wrote that "they look to the fulfilment of the Treaty, the terms of which are stamped upon the minds of each succeeding generation." However, Gesner also noted critical levels of death and disease as well as "the fact that they have been deprived of lands which the tribe had occupied during past centuries, and the places where their fathers are buried; and tracts which had been reserved for them have since been alienated."[31] Resilience remained, as Mi'kmaw men and women sought sources of livelihood that connected them with the settler economy while still maintaining whatever could be salvaged from traditional resource harvesting. But hunger and tuberculosis, the disease of the physically weak and malnourished, took a drastic toll. The physical pressures were later compounded over many decades by the cultural destructiveness of day and residential schooling, by the use of the post-Confederation Indian Act as a tool to promote loss of Mi'kmaw identity through assimilation, and in the 1940s (specifically in Nova Scotia) by an ill-judged attempt to bring about the centralization of reserves.

As a Task Force, we are well aware that there is also another narrative concerning these years of settlement. For settlers, especially those who had their own experiences of deprivation in locations such as Ireland or the Highlands of Scotland, Mi'kma'ki could represent a land of opportunity where treaty principles of peace and friendship had little if any resonance. We have no interest in denying to any families or communities their sense of pride in the accomplishments of their forebears.

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[29] Report of Commissioners, 15 April 1800, Nova Scotia Archives (NSA), RG1, Vol. 430, no. 33½.

[30] Joseph Howe, "Report on Indian Affairs," 25 January 1843, *Journal and Proceedings of the House of Assembly of the Province of Nova Scotia*, 1843, Appendix 1, 4.

[31] Abraham Gesner, "Report on Indian Affairs," 29 September 1847, *Journal and Proceedings of the House of Assembly of the Province of Nova Scotia*, 1847, Appendix 24, 117; Gesner to Sir Rupert George, 29 September 1847, NSA, RG 1, Vol. 431, No. 45.

Nevertheless, in weighing up questions regarding public commemoration, we have no option but to be realistic regarding the cost and who principally bore that cost. Insofar as public authorities, in any of the provinces contained wholly or partly within Mi'kma'ki, or later the federal government, were involved in the restriction of reserve territory at a known cost in terms of health and mortality, in permitting even further encroachments, and then in cultural and psychological attempts at erasure, their efforts were – to use a word that must always be used sparingly and with caution – genocidal.[32]

2.8. Raising of the Statue

By the late 19th century, with Canada established as a largely self-governing dominion within the British Empire, Canadian patriotism came to be closely related to pride in empire. For some Canadians who were so inclined, and who had the resources and the connections to match, it now seemed important to create sites of commemoration that would celebrate the empire and its history. So doing would also, they hoped, help to instill imperial values into younger generations. In Halifax, the leading figure in this area was Dugald Macgillivray, a banker and for a time president of the city's Board of Trade. When Macgillivray was presented in 1933 for an honorary degree at Dalhousie University, the citation by the literary scholar Archibald MacMechan highlighted his involvement in the raising of the Halifax Memorial Tower, celebrating the 250th anniversary of the Nova Scotia legislature, and then continued that "to him the city owes the monuments to [Robert] Burns, [Sir Walter] Scott, to [Edward] Cornwallis, and our own founder [the Earl of] Dalhousie. These are not only adornments to the city of Halifax; they are national assets; they are additions to the aesthetic riches of Canada;

[32] The most widely-accepted definition of genocide is that of the United Nations, which specifies "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group." In particular, these acts are defined to include: "killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group." United Nations Office on Genocide Prevention and the Responsibility to Protect, "Definition," https://www.un.org/en/genocideprevention/genocide.shtml (accessed 27 January 2020). We have also benefited from the Supplementary Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls: *A Legal Analysis of Genocide*, esp. pp. 9-11, https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report_Genocide.pdf (accessed 27 January 2020).

and they are due to the initiative, energy and vision of Dugald Macgillivray."[33] In the years following the First World War, the appeal of empire to younger people had diminished, and to advocates such as Macgillivray and MacMechan it was thus all the more important to celebrate imperial figures.

Edward Cornwallis, by this time, was not a well-known historical character, even though James S. Macdonald had dubbed him in an 1899 paper presented to the Nova Scotia Historical Society as "the founder of Halifax."[34] As the raising of the statue was planned during the 1920s, the climate was favourable in the sense that the Canadian National Railway (CNR) was in the process of coordinating a number of new developments in the vicinity of its passenger station, constructed between 1928 and 1930. A park with a historical statue was expected to interest prospective tourists.

The CNR eventually paid most of the cost of the statue, after the city had provided only a small contribution and a public appeal had proved largely unproductive. The statue was unveiled on 22 June 1931, with speeches that praised imperial values and urged faithfulness to British traditions. The statue itself bore no physical resemblance to Cornwallis, because the sculptor worked with a portrait that proved not to be of the right subject.[35] But it undoubtedly raised awareness of Cornwallis as a past governor. Several years later, in 1949, a new junior high school on Halifax's Preston Street was named in his honour.

2.9. Public Debates

The prominence of the Cornwallis statue in Halifax, and the existence of other uses of the Cornwallis name, caused little comment until the intervention of Daniel Paul in 1993. Dr. Paul, who is a member of this Task Force, published an article in *Micmac-Maliseet Nations News* in February of that year that put forward the scalp and prisoner proclamation of 7 October 1749 as evidence that Edward Cornwallis was "an

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[33] Citation of Dugald Macgillivray, [1933], Archibald MacMechan fonds, Dalhousie University Archives, MS-2-82, Box 29, Folder 40.
[34] James S. Macdonald, "Hon. Edward Cornwallis, Founder of Halifax," *Collections of the Nova Scotia Historical Society*, XII (Halifax: McAlpine Publishing Company, 1905), 1-17.
[35] Premier E.N. Rhodes to John Clarence Webster, 16 October 1929, New Brunswick Museum, John Clarence Webster Papers, S198, F531.

unrepentant war criminal." Already drawing attention in the media of the day, the article was followed later in 1993 by publication of *We Were Not the Savages*, a more general book-length study of Mi'kmaw history and the impact of empire and colonization, in which the actions of Cornwallis received brief but focused attention.[36] Public debate followed, and an extended period of advocacy by Daniel Paul and an increasing number of Indigenous and non-Indigenous supporters resulted in a reduction in the usage of the Cornwallis name in both public and private contexts. In particular, the junior high school named in 1949 was re-designated Halifax Central Junior High School by decision of the Halifax Regional School Board in 2011. Renaming during the 1990s had included the re-designation of the building originally known as Cornwallis Place as Summit Place prior to the 1995 G7 Summit.[37] To date, private-sector usages of the Cornwallis name have effectively disappeared.

There were of course counter-arguments. Critics maintained that Cornwallis had only done his duty in the face of Mi'kmaw hostilities, that by offering scalp bounties he was doing no more than adopting what had already been a conventional practice before his time, and that arguments otherwise risked privileging emotion over fact.[38] However, the debate was also affected in its later stages by the report of the TRC, and its calls to action. Across an increasingly wide spectrum of opinion, reconciliation came to be recognized as an important goal in its own right, with the Cornwallis statue seen in particular as an unhelpful source of division.[39]

There were also broader contexts. Organizations such as the Union of Nova Scotia Indians began to emerge strongly in the late 1960s, education reform proceeded both

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[36] Daniel N. Paul, "Micmacs Still Victimized by Racist Attitudes!", *Micmac-Maliseet Nations News*, 4:2 (February 1993), pp. 1, 4-5; Paul, *We Were Not the Savages: A Micmac Perspective on the Collision of European and Aboriginal Civilization* (Halifax: Nimbus Publishing, 1993).

[37] https://www.chebucto.ns.ca/Current/HalifaxSummitG7/Release/FactSheet.html (accessed 27 January 2020).

[38] See, for example, John Boileau, Bryan Elson, Len Canfield, and Leo J. Deveau, "Halifax Military Heritage Preservation Society Historical Paper No. 1: Edward Cornwallis," 28 November 2016, https://hmhps.ca/pdf/HMHPS-historical-paper-no-1-edward-cornwallis.pdf (accessed 27 January 2020).

[39] For an important review of the entire debate, see Paul W. Bennett, "The Cornwallis Controversy," in Bennett, *Turning Points: 15 Pivotal Moments in Nova Scotia's History* (Lunenburg, NS: MacIntyre Purcell Publishing, 2019), 117-23.

according to specifically Mi'kmaw initiatives and in the light of a 1972 policy paper published by the National Indian Brotherhood (forerunner of the Assembly of First Nations), and the 1985 decision of the SCC in favour of treaty-based hunting rights in *R. vs. Simon* launched a series of ground-breaking legal cases that also led in the early 21st century to new Mi'kmaw-federal-provincial negotiations and the inauguration of Kwilmu'kw Maw-klusuaqn (the Mi'kmaq Rights Initiative). On Treaty Day 2008, the thirteen Chiefs within Nova Scotia issued a *Nationhood Proclamation*, witnessed by Grand Chief Ben Sylliboy in the name of the Grand Council, that promised the development of "a Mi'kmaw governance structure that unites and empowers our Nation to enhance the quality of life and well-being of our People."[40]

At the same time, in addition to the work of Daniel Paul, Mi'kmaw authors advanced strikingly new perspectives in many areas that drew upon longstanding Mi'kmaw knowledge, while higher education initiatives including Unama'ki College at Cape Breton University offered both educational opportunities and the development of new knowledge.[41] Poets such as – in different generations – Rita Joe and Rebecca Thomas emerged as major cultural figures, as did visual artists such as Alan Syliboy and Gerald Gloade. Mi'kmaw journalism was exemplified by the online creation of *Ku'ku'wes News: Independent Indigenous News* by Maureen Googoo.[42] None of these developments could in themselves offset the continuing consequences of dispossession and colonialism, and in different ways all of them contributed to recording those impacts. Nor did they, in the same sense as Daniel Paul's work, necessarily highlight matters of commemoration. However, we would be negligent as a Task Force if we did not take full note of the context of cultural and political regeneration that – along with economic initiatives such as the Membertou Trade and Convention Centre, and the

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[40] *Mi'kmaq of Nova Scotia Nationhood Proclamation*, 1 October 2008, http://mikmaqrights.com/uploads/NationhoodProclamation.pdf (accessed 27 January 2020).

[41] Examples of authorship can be found in, among other publications, Marie Battiste, ed. *Living Treaties: Narrating Mi'kmaw Treaty Relations* (Sydney, NS: Cape Breton University Press, 2016); Marie Battiste, ed., *Visioning a Mi'kmaq Humanities: Indigenizing the Academy* (Sydney, NS: Cape Breton University Press, 2016); and Trudy Sable and Bernie Francis, with William Jones and Roger Lewis, *The Language of this Land, Mi'kma'ki* (Sydney, NS: Cape Breton University Press, 2012).

[42] http://kukukwes.com/ (accessed 27 January 2020).

Millbrook Power Centre – underlines the pressing need for public commemoration to take full account of a dynamic Indigenous community in Mi'kma'ki.

2.10. Removal of the Statue

Yet the unresolved issue of the commemoration of Edward Cornwallis continued to generate controversy even as the HRC, as noted in section 1 above, moved to address it. At the urging of the ANSMC, and with the prospect of demonstrations that were deemed to pose a threat to public safety, the HRC made its decision on 30 January 2018 (as noted in section 1.3 above) to direct city staff to remove the Cornwallis statue to temporary storage.[43] The removal took place the following day, with live television coverage, thus completing for the time being the complex series of developments over a number of centuries that provides the historical context for our work as a Task Force.[44]

3: Current Background

3.1. Legacies of Empire

In the global history of the past 500 years, the growth and subsequent decline of European empires has been a major theme. But empire is not just a historical matter. As the tide of empire receded in the twentieth century, it left many legacies that are still with us in 2020. In some parts of the world, formerly colonized peoples formed new nation states. In others, including Canada, populations in which settler descendants now formed the majority broke away from the imperial centre to attain self-government.

Commemoration of imperial figures and imperial values has formed just one specific part of a large and complex continuing impact of empire and colonization. We are fully aware that, by some measures, commemoration may be seen as a more symbolic

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[43] Minutes of HRC, 30 January 2018, pp. 11-12.

[44] "Controversial Cornwallis statue removed from Halifax park," 31 January 2018, https://www.cbc.ca/news/canada/nova-scotia/cornwallis-statue-removal-1.4511858 (accessed 27 January 2020).

reflection of empire that has less immediately damaging results than other consequences. In this context, we acknowledge the continuing repercussions for peoples not of European descent, notably in North America. It is true of course that many European-descended peoples and groups also experienced violence and dislocation – deported Acadians, displaced Scots and Irish, indentured servants, casualties of war, and others. In particular, the North Atlantic World of the eighteenth century was an arena of extreme violence. However, the violence inflicted on Indigenous peoples through war and dispossession (in the Americas, and also in other areas of the globe), and on Africans through enslavement, was unparalleled in its ferocity. Entrenched inequalities, intergenerational trauma, and social and economic deprivation in many forms are still with us, and will be into the future. Sadly, as has been noted in Canada in major reports such as those of the Royal Commission on Aboriginal Peoples (RCAP; 1996), the TRC, and the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG; 2019), racism in its multiple guises continues to perpetuate these evils and to hinder the efforts of people of goodwill on all sides to find justice and healing.

3.2. Role of Commemoration

Yet, commemoration in our view does have a crucially important continuing influence. Symbols matter. As noted in section 2.1 above, forms of commemoration that hold up with admiration the lives and actions of individuals, or that idealize particular values, give powerful reinforcement to narratives that may ostensibly be about the past but in reality have a deep impact on present and future understandings. Statues by their nature are intended to be imposing and highly visible in their glorification of their subjects. Although the raising of statues is not unique to any one of the world's cultures, in its European and North American forms it was shaped by an admiration for classical Greek and Roman sculptures that reached its peak in the 19th century but also persisted into the 20th. High pedestals, and sometimes the clothing of the subjects in classical garb, emphasized the lessons that were intended to be conveyed. Another widespread form of commemoration is the naming of schools and universities. This is an especially persuasive practice, most of all when applied to P-12 schools, in that it may influence very young people who are encouraged to draw inspiration from a school name and to frame projects on the basis of the individual honoured. While it is of course true that many schools are named after educators whose achievements are

beyond reproach, when the focus is turned to public figures of a past era the results are inevitably mixed, and unpredictable over time.

Of equal importance to the active role of existing commemorative symbols is the absence of commemorations that portray the peoples whose roles have been overshadowed as a result of the imperial past, and of a male-oriented past that has largely excluded commemorations of women. In North American terms, Indigenous people and people of African descent are largely absent from public commemoration, and these exclusions are clearly visible in Nova Scotia and in the Halifax Regional Municipality. At the same time, it is important in an Indigenous context to distinguish between the exclusionary non-Indigenous role and the commemorations that are specifically associated with Mi'kma'ki. Statues are not as prominent a Mi'kmaw cultural form as in the marking of empire and colonization, but nevertheless they exist significantly in some parts of Mi'kma'ki. The statue of Kluskap that stands outside the Millbrook Cultural and Heritage Centre is one example, while another is the statue of Donald Marshall Junior at the Membertou Trade and Convention Centre. It is noteworthy that neither is honoured for an aggressive political or military role. Rather, Kluskap is a religious and legendary figure who is credited with bringing harmony to humans and other beings, while Donald Marshall prompted judicial reforms through his wrongful imprisonment and then crucially advanced treaty rights through the legal case that bears his name. In general, however, commemoration within the Mi'kmaw community is more likely to take the form of honouring the wisdom and knowledge of Elders, and recognizing the religious importance of natural locations such as Cape Blomidon, than in public displays or attestations.

Where the absence of Indigenous commemoration poses the most serious problems is in places where it could be, but currently is not, visible to Indigenous and non-Indigenous people alike. This is especially true in urban contexts, such as in the urbanized areas of the HRM. To mark the important Mi'kmaw sites in Point Pleasant Park, to honour Mi'kmaw place names with accuracy, to make Mi'kmaw heritage central to public cultural representations, and other possibilities, would have potential benefits in many respects. The greatest of these would be simply to honour an important culture and heritage for its own sake. It would also have profound educational value, as well as its interest and drawing power for visitors to the HRM. As well, redressing the current imbalance between non-Indigenous and Indigenous sites

of commemoration is essential in its ability to eliminate giving the inadvertent but powerful message that Mi'kmaw places of memory are in some sense less important than those of the non-Indigenous culture, a perception that also may have prompted some to give credence to flawed historical narratives that have undervalued Mi'kmaw roles and contributions.

We will return in greater detail to the importance of Indigenous commemoration in section 6 below, and will make specific recommendations. The balance of this section, however, will review debates in Canada and elsewhere on the commemorative legacies of empire.

3.3. Debates over Statues and Other Forms of Commemoration

The public debates over the statue and other commemorative sites recognizing the role of Edward Cornwallis have received prominent coverage in local and national media. However, they are not the only such debates to have taken place either in Canada or elsewhere. Statues have been put up and taken down for many generations and for many reasons, as values have changed. For recent context, this section reviews debates that have taken place over commemoration, including where possible the resolutions that have been adopted.[45]

3.3.1. Canada

The debates over statues of historical figures have taken different directions in francophone Canada than in anglophone contexts. In the francophone context, although the two statues chiefly involved were actually located in Ontario, the historical figure concerned was Samuel de Champlain. Champlain has long been a revered and much-commemorated figure in the establishment of Québec and the building of New France, and although there has been debate among historians as to the extent of his understanding of Indigenous allies or enemies, his own role has not generally been the major issue regarding commemoration. Rather, it has been the

[45] Much of this section draws upon the valuable research of Mr. William Stevenson, Junior Policy Analyst, compiled in "Jurisdictional Scan: Commemoration in Civic Spaces, for the Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History." Full references may be found in that document.

relative positioning and implied subservience of Indigenous figures that has come into question. In Ottawa, an imposing monument to Champlain was created in 1915 and positioned at Nepean Point, overlooking the Rideau Canal. A smaller figure of an Ashinaabe man was placed at Champlain's feet, kneeling and unnamed, and clearly in a symbolically inferior role. Amid Indigenous protests in 1999, the Ashinaabe statue was relocated, and in 2013 it was renamed and recontextualized with the addition of interpretive plaques. A similar debate took place in Orillia, ON, between 2017 and 2019, over a 1925 statue that placed Champlain in a heroic pose with smaller Wendat people below. A joint working group with both Indigenous and non-Indigenous membership recommended a resolution in 2019 by which Champlain and the Wendat figures would be separated, an outdated plaque removed for updating, and new interpretive panels installed with a more accurate portrayal of the French-Wendat relationship. The report and recommendations have been accepted by Parks Canada.

In an anglophone context, major controversies have arisen in recent years over statues and other commemorations of Sir John A. Macdonald, Canada's first Prime Minister. While there had been longstanding debates regarding Macdonald's role in authorizing the execution of the Métis leader Louis Riel, a new milestone was the publication in 2013 of the historian James Daschuk's *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Indigenous Life* (Regina: University of Regina Press; second edition 2019). Daschuk showed with overwhelming evidence that Macdonald and his government had deliberately manipulated hunger and disease to clear prairie land for settlement, with the loss of countless Indigenous lives. While the book described the process as "ethnic cleansing," Daschuk later defined it also as genocide.[46] Attention to Macdonald's role also extended to his leadership in the design of residential schools. There are, of course, many statues of Macdonald in Canada. The most high-profile debate came in Victoria, BC, where City Council voted in 2018 to remove a Macdonald statue from the steps of city hall, although as of early 2020 consultations are ongoing as to its ultimate fate. In Charlottetown, PEI, also in 2018, another approach was taken, but it was influenced by the different structuring of the Macdonald statue there, in that the

[46] James Daschuk, "When Canada Used Hunger to Clear the West," *Globe and Mail*, 19 July 2013, https://www.theglobeandmail.com/opinion/when-canada-used-hunger-to-clear-the-west/article13316877/ (accessed 27 January 2020).

subject is depicted not on a pedestal but as sitting informally on a bench as if ready to enter into a conversation. Both the city and the Mi'kmaq Confederacy of PEI agreed that the statue should remain, though in a context of more accurate and comprehensive information and more generally with enhanced commemoration of Indigenous history and culture.

Other historical figures whose commemoration has been debated in Canada, as well as Cornwallis, have included Jeffery Amherst, Matthew Begbie, Nicholas Flood Davin, and Hector-Louis Langevin. Amherst in 1763, as a General and commander-in-chief of British forces in North America, gave approval to a plan to distribute smallpox-infested blankets in an attempt to weaken Indigenous military opponents and to "Extirpate this Execrable Race."[47] As well as Amherst's name being removed from a street in Montreal in 2019, the official name of the PEI national historic site that incorporated the 18th-century Fort Amherst was changed to incorporate a Mi'kmaw place name: Skmaqn–Port-la-Joye–Fort Amherst National Historic Site. Begbie was the first Chief Justice of British Columbia. Although he was a complex figure who reputedly spoke two Indigenous languages, his sentencing caused the death by hanging of six Tsilhgot'in chiefs who were later exonerated for their role in the so-called Chilcotin War. Statues of Begbie were removed in 2017 from the offices of the Law Society of British Columbia, and in 2019 from the courthouse square in the city of New Westminster. The latter statue remains in storage pending consultations on its ultimate location. Both Davin and Langevin were significant figures in the origins of residential schooling, Davin as the writer of an influential report in 1879 and Langevin as a participant (though under Macdonald's direction) in the launching of the early residential schools. The renaming of the former Langevin Block in Ottawa was announced in 2017, while in Calgary in 2018 the Langevin Bridge was renamed the Reconciliation Bridge. Also in 2018, the Regina Public School Board voted to rename

[47] The relevant passage of Amherst's letter to Colonel Henry Bouquet, 16 July 1763, can be found at https://www.umass.edu/legal/derrico/amherst/34_41_114_fn.jpeg (accessed 27 January 2020).

Davin Elementary School, though retaining the masonry inscription "Davin School" as a historical record along with a plaque giving details of the renaming.[48]

Thus, debates over commemoration sites in Canada have focused on the roles and relationships of prominent individuals vis-à-vis Indigenous peoples, with a spectrum of solutions reached that have included removal and renaming in a number of instances. The process of reappraisal continues, not only in the HRM but also, for example, in Winnipeg with the recent development of a proactive approach entitled *Welcoming Winnipeg: Reconciling our History Policy*.[49]

Also relevant in this context, and close to home, are academic enquiries into the legacies of slave ownership in the Maritimes. While commemoration as such has a relatively small share of the attention of these investigations, both Dalhousie University and the University of King's College have recently launched thorough enquiries into their own connections with enslavement. The King's enquiry has already generated substantial research,[50] and the Dalhousie enquiry published in August 2019 an extensive report on the connections of the 9th Earl of Dalhousie with matters of slavery and race. Among the Dalhousie report's 13 recommendations is that the university should "provide resources for a program of public history to commemorate and recognize significant moments in Black experience in Nova Scotia," to include an appropriate plaque and commissioned art work, a slave-trade memorial, an annual day of remembrance, and a permanent exhibit on slavery.[51] As a parallel to the need for enhanced Indigenous commemoration, these are important and positive proposals.

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[48] https://www.cbc.ca/news/canada/saskatchewan/davin-school-renaming-1.4712866 (accessed 27 January 2020).

[49] http://clkapps.winnipeg.ca/dmis/ViewDoc.asp?DocId=19071&SectionId=&InitUrl= (accessed 27 January 2020); https://www.winnipeg.ca/indigenous/welcomingwinnipeg/default.stm (accessed 27 January 2020).

[50] https://ukings.ca/administration/public-documents/slavery-scholarly-inquiry/ (accessed 27 January 2020).

[51] Afua Cooper, for Scholarly Panel, "Report on Lord Dalhousie's History on Slave and Race," August 2019, p. 90, https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/ldp/Report-on-Lord%20Dalhousie-History-Slavery-and-Race.pdf (accessed 27 January 2020). See also the primarily US-based membership of the consortium on *Universities Studying Slavery*, of which both Dalhousie and King's are members: https://slavery.virginia.edu/universities-studying-slavery/ (accessed 27 January 2020).

3.3.2. United States and United Kingdom

Both the US and the UK have experienced high-profile debates on statues and other forms of commemoration, focusing primarily in each case on monuments with a connection to African enslavement. In the US, the issue was brought to the forefront by the Unite the Right rally in Charlottesville, VA, in April 2017, which had been triggered in large part by the actual or planned removal of Confederate commemorations in many cities in the interests of no longer glorifying historical advocates of slavery. The Charleston church shooting of 2015, by a white supremacist, had been followed by an acceleration in the former Confederate states of the removal of Confederate symbols such as the flag and portraits of leading political and military members of the Confederacy. The Charlottesville rally, as one of its main purposes, had the goal of preventing the proposed removal of a statue of General Robert E. Lee from the formerly-named Lee Park. The resulting violence and loss of life are well known, but the result was also to prompt the taking down of Confederate statues in many US cities during the ensuing months. Major examples included a large monument to Robert E. Lee dismantled in New Orleans in May 2017, and in Baltimore in August the removal from their pedestal of four related sculptures, including twin equestrian statues of Lee and General Thomas Jonathan "Stonewall" Jackson. The Baltimore removal proved especially controversial, as Confederacy-linked organizations demanded restoration, while other suggestions included finding alternative sites for the statues, replacing them with historical markers, or destroying them altogether. The matter remains unresolved. So does the future of the Lee statue in Charlottesville. A judicial decision classifying it as a war memorial has prevented its dismantling, while an earlier judicial ruling in 2018 had ordered the city to remove a tarpaulin with which the statue had been shrouded since soon after the Unite the Right rally.[52]

[52] https://www.baltimoresun.com/politics/bs-md-pol-confederate-monuments-20190926-3ionc4ekhrdllpp72uld7npzdm-story.html (accessed 27 January 2020); https://www.npr.org/sections/thetwo-way/2018/02/28/589451855/shrouds-pulled-from-charlottesville-confederate-statues-following-ruling (accessed 27 January 2020).

As the controversies unfolded, the American Historical Association issued in August 2017 a statement on the Confederate monuments, which we endorse as having direct relevance also to the commemoration of Edward Cornwallis. It reads in part:

> The American Historical Association welcomes the emerging national debate about Confederate monuments. Much of this public statuary was erected without such conversations, and without any public decision-making process. Across the country, communities face decisions about the disposition of monuments and memorials, and commemoration through naming of public spaces and buildings. These decisions require not only attention to historical facts, including the circumstances under which monuments were built and spaces named, but also an understanding of what history is and why it matters to public culture…
>
> History comprises both facts and interpretations of those facts. To remove a monument, or to change the name of a school or street, is not to erase history, but rather to alter or call attention to a previous interpretation of history. A monument is not history itself; a monument commemorates an aspect of history, representing a moment in the past when a public or private decision defined who would be honored in a community's public spaces….
>
> To remove such monuments is neither to 'change' history nor 'erase' it. What changes with such removals is what American communities decide is worthy of civic honor….
>
> We also encourage communities to remember that all memorials remain artifacts of their time and place. They should be preserved, just like any other historical document, whether in a museum or some other appropriate venue. Prior to removal they should be photographed and measured in their original contexts. These documents should accompany the memorials as part of the historical record….[53]

While Confederate monuments have predominated in US debates over commemoration, there is at least one major example of a statue's removal because of its portrayal of an Indigenous subject. The "Early Days" statue in San Francisco

[53] https://www.historians.org/news-and-advocacy/aha-advocacy/aha-statement-on-confederate-monuments (accessed 27 January 2020).

showed a defeated Native American receiving attention from a priest, while a triumphant colonial figure stood alongside. Following protests going back to the 1990s, the statue was moved into storage in September 2018.[54]

In the United Kingdom, enslavement has been central to debates over commemoration. In this case, the main focus has been on the activities of merchants who were involved either directly in the slave trade or with commodities derived from enslaved labour, such as cotton, sugar, or tobacco. However, only limited change has resulted. The proposal of a Liverpool city councillor in 2006 to rename city streets carrying the names of slave traders – including the famous Penny Lane, named after James Penny – was opposed and ultimately abandoned. A vigorous debate has taken place in Bristol, another slaving centre, over the honouring of Edward Colston, who made a large amount of money from the slave trade and then used part of it to become a civic benefactor. Although a statue of Colston still stands, despite calls for its removal, a concert venue and a division of a secondary school formerly named after him are in the process of renaming.[55]

Also important in the United Kingdom have been academic enquiries, comparable to those at Dalhousie and King's, into connections with enslavement. Although commemoration, again, is not the principal focus, an important study at the University of Glasgow emphasized the need "not to forget the many enslaved people who were at the heart of this story, yet whose names, lives and suffering have been obscured or forgotten. Recognition and commemoration of these people will be part of the process of engagement with this complicated past."[56] Enslavement and Indigenous dispossession were, of course, different historical processes, but in our view those

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[54] https://www.theguardian.com/us-news/2018/sep/24/early-days-statue-removed-san-francisco-native-americans (accessed 27 January 2020); https://www.smithsonianmag.com/smithsonian-institution/san-francisco-early-days-statue-gone-now-comes-work-activating-real-history-180970462/ (accessed 27 January 2020).

[55] https://www.theguardian.com/world/2017/apr/29/renamed-and-shamed-taking-on-britains-slave-trade-past-from-colston-hall-to-penny-lane (accessed 27 January 2020); https://www.bbc.com/news/uk-england-bristol-47195706 (accessed 27 January 2020).

[56] Stephen Mullen and Simon Newman, for University of Glasgow History of Slavery Steering Committee, "Slavery, Abolition, and the University of Glasgow," September 2018, https://www.gla.ac.uk/media/Media_607547_smxx.pdf (accessed 27 January 2020).

impacted by both deserve commemoration, along with positive public recognition of the many contributions of the Mi'kmaw and African Nova Scotian communities.

3.3.3. Other Global Examples

Debates over commemoration, and resulting changes, have also been pursued in other global contexts. An example especially relevant to the commemoration of Edward Cornwallis is the statue in India of his nephew Charles, Lord Cornwallis. This Cornwallis was the General who surrendered at Yorktown in 1781 to American revolutionary forces, thus effectively ending the revolutionary war. Subsequently, he served militarily in India and was twice governor general of British India. A large marble statue of Cornwallis was unveiled in Madras (now Chennai) in 1800, and soon after Indian independence it was moved to a temporary location before being installed in 1948 in the museum setting of Fort St. George in that city.[57] In the Australian city of Melbourne, the colonial entrepreneur John Batman –

Charles, Lord Cornwallis

Debates over commemoration, and resulting changes, have also been pursued in other global contexts. An example especially relevant to the commemoration of Edward Cornwallis is the statue in India of his nephew Charles, Lord Cornwallis. This Cornwallis served as a senior officer in the British forces opposing the American Revolution from 1776, and was the General who surrendered at Yorktown in 1781 to revolutionary forces, thus effectively ending the revolutionary war. In 1786, he became both the British Governor-General in India and the Commander-in-Chief of the British forces there, expanding British colonial rule in south India before leaving office in 1793. After serving in a variety of other positions, Cornwallis again became Governor-General in India but died soon after his arrival there in 1805. A large marble statue of Cornwallis was commissioned by "the principal [British] inhabitants of Madras" and by officials of the East India Company, and was unveiled in Madras (now Chennai) in 1800. Soon after Indian independence it was moved to a temporary location before being installed in 1948 in the newly-opened museum setting of Fort St. George in that city, where it continues to be exhibited.

[57] Tim Wilsey, "Charles, Marquess Cornwallis (1738-1805) by Thomas Banks," http://www.victorianweb.org/sculpture/banks/2.html (accessed 27 January 2020).

regarded by some as the founder of the city – had two monuments in his honour. One, an obelisk on the original site of his grave, dated from 1881 and still stands, though with an accompanying plaque detailing what the historical evidence has proved to be his violent exploitation of Aboriginal people and resources. The other was a statue placed by the city in a public square in 1979, which was removed to municipal storage when the site was sold for development in 2017. The city has announced that it has no intention of restoring the statue to public view. A further example, from South Africa, is the commemoration of Cecil Rhodes, a leading imperial and political figure in late-19th century southern Africa, and a dominant figure in the extraction and sale of diamonds. He was also, through a bequest, the founder of the Rhodes Scholarships. Many commemorations of Rhodes were created before and after his death in 1902, and following the end of the apartheid regime in South Africa they were protested on the grounds that he was an exploitive figure and a symbol of white supremacy. The campaign known as #RhodesMustFall targeted in particular a large statue of Rhodes at the University of Cape Town, and prompted its removal through a month-long campaign. At the University of Oxford, where Rhodes had studied briefly at Oriel College in 1873, similar efforts directed at the college's statue of Rhodes were unsuccessful although the college added to its website a statement "to explain something of why Rhodes and his views were and are controversial."[58]

3.4. Canada and Reconciliation: RCAP, UNDRIP, TRC, National Inquiry into MMIWG

As a final element of the current background for recommendations on the commemoration of Edward Cornwallis and the recognition and commemoration of Indigenous history and culture, four other foundational documents are essential. The 1996 final report of RCAP dealt primarily with socio-economic and political/constitutional matters. Nevertheless, among its recommendations was a strong endorsement of the importance of commemoration:

> Aboriginal people have a powerful understanding of the importance of symbols. Symbols demonstrate the uniqueness of a place, a group, or an idea. They are a vehicle for public awareness and popular education. This

[58] https://www.oriel.ox.ac.uk/cecil-john-rhodes-1853-1902 (accessed 27 January 2020); https://www.bbc.com/news/uk-england-oxfordshire-35435805 (accessed 27 January 2020).

> significance is not lost on other Canadians; the federal government highlights Canada's Aboriginal heritage in projecting this country's image abroad. A striking example is the monumental sculpture by the Haida artist, Bill Reid, the focal point of Canada's embassy in Washington, D.C.
>
> At home in Canada, there could be more such symbols and monuments to demonstrate the importance of Aboriginal people in Canada's history and to bring more Aboriginal content into the daily lives of Canadians. Many opportunities exist. An excellent example is the strong Aboriginal influence in the Canadian Museum of Civilization in Hull, Quebec, by architect Douglas Cardinal.
>
> Systematic efforts could be made to choose or restore Aboriginal names for communities and for geographic features such as lakes, rivers, and mountains. This approach has been implemented in a systematic way in the Northwest Territories and in Northern Quebec, where places like Iqaluit (formerly Frobisher Bay) and Kuujjuaq (formerly Fort Chimo) have become household names.

The report also identified other specific opportunities for commemoration, including ceremonial markings of Indigenous history and culture, expanded use of Indigenous languages, designation of sacred sites in urban contexts, and the identification of "important events and sites in Aboriginal history [which] could be marked by plaques, sculptures and museums, in the same way we now commemorate important non-Aboriginal historical events."[59]

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the UN General Assembly on 13 September 2007. In 2016 it was endorsed by Canada, and the commitment was reinforced in June 2019 in *An Act respecting First Nation, Inuit and Metis children, youth and families* (Bill C-92).[60] UNDRIP is principally concerned with rights-based protection for Indigenous security, autonomy, economy and environmental well-being, and cultural integrity. As such, it makes no direct statement on commemoration, but Article 15 has an important implied relevance:

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[59] RCAP, Final Report, Vol. 5, pp. 97-99.

[60] *An Act respecting First Nation, Inuit and Metis children, youth and families* (Bill C-92), 21 June 2019, Statutes of Canada 2019, Chapter 24, p. 1, the first Preamble, and p. 5, section 8 (c).

> 1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
>
> 2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.[61]

The final report of the TRC places a heavy emphasis on the importance of historical memory and commemoration. An entire chapter is devoted in the report's final volume, on reconciliation, to "Public memory: Dialogue, the Arts, and Commemoration."[62] In the same volume, the report specifies that "Reparations for historical injustices must include not only apology, financial redress, legal reform, and policy change but also the rewriting of national history and public commemoration."[63] Accordingly, this theme is prominent among the Calls to Action:

> 79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to: i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat; ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history; iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.
>
> 80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and

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[61] UNDRIP, p. 14, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf (accessed 27 January 2020).
[62] TRC, Final Report, Vol. 6, pp. 157-93.
[63] TRC, Final Report, Vol. 6, p. 82.

> Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.
>
> 81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.
>
> 82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.
>
> 83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

Although these Calls to Action are directed in the first instance to levels of government other than municipal, their tenor has a clear relevance to all forms of commemoration.

Finally, the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) also devotes extended discussion to commemoration, in that one of the Inquiry's fundamental tasks was to make recommendations on, "Ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada."[64] Commemoration and memorialization are considered in a chapter that identifies commemoration as an instrument of healing, a basis for the carrying forward of cultural and sacred knowledge, and ultimately a step towards justice and the eradication of violence.[65]

The possibilities for reconciliation, therefore, must be assessed in the light of important public debates in Canada and elsewhere, and with the guidance of principles

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[64] MMIWG, Final Report, Vol. 1a, p. 58.

[65] MMIWG, Final Report, Vol. 1b, pp. 53-82.

set out in the four documents cited above. The HRC's 2015 Statement of Reconciliation rightly sets high standards, and our recommendations as a Task Force will be aimed at doing justice to that courageous declaration both in terms of proposed resolutions to questions regarding Edward Cornwallis and the many opportunities for positive recognition and commemoration of Indigenous history.

4: The Edward Cornwallis Statue

4.1. Principles

In moving towards principled recommendations on the future of the Edward Cornwallis statue, we believe that six questions need to be addressed:

1) *Are there any prevailing patterns of opinion, arising from public engagement with the Task Force and written submissions, that can and should influence recommendations regarding the statue?*

2) *Are there exceptional elements to Cornwallis's career that can and should be given weight in assessing this historical figure's worthiness of continued public celebration?*

3) *Are there circumstances surrounding the raising of the statue itself that are relevant to considering its future?*

4) *Are there compelling broader reasons, especially in the context of the HRC's 2015 Statement of Reconciliation, to reconsider the commemoration of Cornwallis?*

5) *In the light of answers to the questions above, does continuing public commemoration of Cornwallis fit with prevailing values in 2020?*

6) *What action, therefore, should be taken by the HRM in regard to the statue?*

4.2. Public Engagement and Written Submissions

Because we have planned from the beginning that public engagement would be a key element of fulfilling our responsibilities as a Task Force, we choose to give priority by devoting this section to prevailing patterns of opinion arising from the written submissions we have received and the comments made at the public engagement sessions.

Are there any prevailing patterns of opinion, arising from public engagement with the Task Force and written submissions, that can and should influence recommendations regarding the statue? Yes.

The majority of the contributors who commented on the Cornwallis statue opposed the restoration of the statue to the location it occupied until January 2018, or to any position of positive public commemoration. The public engagement sessions were widely advertised and completely open, and it was made clear on many occasions that we welcomed written submissions. The contributors came from many different personal backgrounds.

Direct comments on the statue were primarily made either in writing or at the four open-microphone sessions in June 2019. The two engagement sessions in October 2019 were in group discussion format and focused more on the side of our mandate connected to Indigenous commemoration, so that although some participants did make comments on Cornwallis there was no quantifiable or systematic input on the statue. Between correspondence and the June sessions, of the 65 unique contributors who made recommendations on the statue (a further 27 confined their remarks to other areas of our mandate), 14 favoured the statue's full reinstatement in its original or an equivalent place.[66] There were 12 others who argued for its restoration to the park, but with significant modifications such as removal of its pedestal, addition of other statues, or addition of display materials to provide context. The majority, 39, believed that the statue should no longer be on public display as a positive commemoration in any sense, with some adding that it could be relocated to a museum where it would be displayed as an artifact in a context of analytical and educational scrutiny.

Of those who argued for restoration of the statue, some referred to Cornwallis's actions as being defensive and suggested that the time period was one of violence on all sides during which scalping was a common practice. For others, the founding of Halifax represented a positive achievement that could and should be separated for

[66] One correspondent suggested a location at Province House, while a speaker suggested Royal Artillery Park. As commemorative locations, we regard these as equivalent in prominence to the previous park site.

commemorative purposes from the hostilities that accompanied it. A number of our correspondents saw removal of the statue as erasing history or substituting for history a narrative imposed by particular societal groups, while also in some cases questioning the impartiality of the Task Force and its members.

Among those who preferred the option of returning the Cornwallis statue to the park, but modifying its surroundings in order to mitigate the effect of Cornwallis's statue dominating the environment, the most frequent suggestion was to add a statue of a Mi'kmaw figure or some other form of Mi'kmaw commemoration. Two correspondents favoured adding a contextual plaque to the Cornwallis statue. In two other cases, it was proposed that the statue should be repositioned at ground level, without its pedestal. Although of course we value the contributions of all of our correspondents and speakers, we would like to make particular mention of the proposal submitted to us in writing and then presented at one of the June sessions by students who were at the time of the submission in the Grade 6-8 class at the Booker School. The students suggested that the Cornwallis statue should be lowered to ground level and positioned in a "conversation" with prominent figures from Mi'kmaw, Acadian, and African Nova Scotia history. Although, for reasons outlined in section 4.3 below, we are unable to endorse this proposal, we commend the students for their imaginative approach and congratulate their teacher, Ms. Temma Frecker, on the award of the 2018 Governor General's History Award for Excellence in Teaching in connection with the project.

Those correspondents and speakers, the majority, who favoured the permanent removal of the Cornwallis statue from any position of positive commemoration expressed a variety of reasons for their opinion. Among those most commonly held were the actions taken by Cornwallis in the scalp and prisoner proclamation and in promoting ranger warfare, the inherent violence of empire and colonization, and the offensiveness of a triumphalist representation of imperial expansion. Many of those who took this view also emphasized that, especially in the light of the report of the TRC, any possibility of reconciliation would depend on willingness in the non-Indigenous community to listen to Indigenous voices, acknowledge the pain and frustration arising from portrayals of imperial and colonial activities as heroic, recognize the genocidal elements of Canada's history, and work cooperatively to develop a more balanced and ethically justifiable approach to commemoration.

Therefore, while public engagement is not the only determinant of our recommendations, the clearly predominant view of those who communicated with us was that the statue should not be restored.

4.3. Recommendations and Rationale

In our view, there are compelling reasons to agree with the majority view expressed to us through public engagement and correspondence.

Are there exceptional elements to Cornwallis's career that can and should be given weight in assessing this historical figure's worthiness of continued public celebration? Yes.

We accept that the mid-18th century in northeastern North America and in the North Atlantic World was a time of frequent and often chaotic violence. We accept that both of the main imperial powers offered scalp bounties during this time. We accept that hostilities took place on all sides, even though we also note that the British expedition to K'jipuktuk was necessarily seen on the Indigenous side as an armed invasion and that it proceeded despite a Mi'kmaw offer to hold discussions with a view to avoiding conflict.

In two respects, however, Cornwallis's approach and actions were exceptional. First, on 11 September 1749, well before the raid that took the lives of the Dartmouth woodcutters, Cornwallis expressed the view that "if the Indians do begin [hostilities], we ought never to make peace with them again. It will be very practicable … to root them out entirely."[67] While ostensibly conditional on Mi'kmaw initiation of hostilities, the threat was premised on the high and imminent likelihood that the British incursion would be resisted, and the Board of Trade was therefore justified in referring to "your Opinion … of never hereafter making peace with them and of totally extirpating them."[68] That Cornwallis lacked the ability to project sufficient military power to follow up effectively on the plan does not alter the clear expression of his ambition to do so.

[67] Cornwallis to Board of Trade, 11 September 1749, UKNA, CO217/9, 89-90.
[68] Board of Trade to Cornwallis, 16 October 1749, UKNA, CO218/3, 85.

Secondly, amid so much of the evidence in this era that is fragmentary and difficult to interpret, the 1749 scalp and prisoner proclamation is a clear and unambiguous action by Cornwallis. It put a price on the heads of Mi'kmaw people wherever ranger forces could reach them. The suggestion has been made by some that the proclamation applied only to male Mi'kmaq, and by extension only to fighters. We reject this interpretation, which is based on the pronoun used in the final sentence of the proclamation: "[we] do promise a reward of Ten Guineas for every Indian Micmack taken or killed to be paid on producing such Savage taken or *his* Scalp (as is the custom of America) if killed...."[69] The *Oxford English Dictionary*, however, documents the use of the male pronoun in a non-gender-specific way going back to the Middle Ages.[70] Together with Cornwallis's subsequent reference, quoted above, to targeting "old Indians Women and children," it is clear to us that the proclamation applied to all Mi'kmaq regardless of age and gender.[71]

The evidence shows, therefore, that Cornwallis had a personal ambition to "root ... out" Mi'kmaw people, and that the 1749 proclamation applied scalp bounties to all Mi'kmaq. These are elements in Cornwallis's career that are egregious and fully deserve to be given weight in assessing his worthiness of positive commemoration.

Are there circumstances surrounding the raising of the statue itself that are relevant to considering its future? Yes.

Setting aside for the moment the commercial reasons that led the CNR to bear most of the statue's cost, the intention of those who advocated the raising of the statue was that it would be a monument to imperial values and would contribute to shoring up those values in the minds of future generations. The unveiling ceremonies were suffused with imperial rhetoric. One speaker, for example, indicated to those present that "if the Hon. Edward Cornwallis could return to Halifax today he would look into your minds and hearts to see if you have been faithful to the traditions of the British race."[72]

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[69] Minutes of Nova Scotia Council, 1-2 October 1749, UKNA, CO217/9, 118. Emphasis added.
[70] *Oxford English Dictionary*, online edition, https://www.oed.com/view/Entry/84893?rskey=QTPmHu&result=4#eid (accessed 27 January 2020).
[71] Cornwallis to Board of Trade, 19 March 1750, UKNA, CO217/9, 190.
[72] Ivan C. Rand, quoted in *Halifax Herald*, 23 June 1931.

The sculpting of the statue itself, while bearing no physical resemblance to the historical Cornwallis, portrayed its subject in such a way as to glorify the imperial enterprise and the importance to it of a certain form of masculinity. As the Halifax *Evening Mail* accurately pointed out in 1931, "the tall figure of the Honourable Edward Cornwallis looks seaward, and it is a virile, strong, steadfast face with a touch of sternness in it which is usually to be found in the faces of all men who achieve – all leaders of men and pioneers."[73]

As a historical artefact, therefore, the statue has only the most tenuous connection with the 18th-century past, and instead has everything to do with a defensive 20th-century effort to promote the glories of empire. While this characteristic does tend to make the statue a valuable piece of historical evidence on the diminishing Canadian interest in the empire during the interwar years, it also highlights that the cultural context differs totally from beliefs that hold resonance in the Canada of some 90 years later. It represents, as one of our correspondents pointed out, a "form of triumphalism … [that] is out of step with today's values."

Accordingly, the future of the statue can and should be considered without any sense that it somehow represents enduring values that should continue to be supported in today's society.

Are there compelling broader reasons, especially in the context of the HRC's 2015 Statement of Reconciliation, to reconsider the commemoration of Cornwallis? Yes.

The HRC statement, as noted above, makes a commitment to "taking action to ensure the needs and aspirations of Aboriginal people are fully acknowledged in the great cities we seek to build," and to "a new equal partnership with Aboriginal people in Canada; one based on truth, dignity, and mutual respect."[74] Restoring the Cornwallis statue would be entirely contradictory to these aspirations. Indeed, the idea that Mi'kmaw or other Indigenous people and families, whether going about daily business or engaging in leisure activities, would be confronted with a statue of a person who put

[73] *Evening Mail* (Halifax), 20 June 1931.
[74] Minutes of HRC, 8 December 2015, p. 13.

a price on Mi'kmaw heads and then was symbolically portrayed to glorify empire, is simply wrong and unconscionable. Common decency forbids it.

More generally, the destructive and often genocidal results of colonization for Indigenous populations worldwide, including in Mi'kma'ki, have long been well known to Indigenous people. Based both on evidence-based historical research, and on the gradual shifting of attitudes over a number of decades, recognition of these damaging results is now inescapable also for non-Indigenous populations. Given that the expedition of 1749 was a forerunner of the processes noted in section 2.7 above, and in the light of the relevant Calls to Action of the TRC, the idea of publicly honouring the leader of that expedition becomes even more incongruous.

This is not just an issue for Indigenous people. As pointed out in their distinctive ways by the foundational documents cited above – HRC Statement of Reconciliation, RCAP, UNDRIP, TRC, and the National Inquiry into MMIWG – it also concerns the integrity of Canada itself as a society where Indigenous and non-Indigenous populations can hope to thrive together in, to again quote the HRC statement, "truth, dignity, and mutual respect." The Cornwallis statue, of course, is just one specific example of the change in commemoration patterns that is itself just one specific part of a national reappraisal necessitated by more balanced understandings of history that recognize colonial settlement as never having been a benign process. But it is a powerful example nevertheless. In reconsidering the commemoration of Cornwallis, the HRM has a precious opportunity to lead.

In the light of answers to the questions above, does continuing public commemoration of Cornwallis fit with prevailing values in 2020? No.

Accordingly, we ***recommend***:

(1) That the statue of Edward Cornwallis not be returned, under any circumstances, to a position of public commemoration.

In the context of the foregoing recommendation, it is clear that we have set aside suggestions that the statue should be restored to its former location or to another site of public reinstatement. We have given careful consideration to related suggestions put to us that the statue should be returned to the park but in a context that mitigated its predominance by adding other commemorative elements. In particular, thoughtful

and detailed proposals along these lines were put forward by (as noted above) the students of the Booker School, and in two other written submissions. In our estimation, none of these suggestions changes the reasons stated above for the permanent removal of the Cornwallis statue. Even the respectfully-intentioned Booker School proposal for Cornwallis to be depicted in conversation with, among others, Grand Chief John Denny, Jr., would undoubtedly be found by Indigenous and other critics to be implausible and, perhaps, offensive. Nevertheless, we see no reason why ideas derived in part from these proposals should not be given consideration in future city planning, in the absence of the statue.

What action, therefore, should be taken by the HRM in regard to the statue?

In the light of suggestions coming out of public engagement, and of the related experience of other jurisdictions in Canada and elsewhere, we considered a variety of possible options:

- That the statue remain in indefinite storage;
- That the statue remain in storage pending placement in an appropriate museum;
- That the statue be directly offered as a donation to a museum, to an interest group, or (as proposed in a letter received from the Hon. David Cornwallis) to the Cornwallis family;
- That the statue be melted down, and the bronze used to create a new sculpture more in line with current community values;
- That the statue be destroyed.

All of these possibilities had advantages and disadvantages that we explored. The ideas that the statue should be either destroyed altogether or radically repurposed by melting down were premised on the judgment that it is an inherently offensive object, as supported by a number of the public engagement participants. However, we reached the conclusion that a consideration of this kind would be outweighed by its potential value as a historical artifact available for research purposes, and its ability to be used as an educational object. We were also troubled in principle by the destruction of a piece of public art, regardless of what may have been its originally intended purpose.

The possibility of indefinite storage would accomplish the purpose of removing the statue from a public commemorative role, while still perhaps preserving its availability for occasional educational use. Whether by design or default, storage has also been a preferred option for statues in some other jurisdictions. However, the question can legitimately be raised of why a statue, meant as an object to be publicly viewed, should be preserved if it is largely inaccessible.

The offering of the statue to an interest group or to the Cornwallis family were options that we set aside after minimal discussion. Although they might be seen as easy or simple actions to take, our concern was that by such a donation the HRM would in effect be relinquishing all control over the statue's future use in contexts that would not be governed by the stringent professional standards of a cultural institution.

The museum option remained, and had the advantage that display parameters would be determined according to high and accepted professional criteria. The statue would not be withheld from public scrutiny, but rather would be situated in a vibrant space of public discussion and education. This solution was proposed by a number of our correspondents and speakers, often in the context of emphasizing that education on the historic past, including its most troubling aspects, was the key to a healthy approach to reconciliation.

There is, however, no existing museum where the statue would fit readily within the institution's mandate or acquisition and collection policies. While there are many excellent museums within Mi'kma'ki, and not least in Halifax itself, themes such as immigration, marine history, and natural history represent areas where the Cornwallis statue would have only marginal relevance. Even the theme of military history would be a poor fit in that Cornwallis, although a British officer, was primarily a colonial governor whose activities went far beyond military affairs. Approaches could conceivably be made to other national museums, such as the Canadian Museum of History or the Canadian Museum for Human Rights, although it would be unlikely that the statue would be accepted – given its dimensions and the limited storage space in most museum facilities – or, even if accepted, whether it would be included as part of the relatively small proportion of these museums' collections that is actually displayed at any given time. Moreover, the statue's direct relevance to the troubled history of Mi'kma'ki/Nova Scotia would be better recognized by having it stay in this place.

A substantial number of presenters at both series of public engagement sessions called for the creation of a civic museum by the HRM, as a contribution to the cultural and educational vibrancy of the community and as an attraction for visitors. Indeed, ideas about the creation of a civic museum have been part of the public discourse in the HRM for some time. We find this suggestion compelling at many levels – the general benefits for the community, the value for tourism, and specifically as an appropriate placement for the statue. Obviously, such a major project would not be completed quickly, and the location of funding alone would be a long-term process. Nevertheless, we have concluded that it would be worth the wait.

Therefore, we ***recommend***:

> **(2) That the Cornwallis statue be retained in storage pending the creation of a civic museum (see also recommendation 6), owned and operated by the HRM according to the highest professional museological standards, and that the statue then be transferred to the collection of the civic museum.**

5: Commemoration of Edward Cornwallis on Other Municipal Assets

5.1. Principles

The two additional municipal assets bearing the name of Edward Cornwallis are Cornwallis Park and Cornwallis Street. While a park and a street may have lesser commemorative force than a statue, we apply the same principles to these assets as noted in sections 4.1 and 4.3 above.

5.2. Public Engagement and Written Submissions

Relatively few of our speakers and correspondents made reference to the naming of the street and the park, compared with the many comments on the statue. However, of those who did so, the large majority favoured renaming. While two contributions suggested retaining the name of Cornwallis Park, 25 preferred that a new name be found. While three advocated keeping the name of Cornwallis Street, 23 wished it to be changed.

Of four specific new names suggested for the park, all were premised on honouring principles rather than an individual person: “All Nations Site”; “Park of the People”; “Peace and Friendship Park”; “Peace and Reconciliation Park.”

There were two specific proposals for a new street name (“Nora Bernard Street,” and “Hope Street,” to honour the Hope Blooms project), and two speakers suggested that a Mi’kmaw name be found.

5.3. Recommendations and Rationale

For reasons similar to those we have advanced with regard to the statue, we agree with the majority of those who presented their ideas, in that we favour renaming of both assets. We are aware that current policies on renaming streets and parks, because of the nature of the acceptable criteria, would not accommodate the renaming of either asset. However, we take note of the HRM’s strong commitment to diversity and inclusion, and to its Statement of Reconciliation, and we are optimistic that adjustment of the relevant policies could readily be undertaken. Our recommendations in this section should be understood, therefore, as requesting such adjustment where needed.

Regarding the naming of the present Cornwallis Park, we are in agreement with the 25 contributors through correspondence or public engagement who favoured the substitution of a new name. We note that, if our recommendations regarding the statue were to be adopted by the HRM, the existing name of the park would then be disconnected from the main reason for its original naming. We also agree with those who had specific proposals for a new name, that a name based on values or principles is preferable to the name of an individual. We see merits in all the suggestions, but regard the proposal of the MICS is the most powerful and appropriate name: “Peace and Friendship Park.” We acknowledge that we are not fully adopting the MICS proposal, in that it was premised on the restoration of the Cornwallis statue along with a Mi’kmaw monument. The name, however, alludes appropriately to the treaties, while at the same time lifting up the values of peace and friendship that have deep, lasting, and universal worth in a great variety of contexts.

Therefore, we ***recommend***:

(3) That Cornwallis Park be renamed “Peace and Friendship Park.”

Along with a new name, we also hope that the park will find new purposes that are in harmony with the principles of peace and friendship. As further considered in section 6 below, we see important possibilities for the park in planning the future recognition of Mi'kmaw culture and history, although we do not envisage its uses as exclusively Indigenous.

Accordingly, we ***recommend***:

> **(4) That the renamed Peace and Friendship Park be repurposed, and possibly redesigned and re-landscaped, to accommodate the creation of a performance space; that any organized activities in the park include programs that have a focus on youth; and that civic programming there include an emphasis on education as a way of addressing and combating racism of all kinds.**

Turning now to Cornwallis Street, we have a different recommendation from those noted in section 5.2 above. This does not mean that we have lightly set aside the suggestions made by speakers at the public engagement sessions. Nora Bernard (1935-2007) was a Mi'kmaw social advocate of great distinction, notably in her work for and with survivors of the Shubenacadie Residential School, and her name undoubtedly should be considered for future commemoration.[75] Hope Blooms, headquartered on Cornwallis Street, is a highly innovative and diverse youth-led enterprise that creates "innovative environments for long term impact in food security, education, social inclusion and disrupting the cycle of poverty."[76]

In our view, however, there is another potential street name that, on balance, deserves adoption: "New Horizons Street." The New Horizons Baptist Church was founded in 1832 as the African Baptist Church, and from 1892 until 2018 was known as the Cornwallis Street Baptist Church. Throughout that lengthy era, the church was – as it continues to be – one of the most pre-eminent institutions in the African Nova Scotian community. The decision to adopt its current name was specifically taken in the light of misgivings over the Cornwallis name and in support of the Mi'kmaw community. As

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[75] Among many tributes to Nora Bernard, see http://jfklaw.ca/international-womens-day-2019-nora-bernard/ (accessed 27 January 2020).

[76] https://hopeblooms.ca/about/ (accessed 27 January 2020).

indicated by the Senior Pastor, Dr. Rhonda Y. Britton, "The intent of the name change is to identify ourselves by a name that better reflects the church's values with an eye to the church's work in the future.... The change also supports our First Nations sisters and brothers in their continued efforts to educate the public regarding the violence and mistreatment they have endured, as we all become more mindful of those we choose to honour and celebrate in history."[77]

We believe that it is appropriate to restore the 126 years of symmetry between the church and the street where it is located, as well as to honour an institution of outstanding importance in the city and beyond.

Therefore, we ***recommend***:

> **(5) That Cornwallis Street, subject to an expression of approval by the congregation of the New Horizons Baptist Church, be renamed "New Horizons Street."**

6: Recognition and Commemoration of Indigenous History in K'jipuktuk and Neighbouring Areas of Mi'kma'ki, Corresponding to Halifax Regional Municipality

6.1. Principles and Public Engagement

In formulating a principled basis for recommendations in the area of recognizing and commemorating Indigenous history, we were assisted by a wealth of perceptive comments that were contained in correspondence and in contributions to public engagement sessions. While all the public engagement sessions were valuable in this respect, the second series was especially productive. It was a correspondent, however, who urged that we give close attention to Parks Canada's recent *Framework for History and Commemoration: National Historic Sites System Plan, 2019*. This document gives especial priority to commemoration in an Indigenous context, and provides a summation that, while it is directed in the first instance to the management of Parks

[77] http://cornwallisstreetbaptist.ca/2018/05/14/name-change-press-release/ (accessed 27 January 2020).

Canada sites, we believe to have just as much relevance in principle when applied to Mi'kma'ki and to the HRM:

> The history of Indigenous peoples (First Nations, Métis and Inuit) is a priority for Parks Canada, and includes the totality of Indigenous experiences since time immemorial. It also comprises Indigenous peoples' interactions with non-Indigenous peoples and the state and society, such as treaty relationships, the fur trade and residential schools. In the context of the federal government's commitment to truth telling and reconciliation, more needs to be done to acknowledge the centrality of Indigenous peoples in history and to foster dialogue. Indigenous histories, Indigenous connections to the land and the complexity and diversity of Indigenous cultures must command greater attention at heritage places.
>
> Through traditional knowledge, oral histories, archaeology and archival research, we know that many different peoples lived for millennia in every region of what became Canada. Indigenous peoples continue to pass on, record and share their histories. Confronting the legacy of colonialism and its impact on Indigenous peoples is a necessary and important part of reconciliation. Further, it is also important to consider all aspects of Indigenous peoples' history, rather than just their interactions with the state and settlers. Making the history of Indigenous peoples a priority through active engagement and consultation, and encouraging collaboration and relationship-building, supports reconciliation and a future that we can all forge together.[78]

Although we hope that it is too obvious to require to be said, we affirm that enhancing the degree and the quality of public recognition of Indigenous history and culture does not imply any dilution or retrenchment of the recognition of the roles of non-Indigenous peoples, except where (as we have judged with regard to Edward Cornwallis) specific current commemorations of non-Indigenous history may be deemed through careful consideration to violate broader community values. Rather, the goal is to rebalance and recalibrate, to move away from the current situation in which non-Indigenous people and processes are commemorated in multiple contexts

[78] *Framework for History and Commemoration: National Historic Sites System Plan, 2019* (Ottawa: Parks Canada, 2019), p. 25

all over the HRM while millennia of Indigenous history are largely ignored. As one participant in the October public engagement rightly observed, as matters stand it is very difficult for an Indigenous person to see themselves reflected in commemoration, and thus to gain a sense of belonging in the municipality in this regard. Another noted that the overall Mi'kmaw experience has included, for necessary economic reasons, many generations of urban living for a substantial number of families, thus creating an important community in the areas of Mi'kma'ki included within the HRM. That gaining a broader sense of belonging has been so difficult to attain for Mi'kmaw people is, we believe, both a sad reflection and a state of affairs that urgently needs to be redressed.

Need for public Mi'kmaw commemoration

Enhancing the degree and the quality of public recognition of Indigenous history and culture does not imply any dilution or retrenchment of the recognition of the roles of non-Indigenous peoples, except where specific current commemorations of non-Indigenous history may be deemed through careful consideration to violate broader community values. Rather, the goal is to rebalance and recalibrate, to move away from the current situation in which non-Indigenous people and processes are commemorated in multiple contexts all over the HRM while millennia of Indigenous history are largely ignored. As one participant in the October public engagement rightly observed, as matters stand it is very difficult for an Indigenous person to see themselves reflected in commemoration, and thus to gain a sense of belonging in the municipality in this regard. Another noted that the overall Mi'kmaw experience has included, for necessary economic reasons, many generations of urban living for a substantial number of families, thus creating an important community in the areas of Mi'kma'ki included within the HRM. That gaining a broader sense of belonging has been so difficult to attain for Mi'kmaw people is a state of affairs that, in everybody's best interests, urgently needs to be redressed.

As a further participant in public engagement also suggested, the desirable result of recognizing Mi'kmaw history and culture is a form of normalization – that, for both Indigenous and non-Indigenous residents as well as for visitors, commemorations of the Mi'kmaw past and present should become so well established that their existence is in itself unremarkable and so all such commemorations can be valued for their inherent worth.

In another comment that we found especially helpful, a correspondent urged that the values and purposes of Mi'kmaw commemoration should include the ability to inspire, the empowerment of educational initiatives, and the placement of the HRM in a leadership position as municipalities and governments engage with similar imperatives worldwide. A further participant emphasized that the broadening of Mi'kmaw commemoration should be seen as an overwhelmingly positive process and one that would be, in a word we find powerful and thoroughly endorse, "joyful."

So what, in principle, should this highly positive process look like? A number of our correspondents and engagement participants advocated that the lead should be taken by the Mi'kmaw community itself. Of course, we agree, in the sense that any public representations of Mi'kmaw history and culture should be in accordance with Indigenous knowledge and the needs and wishes of the community. It is no contradiction of this principle to state, however, that the benefits of such commemorations are not confined to Indigenous people. Rather, as noted above, they are enrichments for all who live in the portions of Mi'kma'ki corresponding to the HRM, whether they are Indigenous or non-Indigenous. Again, in this context, we recall that Mi'kmaw history in this place reaches back thousands of years, that no land surrender has taken place, and that the treaty relationship has been repeatedly judged as foundational by the SCC. The creation of awareness through commemoration, in these circumstances, is a public good for all.

Accordingly, it is reasonable for public resources to be deployed. We are well aware that public funds are always scarce and must be wisely invested. Moreover, as we will specify in greater detail below, there are worthwhile forms of commemoration that involve little if any disbursement. Others, however, may require significant expenditure, although the actual cost to the HRM may be substantially offset both through partnering with other levels of government and through increased tourist-related revenues that may be generated by major enhancements to the cultural attractions of the area.

As to the more specific characteristics of desirable forms of commemoration, we again rely on key points made by correspondents and by participants in the engagement process:

- There should be an emphasis on highlighting the treaty relationship. A number of participants, presumably non-Indigenous, indicated that they had long had no sense of themselves as treaty people, and that this awareness could be expanded through effective commemoration.
- There should be strong recognition of the historical and ongoing roles of Mi'kmaw women, as a recognition of the exceptional significance of women in Mi'kmaw society, in remembrance of the abhorrent level of violence against Indigenous women and girls as identified in the MMIWG report, and as a contribution to overall knowledge of women's history.
- Land and its spiritual importance should be a major area of attention, both to be true to a crucial element of Mi'kmaw culture and belief and in the interests of bringing Indigenous knowledge to bear on environmental matters.
- Forms of commemoration involving youth, whether as those familiarizing themselves with Indigenous history and culture or as active participants in performances or other commemorative activities. This has an important historical precedent, in that young people were frequently brought to treaty negotiations by Indigenous diplomats, so that they would remember the discussions and pass the memory to succeeding generations. It also recognizes the importance of youth in any time or place.
- There should be specific opportunities offered to New Canadians to become familiar with the importance of Indigenous history and culture, in ways that may not have been available to them previously.
- Education, broadly defined, should be recognized as an important purpose of all forms of recognition and commemoration of Mi'kmaw history. In addition, even though formal education is not a responsibility of the HRM, library and civic programming should be seen as possible ways of supporting educational goals in this area.

Finally, we are grateful for a number of participant suggestions of possible models from outside of the HRM that may be useful in devising comparable initiatives. Without prioritizing them, they include paying close attention to: parallels with New Zealand, where the national day (Waitangi Day) is named for the foundational treaty that has some significant parallels with the Peace and Friendship Treaties, and where there are many forms of recognition of the relationship between Māori and Pākehā (non-Indigenous) peoples; the striking design features of the National Native American

Veterans Memorial, currently under construction in Washington, DC; the welcoming features, based on West-Coast Indigenous culture, that form an impressive element of the Vancouver International Airport; the innovative approach to display and programming at the Squamish Lil'wat Cultural Centre in Whistler, BC; the multi-dimensional response of the City of Saskatoon to the report of the TRC; and the artistic and educational merits of the Reconciliation Mural in Sydney, NS.[79] Whether or not we specifically refer to these examples in making recommendations, we believe that all are important to bear in mind in any thoughtful consideration of commemoration in the HRM.

6.2. Recommendations and Rationale

Based on the principles, goals, and values set out above, we make the following recommendations.

6.2.1. Civic/Virtual Museum

Halifax/K'jipuktuk, as noted in section 4.3, has no shortage of first-rate museums, but continues to lack a civic museum of the kind that is a priceless asset of so many other municipalities. Canadian examples include Montreal, Ottawa, Toronto, and Vancouver. It is consistent with our recommendation **(2)** above that we regard the absence of such a museum both as a notable deficiency and as a valuable future opportunity. The possible benefits were affirmed by a number of our speakers and correspondents, and one speaker in particular made persuasive arguments at all four of the June engagement sessions. These included the existence of a valuable nucleus of a future collection that still exists from the removal into storage of the main collection of the Dartmouth Heritage Museum from its former Wyse Road location several years ago. Obviously, a civic museum would cover many aspects of local and

[79] https://nzhistory.govt.nz/politics/treaty/waitangi-day (accessed 27 January 2020); https://www.smithsonianmag.com/blogs/national-museum-american-indian/2019/05/27/native-american-veterans-memorial-drawings/ (accessed 27 January 2020); https://www.yvr.ca/en/about-yvr/art (accessed 27 January 2020); https://slcc.ca/ (accessed 27 January 2020); https://www.saskatoon.ca/community-culture-heritage/cultural-diversity/indigenous-initiatives (accessed 27 January 2020); https://www.cbc.ca/news/canada/nova-scotia/reconciliation-mural-downtown-sydney-1.5401446 (accessed 27 January 2020).

regional history, but Indigenous history would be among its major areas of focus. As the speaker pointed out, archaeologically-derived materials would find a natural home at the museum, as would other representations of Mi'kmaw history and (as we have recommended) an artifact such as the Cornwallis statue.

As we have also noted above, the creation of a first-rate civic museum, with a state-of-the-art physical facility and a staff that would operate the institution to the highest professional standards of museology, would entail a large investment even though the result would be a lasting civic asset of great economic as well as cultural value. We do not expect it to happen overnight, although we believe it to be a highly appropriate project for joint funding by all levels of government. In the meantime, provided again that the highest museological standards were maintained, a virtual museum could be created online, linked to the HRM website. In addition, with regard specifically to Mi'kmaw history, support could also be provided to the Mi'kmaw Native Friendship Centre to expand its current display, especially when it moves to its planned new building.

Therefore, we ***recommend***:

(6) That the HRM prioritize the creation of a civic museum, owned and operated by the HRM according to the highest professional museological standards, and begin immediately to explore potential funding and planning processes for this purpose.

(7) That, pending the opening of the civic museum, the HRM create a virtual museum, along with working with and supporting the Mi'kmaw Native Friendship Centre to enhance its capacity for displaying material representations of Mi'kmaw history.

6.2.2. Point Pleasant Park

We give a high priority to the implementation of the already-proposed Mi'kmaq Heritage Area in Point Pleasant Park. In June 2008 a detailed plan was prepared for the HRM and the Mi'kmaq Special Places Committee, with the direct involvement of the Mi'kmaw Native Friendship Centre. The plan identifies burial and ceremonial sites (which have profound spiritual significance and would be approached with care), along with feast areas, significant landscapes, and garden areas containing distinctive natural vegetation. A memorial to Mi'kmaw veterans would be integral to the plan.

When fully developed, with a Visitor Centre, guided programming, sculptural installations, and places for private contemplation, the Heritage Area would have expected audiences that would be both Indigenous and non-Indigenous, and would range from recreational park users, to visiting school groups, to tourists arriving either overland or on cruise ships. While the area would quickly become one of the leading tourist sites in the city and in the region, it would be planned in such a way as to avoid any disruption of current recreational uses and to preserve the dignity of sacred sites.[80]

For reasons that are not clear to us, the 2008 planning process for the Heritage Area came to an end soon after the plan was put forward. It is our understanding that a number of Elders, some of whom are no longer with us, had generously contributed their time and knowledge and had been assured that planning and development would continue. Certainly, the project would require a substantial budget, but we are optimistic that the creation of such a major public asset would have an excellent prospect of attracting support from all levels of government.

Therefore, keeping in mind that the plan already exists and could be activated without significant delay, we ***recommend***:

> **(8) That the Point Pleasant Park Mi'kmaq Heritage Area Interpretive Plan (June 2008) be made a priority for HRM action, and that the process of assembling funding proceed without delay.**

6.2.3. Other Outdoor Spaces

The HRM is fortunate in having many healthy and attractive outdoor spaces. They include numerous parks, and our previous recommendations **(4)** and **(8)** have a bearing on Mi'kmaw commemoration in two of these. In addition, there may well be opportunities to establish commemorative sites in others. We note as well that Long Lake Provincial Park has an extended history of resource harvesting by Mi'kmaw people living in the K'jipuktuk/Halifax area, and so discussions could be initiated with provincial authorities with a view to placing a heritage marker to that effect. Three of our correspondents had recommendations for other, complementary approaches. One

[80] Halifax Regional Municipality and Mi'kmaq Special Places Committee, *Point Pleasant Park Mi'kmaq Heritage Area Interpretive Plan* (June 2008).

suggested placing interpretive panels at habitation sites in Bedford (two sites – one near the mouth of the Bedford River, the other at the former Lions' Park on Bedford Basin), Fairview (near Titus Smith Park), and Birch Cove. The latter site, along with working with the Millbrook First Nation on some portion of the Shannon Park site, was also recommended by the second correspondent.

The third correspondent, referencing ideas developed in group discussion at the first October engagement session, recommended the creation of a comprehensive network of sites significant in Mi'kmaw history that could be designated as ceremonial spaces for all treaty people to go to and, following protocols, participate in ceremonies that would bring Indigenous and non-Indigenous people together. The services of Develop Nova Scotia could be engaged for design of these spaces and of any necessary infrastructure. Finally, the same person drew our attention to Kelly Ingram Park in Birmingham, AL, where sculptures and installations commemorate people and events from the Civil Rights movement, and where the "Four Spirits" sculpture depicts the four girls who lost their lives in the nearby 16th Street Baptist Church bombing of 1963. Recognizing that commemoration has many positive purposes but that the realities of a troubled past cannot be overlooked, we believe that an equivalent commemoration could memorialize missing and murdered Indigenous women and girls, as guided by the MMIWG report. Likewise, in the light of the TRC's Call to Action 82 (quoted in section 3.4 above), it would be important to plan a residential school monument in some appropriate location, focusing especially on the Shubenacadie Residential School. As this is also a matter of national and provincial importance, there should be opportunities for cooperation with the governments of Canada and Nova Scotia.

In the light of the foregoing, we ***recommend***:

> **(9) That the HRM, as the capital city of Nova Scotia, initiate a process (with full participation by representatives of the Mi'kmaw community) by which further outdoor spaces for the recognition and commemoration of Indigenous history can be identified and appropriate action taken, and that priority be given to memorializing survivors of the Shubenacadie Residential School and missing and murdered Indigenous women and girls.**

6.2.4. Cogswell District Redevelopment Project

We have had the benefit of a thorough briefing on the Cogswell Street Redevelopment Project, and we are especially encouraged to note that priority consideration will be given to art and commemoration dedicated to groups currently under-represented in these areas, specifically Indigenous and African Nova Scotian. High-quality imagery, along with the direct participation of the communities themselves and the artists and designers within them, will be integral to the project. We are impressed with the plans being developed, and believe they should be commended and supported.

Therefore, we ***recommend***:

> **(10) That the process leading to finalization of the art and commemoration components of the Cogswell Street Redevelopment Project be continued and supported, and that every opportunity be taken to involve Mi'kmaw artists and designers in all aspects of the process, including architectural design.**

However, there is one significant rider to our support for the project, which concerns the well-being of the community in North End Halifax. This area of the city has historically had substantial Indigenous and African Nova Scotia communities. These communities are still vibrant, but nevertheless have experienced severe pressures arising from gentrification and rising property prices. If the Cogswell Street development is allowed to proceed in such a way as to intensify these pressures, both communities will be in imminent jeopardy. To gain artistic images and commemorative panels, no matter how high-quality, would be a hollow and meaningless achievement if the community itself is lost. Consistent with our mandate, we have framed our recommendation to refer only to the Mi'kmaw community, but we note that it could equally well be implemented with respect to the African Nova Scotia community.

Therefore, we ***recommend***:

> **(11) That in the interests of ensuring that the art and commemoration components of the Cogswell Street Redevelopment Project are accompanied by the continued and enhanced health of North End Halifax communities, a rigorous requirement be applied for affordable housing in all the related developments, and that the**

relevant criteria be developed with the full participation of the Mi'kmaw community in the area.

6.2.5. Other Land Developments

Land development is, of course, normally undertaken by private business. Nevertheless, the HRM has the authority to regulate and to assess the degree to which a development offers public benefits. In particular, since 2009, the HRM has had the ability to use bonusing incentives as a planning tool to encourage certain characteristics of a development plan that provide public amenities or benefits, such as incorporating affordable housing or providing improvements to municipal parks. Given that, as noted in section 6.1 above, Indigenous commemoration is a public good, similar incentives could be offered to encourage such commemoration within privately-developed properties. By extension, application for such an incentive could also be invited in any other circumstances that would involve demonstrable benefit in some other form for the Mi'kmaw community. In making our recommendation, we note again that it could be applied also to the African Nova Scotian community.

Accordingly, we ***recommend***:

(12) That the HRM explore the development of bonusing guidelines that will offer incentives for elements of any development that will demonstrably bring benefits to the Mi'kmaw community, through commemorative installations or in any other evident way, and that representatives of the Mi'kmaw community participate in assessment of proposals that apply for such an incentive.

6.2.6. Naming of Streets and Other Assets

In addition to the recommendations above for the renaming of the present Cornwallis Park and Cornwallis Street, we believe that there is great potential for increasing Indigenous naming of HRM assets, most notably streets but also buildings, parks, park features (such as playgrounds or fields), and commercial vessels and ferries. Primarily, this would involve new names rather than renaming, and it would be in harmony with the emphasis in the HRM's Asset Naming Policy on increasing the diversity of commemorative names. A useful first step would be to request representatives of the Mi'kmaw community to create a list of potential names, with (as noted in section 5.3 above) the name of Nora Bernard given priority consideration. It

will also be important to ensure that all Mi'kmaw-language names are correctly rendered according to a recognized orthography such as the Francis-Smith Orthography. In that context, adjustment will be required to some existing names that currently use anglicized forms, meaning for example that Chebucto Road would become K'jipuktuk Road. As a speaker pointed out during the June public engagement, this process would have some parallels with restoring Irish-language naming in Ireland. More generally, greater use of the Mi'kmaw language in signage (comparably at least with use of Gaelic) would also be an appropriate form of recognition.

Therefore, we ***recommend***:

(13) That the diversity of new names for streets and other HRM assets be enhanced by working with the Mi'kmaw community to generate an expanded list of potential names.

(14) That opportunities be comprehensively explored for additional usage of the Mi'kmaw language in naming and signage, beginning with currently anglicized Mi'kmaw names being adjusted back to the Mi'kmaw original, such as Chebucto Road to K'jipuktuk Road.

6.2.7. Welcome Signs

A number of contributors to the public engagement sessions noted that much more could be done to make visitors aware that by arriving in the HRM they are also entering Mi'kma'ki and K'jipuktuk. One speaker made especial mention of the striking use of Indigenous imagery at Vancouver International Airport, and the powerful first impression it makes on incoming passengers.[81] For the HRM to make a similar impression would not only be an appropriate honouring of Mi'kmaw culture and history, but also a unique enhancement of tourist infrastructure at a time when the evident dynamism of the Mi'kmaw artistic community could readily be enlisted. As well as Stanfield International Airport, the Cruise Pavilion (Pavilion 22) of the Halifax Seaport would be another obvious location.

[81] See https://www.yvr.ca/en/about-yvr/art (accessed 27 January 2020).

Accordingly, we ***recommend***:

> **(15) That the HRM work with the Halifax International Airport Authority and the Halifax Port Authority, and with Mi'kmaw artists and designers, to develop welcoming displays drawn from Mi'kmaw culture and history.**

6.2.8. Treaty Education, and Other Educational Initiatives

Time and again, correspondents and engagement participants emphasized that education is crucial to promoting understanding between Indigenous and non-Indigenous communities and to advancing the possibilities for genuine and deep-seated reconciliation. Most importantly, in the view of these contributors, non-Indigenous people who had gone through the school system at a time when Indigenous history was either ignored altogether in the curriculum or was presented in an inaccurate and slighting manner, deserve the opportunity to learn about the treaty relationship and about other key elements of Mi'kmaw heritage and a shared past and present. The same point was also made with respect to New Canadians.

As noted in section 6.1. above, formal education is a provincial responsibility discharged through the Halifax Regional Centre for Education. Nevertheless, there is exciting potential for the HRM to make contributions outside of the formal schooling process, whether through libraries or other forms of civic programming. Treaty education, in the context that all who live in Mi'kma'ki are treaty people, is an obvious first priority. Important resources are available through Treaty Education Nova Scotia, a Mi'kmaw-Nova Scotia collaboration initiated in 2015 with the direct involvement of Mi'kmaw Kina'matnewey, the Mi'kmaw Education Authority. Further resources could be found in collaboration with Kwilmu'kw Maw-klusuaqn (the Mi'kmaq Rights Initiative) and the Mi'kmaw Native Friendship Centre. In addition to treaty education, Mi'kmaw language education would be a further priority.

The structuring of HRM programming in these areas could be varied. In some cases, classes could be provided at libraries, bearing in mind that there are also school and university programs in related areas and so duplication would have to be avoided. Displays could be created for circulation among libraries and civic properties in all parts of the HRM, with the possibility of using additional support for Mi'kmaw History Month as a way of developing these resources. An imaginative idea that came from

one speaker during public engagement was that texts of the treaties should be permanently displayed in the renamed Peace and Friendship Park. In all of this, it is important in our view to consider education as a broadly-defined process that does not take place only in schools and universities, and to bear in mind that education in such areas as the treaty relationship and Mi'kmaw language is a benefit and an opportunity for non-Indigenous residents including New Canadians, just as much as it is a deserved recognition of Mi'kmaw history and culture.

Therefore, we ***recommend***:

(16) That the HRM work with Mi'kmaw organizations to offer opportunities for educational programming, supplementary to formal education, in such areas as Treaty Education and Mi'kmaw Language Education, and that libraries in particular be supported to create such programs.

(17) That copies of this report be placed in schools and libraries throughout the HRM.

6.2.9. Youth

There is nothing original in stating that youth represents the future, but it remains a basic truth. Therefore, it is essential that a focus on youth should be an integral part of any strategy to recognize and commemorate Indigenous history. Every opportunity should be taken to involve youth, in ways that may include artistic activity (including performance), representations in communication media of subjects related to Mi'kmaw history, and other approaches that may come from both Indigenous and non-Indigenous young people themselves. The role of the HRM would be to give support through the use of civic facilities such as libraries and parks, including the performance site that we have recommended for the renamed Peace and Friendship Park. In addition, a small fund could be allocated for providing modest grants on a competitive basis for youth-related activities, including special projects and also the participation of youth groups in travel to Mi'kmaw cultural centres or to attend cultural events such as powwows.

Therefore, we ***recommend***:

> **(18) That the HRM prioritize support of youth activities furthering the recognition and commemoration of Indigenous history, and that a small fund be created that can provide grants on an adjudicated basis to Indigenous or non-Indigenous recipients who propose activities that will bring benefits in this area.**

6.2.10. Special Events, including 2020 North American Indigenous Games

The 2020 North American Indigenous Games will take place in K'jipuktuk/Halifax and at Millbrook First Nation from 12 to 18 July 2020. As well as the economic benefits coming from the entertaining of large numbers of visitors at an event well resourced by Sport Canada and other agencies, and by the Province of Nova Scotia, the event will provide a major opportunity to showcase Mi'kmaw history and culture to some 5000 competitors and to other attendees from throughout North America. This is an example of the power of such a major event, and we regard it as a matter for congratulation of the organizers and for future emulation.

Therefore, we ***recommend***:

> **(19) That where and when possible, the HRM look for and facilitate the holding of major Indigenous events that combine economic benefits with the opportunity to showcase Mi'kmaw history and culture.**

6.2.11. Partnerships

At various points in arriving at the foregoing recommendations, we have noted the benefits available to the HRM in working with Kwilmu'kw Maw-klusuaqn (the Mi'kmaq Rights Initiative), Mi'kmaw Kina'matnewey (the Mi'kmaw education authority), and the Mi'kmaw Native Friendship Centre. In making this final recommendation, we wish to underline those benefits and give encouragement to the continued productive relationships that can assist the HRM in furthering the recognition and commemoration of Indigenous history.

Accordingly, we ***recommend***:

> **(20) That the HRM continue to nurture its close and productive relationships with Mi'kmaw organizations that can assist with the**

effective recognition and commemoration of Indigenous history, including (though not limited to) Kwilmu'kw Maw-klusuaqn (the Mi'kmaq Rights Initiative), Mi'kmaw Kina'matnewey (the Mi'kmaw education authority), and the Mi'kmaw Native Friendship Centre.

7: Financial Implications of Recommendations

The budgetary implications of our above recommendations are varied. We have not considered it part of our mandate to cost out recommendations in detail, although the majority of them will have modest costs if any at all.

The recommendations regarding the Edward Cornwallis statue and the renaming of other HRM assets have minor immediate financial implications, beyond the cost of retaining the statue in existing municipal storage.

The two longer-term initiatives that will have substantial cost implications are the creation of the Mi'kmaq Heritage Area in Point Pleasant Park and the establishment of a civic museum with a physical facility. In both cases, we would expect that mobilizing funds from other levels of government will be involved, although we also foresee enhanced revenues and economic benefits when these two new assets are in place.

The repurposing of the renamed Peace and Friendship Park, along with the creation of memorials to Shubenacadie Residential School survivors and to missing and murdered Indigenous women and girls, will have costs depending on how ambitiously the design and planning is pursued. In these cases, we see the respective projects as a matter of honour for the HRM, to be undertaken not heedless of cost, but nevertheless in a manner befitting their importance.

We understand that of the inclusion of art and commemoration components in the Cogswell Street Redevelopment Project is already budgeted, so that our recommendation in support will have no additional financial budgetary implications, although the recommendations with respect to affordable housing and the more general application of bonusing criteria may have an impact in terms of development budgeting.

Welcoming displays at Halifax Stanfield International Airport and at the Cruise Pavilion may involve some HRM expenditure, although the costs and the benefits could also be shared with the respective authorities involved.

The encouragement of special events, sporting and others, may require up-front investment but will be designed to bring ultimate economic and revenue-based benefits.

Support of educational programming, support for the collection and display capacity of the Mi'kmaw Native Friendship Centre, and the creation of a small fund to support youth activities will have only modest cost implications.

The other recommendations (naming of assets, and nurturing of relationships with Mi'kmaw organizations) will have low cost implications or none at all.

8: Overall Rationale and Future Vision

We present the above recommendations in a positive and forward-looking spirit. It is of course right and proper that any decision to remove monuments and other commemorations on the ground that they are no longer in harmony with community values, such as those celebrating the role of Edward Cornwallis, should be preceded by reflection and by the kind of public discussion that has now been completed through our engagement sessions. But the rewards for rebalancing public commemoration to express more fully the crucial significance of Indigenous history and culture, and to represent also the reality that we are all treaty people, are immense.

The Halifax Regional Municipality exists within Mi'kma'ki. Here as elsewhere in Canada, all citizens, in the words of the Truth and Reconciliation Commission, "deserve to know Canada's honest history … and to appreciate the rich history and knowledge of Indigenous nations, which continue to make such a strong contribution to Canada, including our very name and collective identity as a country. For Canadians from all walks of life, reconciliation offers a new way of living together."[82] Even though commemoration alone cannot address the many difficult hurdles that must be

[82] TRC, Final Report, Vol. 6, p. 17.

surmounted in the effort to truly find that new way of living together, it can take a key role in nurturing the necessary respect and mutual understanding that underpin the values of peace and friendship enshrined in the treaties.

Respect and understanding require, as the TRC noted, honesty in recognizing the horrific nature of a past in which dispossession through colonial settlement was compounded by lethally destructive policies over an extended historical period. The results are still with us in many contexts. Yet also needed is an appreciation on all sides of the multi-generational Mi'kmaw resilience that has created by the early 21st century a young and vibrant community in K'jipuktuk and other areas of Mi'kma'ki. It is a community that continues to draw strength both from the knowledge and wisdom of the Elders and from the continuing legal and cultural centrality of the treaties, and which offers these advantages too to the non-Indigenous community in ways to which commemoration is crucially important.

For us as a Task Force, the Halifax Regional Municipality's 2015 Statement on Reconciliation provides not just the hope but the confident anticipation that the HRM will respond with goodwill and with vigorous leadership to the opportunity that now exists.

An opportunity for leadership

The Halifax Regional Municipality is, of course, just one municipality. But it is a crucially important one in at least two key respects. First, its positioning as being within Mi'kma'ki, and at the same time the largest city and provincial capital of Nova Scotia, provides a unique opportunity to be a leader in finding innovative ways to accomplish the positive goals of reconciliation in areas that will both reflect and enhance the treaty relationship and will be closely followed throughout Canada and beyond. Secondly, the HRM has had the fortitude to open up a free and public conversation on difficult questions regarding commemoration, and to do so in full partnership with the Assembly of Nova Scotia Mi'kmaq Chiefs. To undertake a disciplined but searching reappraisal of commemorations that have been in place for a number of decades is a necessary endeavour that, nevertheless, inevitably risks bringing out division and resentment. Fortunately, our enquiries have found through public engagement that there is a broad measure of agreement on the need for positive change.

The treaty-based relationship between Indigenous and non-Indigenous communities in Mi'kma'ki and the adjoining Maliseet territory is distinctive in Canada. The basis in peace and friendship without land surrender makes the treaties foundational in the

variety of ways that the recent succession of Supreme Court of Canada rulings has recognized. As is also true of the historically comparable treaty relationship in New Zealand, a troubled past can now point the way forward to a shared future. In New Zealand, Māori sculptures and other forms of commemoration are a common and familiar sight in both public and private contexts, and the central government freely and positively declares that "understanding New Zealand – and New Zealanders – means understanding the influence of Māori people and culture. It runs deep in many aspects of our daily life – from our cuisine, our language, and our attitudes, to what children learn at school and how the country is governed."[83] We find this statement compelling as a possible image of the "new way of living together" envisaged by the TRC.

The HRM, of course, is just one municipality. But it is a crucially important one in at least two key respects.

First, its positioning as being within Mi'kma'ki, and at the same time the largest city and provincial capital of Nova Scotia, provides a unique opportunity to be a leader in finding innovative ways to accomplish the positive goals of reconciliation in areas that will both reflect and enhance the treaty relationship and will be closely followed throughout Canada and beyond.

Secondly, the HRM has had the fortitude to open up a free and public conversation on difficult questions regarding commemoration, and to do so in full partnership with the ANSMC. To undertake a disciplined but searching reappraisal of commemorations that (as in the case of the Edward Cornwallis statue) have been in place for a number of decades is a necessary endeavour that, nevertheless, inevitably risks bringing out division and resentment. Fortunately, our enquiries have found through public engagement that there is a broad measure of agreement on the need for positive change.

It is our earnest intention and hope that our recommendations will assist the HRM in moving towards the shared and productive future that all of its residents and visitors, Indigenous or non-Indigenous, so richly deserve.

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[83] https://www.newzealandnow.govt.nz/living-in-nz/settling-in/maori-culture (accessed 27 January 2020).

APPENDIX I: TABLE HOSTS AND NOTE-TAKERS OF CONVERSATION CIRCLES

Nadine Bernard (HRM)
Sharon Chase (HRM)
Jenna Chisholm (MNFC)
Cathy Collett (HRM)
Hannah Forsyth (HRM)
Paul Johnson (HRM)
Cheyenne Labrador (HRM)
Maggie MacDonald (HRM)
Gayle MacLean (HRM)
Stacey Marshall-Tabor (KMKNO)
Kellie McIvor (HRM)
Huwaida Medani (HRM)
Roberto Montiel (HRM)
Aaron Murnaghan (HRM)
Simon Ross-Siegel (HRM)
Leticia Smillie (HRM)
Carolyn Stevens (KMKNO)
Kateri Stevens (KMKNO)
Maxine Stevens (KMKNO)
Hailey Vidler (Engage Nova Scotia)
Alicia Wall (HRM)
Tamara Young (KMKNO)

ATTACHMENT 2 - REPORT OF THE TASK FORCE ON THE COMMEMORATION OF EDWARD CORNWALLIS AND THE RECOGNITION AND COMMEMORATION OF INDIGENOUS HISTORY – Response to Recommendations (as of June 2020)

Recommendation	Time Line	Response / Comments / Lead
(1) That the statue of Edward Cornwallis not be returned, under any circumstances, to a position of public commemoration.	Long Term	Agree with recommendation Lead: Parks and Recreation
(2) That the Cornwallis statue be retained in storage pending the creation of a civic museum (see also recommendation 6), owned and operated by the HRM according to the highest professional museological standards, and that the statue then be transferred to the collection of the civic museum.	Short Term (storage) Long Term (museum)	Agree in principle with recommendation Council has directed that staff undertake a Museum Strategy. The strategy will address HRM's role in collection and programming, including such things as demand for a physical museum, whether HRM has sufficient artifacts to house in a museum, etc. The approach will also be aligned with the municipality's Culture and Heritage Plan. Following the completion of the museum strategy and determination of follow up actions, HRM may consider an interim loan to a museum that can meet museological standards, apply appropriate display parameters and provide educational context if the recommendation cannot be achieved in a reasonable timeline. Lead: Parks and Recreation
(3) That Cornwallis Park be renamed "Peace and Friendship Park."	Medium Term	Agree with recommendation HRM Civic Addressing has confirmed with Legal Services that any request to name or rename a park must go through the application process, which includes choosing the criteria on which the application will be reviewed. Staff will choose an applicable criterion (perhaps "nominated name reflects or represents the history and/or culture of HRM's culturally diverse communities"). Currently, commemoratively named parks can only be renamed if the name is commemorating a living person who no longer meets the criteria for which they were commemorated. Therefore, staff will need to pursue a policy amendment to allow for this type of renaming requests. Finally, staff will have to confirm that "Peace and Friendship Park" does not pose a duplication issue with "Peace Park" in Dartmouth

		Lead: Planning and Development (with Parks and Recreation support)
(4) That the renamed Peace and Friendship Park be repurposed, and possibly redesigned and re-landscaped, to accommodate the creation of a performance space; that any organized activities in the park include programs that have a focus on youth; and that civic programming there include an emphasis on education as a way of addressing and combating racism of all kinds.	Long Term	Agree in principle with the recommendation. Potential issues with mandating usage of public park spaces will have to be explored. A multi-year capital project was recently completed in the park so work to redesign or re-landscape the park may not be completed until the park is in need of a future upgrade. Lead: Parks and Recreation
(5) That Cornwallis Street, subject to an expression of approval by the congregation of the New Horizons Baptist Church, be renamed “New Horizons Street.”	Short Term	Agree with this recommendation, pending further engagement with the community regarding the potential name change. A change to Administrative Order 29 is required to allow for street renamings other than renamings for public safety reasons or where 100% of the property owners on the street agree to a name change. Current policy does not allow for “double barrelled” street names (i.e. New Horizons), unless it is an approved commemorative name, in which case the asset naming criteria would be required, similar to the approach noted for Peace and Friendship Park in the response to Recommendation 3 above. It is recommended that approach to renaming also be followed for this recommendation. It should also be noted that there is a current petition being circulated to name this street after a community member. Finally, staff will have to confirm that the proposed name does not pose a duplication issue with “Horizon Court ” in Dartmouth Lead: Planning and Development
(6) That the HRM prioritize the creation of a civic museum, owned and operated by the HRM according to the highest professional museological standards, and begin immediately to explore potential funding and planning processes for this purpose.	Long Term	Agree in principle with this recommendation. Council has directed that staff undertake a Museum Strategy. The strategy will address HRM’s role in collection and programming, including such things as demand for a physical museum, whether HRM has sufficient artifacts to house in a museum, etc. Once the strategy is completed, HRM will be in a better position to begin a potential planning and funding process. Planning and Development will be consulted in site selection to confirm appropriate zoning or process to establish appropriate zoning.

		Lead: Parks and Recreation (with Planning and Development support)
(7) That, pending the opening of the civic museum, the HRM create a virtual museum, along with working with and supporting the Mi'kmaw Native Friendship Centre to enhance its capacity for displaying material representations of Mi'kmaw history.	Long Term	Agree with recommendation If a civic museum is pursued, HRM will explore collaboration with Archives/Libraries to develop a virtual museum. Virtual Celebrations are currently being utilized for significant cultural events such as Asian Heritage month, Indigenous History Month, etc. Lead: Parks and Recreation (with Diversity & Inclusion support)
(8) That the Point Pleasant Park Mi'kmaq Heritage Area Interpretive Plan (June 2008) be made a priority for HRM action, and that the process of assembling funding proceed without delay.	Medium Term	Agree with recommendation This initiative will be considered as part of the HRM Culture and Heritage Plan. The recommendation can only proceed once this this plan is completed and alignment is ensured. HRM will need to re-engage on elements for the interpretative plan including with the Mi'kmaw Native Friendship Centre and KMKNO. Lead: Parks and Recreation (with Planning and Development, Diversity & Inclusion support)
(9) That the HRM, as the capital city of Nova Scotia, initiate a process (with full participation by representatives of the Mi'kmaw community) by which further outdoor spaces for the recognition and commemoration of Indigenous history can be identified and appropriate action taken, and that priority be given to memorializing survivors of the Shubenacadie Residential School and missing and murdered Indigenous women and girls.	Medium Term	Agree with recommendation HRM Heritage staff, under the direction of Regional Council and with the assistance of HRM Diversity and Inclusion staff, intend to review the evaluation criteria for heritage sites and properties to include more emphasis on intangible and cultural significance, with increased focus on under-represented groups including Mi'kmaw and First Nations. Following additional engagement, the forthcoming Culture and Heritage Priorities Plan will identify opportunities for expanded commemoration of indigenous history through municipal programming, including the designation of heritage sites, heritage properties, and cultural landscapes. Lead: Planning and Development (with Parks and Recreation and Diversity & Inclusion support)

(10) That the process leading to finalization of the art and commemoration components of the Cogswell Street Redevelopment Project be continued and supported, and that every opportunity be taken to involve Mi'kmaw artists and designers in all aspects of the process, including architectural design.	Medium Term	Agree with recommendation HRM's Diversity & Inclusion office and Parks & Recreation are key to the successful completion of required outreach and program development and implementation. This work will be aligned with the Cogswell Development Project and Culture and Heritage plan. Development of the Cogswell art and commemoration program will continue beyond construction commencement. Lead: Parks & Recreation (with support from Diversity & Inclusion and the Cogswell Redesign PMO)
(11) That in the interests of ensuring that the art and commemoration components of the Cogswell Street Redevelopment Project are accompanied by the continued and enhanced health of North End Halifax communities, a rigorous requirement be applied for affordable housing in all the related developments, and that the relevant criteria be developed with the full participation of the Mi'kmaw community in the area.	Medium / Long	Agree in principle with recommendation Affordable housing can only be incorporated to the newly created development lots that do not have carryover legacy rights (currently 1 block). HRM has limited involvement with affordable housing, but options are available through conditions placed on the sale of development blocks within the project, which would require direction from Regional Council. HRM has limited abilities by way of density bonusing, but much more flexibility with land that is municipally-owned. Lead: Planning and Development (with support from the Cogswell Redesign PMO)
(12) That the HRM explore the development of bonusing guidelines that will offer incentives for elements of any development that will demonstrably bring benefits to the Mi'kmaw community, through commemorative installations or in any other evident way, and that representatives of the Mi'kmaw community participate in assessment of proposals that apply for such an incentive.	Medium	Agree with recommendation Implementation of this recommendation will require connection with HRM Grant programs and exploration of how Mi'kmaw can be involved in the assessment of proposals. There are both opportunities and challenges for adding a bonus zoning category for "on-site commemoration": • Criteria and review process would be needed to ensure the proposals are appropriate. Given broader discussions in the CHPP, this initiative could be broadened beyond Mi'kmaw commemoration (i.e. the addition of African Nova Scotian commemoration). Lead: Planning and Development (with support from Finance and ICT)

(13) That the diversity of new names for streets and other HRM assets be enhanced by working with the Mi'kmaw community to generate an expanded list of potential names.	Medium Term	Agree with recommendation Work in this area by HRM Civic Addressing staff has been initiated and will continue to move forward. Lead: Planning and Development (with support from Parks and Recreation)
(14) That opportunities be comprehensively explored for additional usage of the Mi'kmaw language in naming and signage, beginning with currently anglicized Mi'kmaw names being adjusted back to the Mi'kmaw original, such as Chebucto Road to K'jipuktuk Road.	Medium / Long Term	Agree with recommendation Current civic addressing policies do not allow for any punctuation as part of an official street name. This is a provincial 911 directive because the 911 system cannot accommodate punctuation. However, there have been areas in Nova Scotia where street and community names have been translated into Gaelic and both are posted on signs. Staff will examine approaches from other Nova Scotia municipalities where streets names have been translated and/or use punctuation. Lead: Planning and Development
(15) That the HRM work with the Halifax International Airport Authority and the Halifax Port Authority, and with Mi'kmaw artists and designers, to develop welcoming displays drawn from Mi'kmaw culture and history.	Medium Term	Agree with recommendation HRM staff will reach out to both the Halifax International Airport Authority and Halifax Port Authority to begin exploring this issue. Lead: CAO / GREA (with support from Diversity & Inclusion)
(16) That the HRM work with Mi'kmaw organizations to offer opportunities for educational programming, supplementary to formal education, in such areas as Treaty Education and Mi'kmaw Language Education, and that libraries in particular be supported to create such programs.	On-going	Agree in principle with recommendation. It should be noted that HRM has limited participation in the education system, but staff will reach out to explore opportunities and foster further relationships between HRM Libraries, Treaty education, MK Education and Mi'kmawey Debert Culture Centre (among others). Lead: CAO / GREA (with support from Diversity and Inclusion)
(17) That copies of this report be placed in schools and libraries throughout the HRM.	Short Term	Agree in principle with recommendation. It should be noted that HRM has limited participation in the education system, but staff will reach out to explore opportunities with the MK

		Education Authority & Halifax Regional School Board. Staff will also explore this possibility with Halifax Regional Libraries staff. Lead: CAO / GREA (with support from Diversity & Inclusion)
(18) That the HRM prioritize support of youth activities furthering the recognition and commemoration of Indigenous history, and that a small fund be created that can provide grants on an adjudicated basis to Indigenous or non-Indigenous recipients who propose activities that will bring benefits in this area.	Medium Term	Agree in principle with recommendation. HRM Diversity and Inclusion will connect with HRM grants programs staff and explore possible alignment with development of the HRM Culture and Heritage Plan. Lead: Diversity & Inclusion (with support from Parks and Recreation, Finance and ICT)
(19) That where and when possible, the HRM look for and facilitate the holding of major Indigenous events that combine economic benefits with the opportunity to showcase Mi'kmaw history and culture.	Short Term (NAIG) Long Term (other opportunities)	Agree with recommendation In the short term, HRM is the host city for the 2021 North American Indigenous Games (rescheduled from 2020 due to COVID-19). On an ongoing basis, the municipality will continue to monitor opportunities to host similar events, perhaps in partnership with the Halifax Partnership and/ Discover Halifax. This direction will align with the HRM Culture & Heritage Plan goals in relation to growing the creative economy. Lead: Parks and Recreation
(20) That the HRM continue to nurture its close and productive relationships with Mi'kmaw organizations that can assist with the effective recognition and commemoration of Indigenous history, including (though not limited to) Kwilmu'kw Maw-klusuaqn (the Mi'kmaq Rights Initiative), Mi'kmaw Kina'matnewey (the Mi'kmaw education authority), and the Mi'kmaw Native Friendship Centre.	Long Term / Ongoing	Agree with recommendation HRM will continue to build on these productive relationships with Mi'kmaw Organizations. Lead: Diversity & Inclusion (with support from CAO / GREA)