

BEHIND THE CLOSED DOORS OF THE MEMORIAL TO CANADA'S MISSION IN AFGHANISTAN



TEXT Elsa Lam

UNCERTAINTY PERSISTS REGARDING THE FEDERAL GOVERNMENT'S DECISION TO AWARD THE CONTRACT TO A TEAM OTHER THAN THE JURY-SELECTED COMPETITION WINNER.

On December 5, 2023, the ongoing controversy over the award of the federal contract for the National Memorial to Canada's Mission in Afghanistan came to a head in a two-hour-long debate on the floor of the House of Commons.

Over the course of the conversation, members of Parliament were asked by members of the Bloc Québécois to evaluate the assessment of the Standing Committee on Veterans Affairs, which "denounces the government's about-face and lack of respect for the rules in deciding not to award the design of the commemorative monument linking the artist Luca Fortin and the architectural firm Daoust Lestage Lizotte Stecker, which won the competition conducted by a team of experts set up by the Liberal government itself." The Standing Committee had held two ses-

sions considering the situation, requested documents related to the selection process, and asked for the Ministers of Canadian Heritage and Veterans Affairs at the time of the decision, Pablo Rodriguez and Lawrence MacAulay, to appear before the Committee. (They both declined.)

At the end of the proceedings, 167 MPs concurred, including two Liberals and the members of all other parties, while 149 MPs disagreed with the statement.

MP Luc Desilets, a member of the Bloc Québécois, opened the topic. "The government held a public art competition to select a design concept for the national monument to Canada's mission in Afghanistan," he summarized. "There was a bidding process. The government put together a jury of experts to select the winning team. The jury, com-



TEAM STIMSON

LEFT Visual artist Adrian Stimson, landscape architects MBTW Group, and public art coordinators LeuWebb Projects' design is grounded in the Indigenous Medicine Wheel, whose teachings are associated with the four cardinal directions.

from respondents who participated in Canada's mission in Afghanistan, family members of those who participated, veterans, or current members of the Canadian Armed Forces. Overall, more than half of the poll's respondents favoured the Team Stimson proposal, which was selected about 25 percent to 50 percent more often than the Team Daoust proposal, depending on the question asked.

But the government's own analysis, based on documents dating back to 2021, points to the weaknesses of making a decision based on the poll results. A more recent report on the poll, commissioned from market research and analytics company Léger by the Bloc Québécois, points to several flaws in methodology, concluding that "the online survey conducted for the National Monument to Canada's Mission in Afghanistan does not respect the basic criteria of a scientific method, and the results cannot be interpreted as the opinion of members of the Armed Forces, nor of the Canadian public."

While there is a valid and fruitful discussion to be had about the role of public consultations in decisions around public art and architecture, the core of the matter, in this case, is simpler: upholding the integrity of public procurement processes. The rules of the competition were clearly laid out at the outset, and the process of evaluation was led by a jury of experts with the support of a technical evaluation committee. Consultation with veterans was part of the initial process of putting together the competition brief, veterans and the families of the Fallen were represented on the jury, and the results of the public poll were taken into consideration by the jurors.

The reversal of a jury decision, by a poll as by a more overt political process, taints public procurement for public art and public architecture—and could have a chilling effect on the willingness of artists and architects to participate in such processes.

"What happened between November 2021 and June 2023 to make the government decide to overturn the jury's decision?" asked Desilets on the House of Commons floor on December 5. Some 400 pages of internal documents, obtained by the Committee on Veterans Affairs, reveal uncomfortable conversations between Veterans Affairs Canada and Canadian Heritage, ongoing efforts by staffers to maintain the jury decision, the involvement of the Privy Council Office and Prime Minister's Office, and the knowledge by all parties that replacing a jury decision with the results of a poll would be a risky endeavour.

posed of experts with international experience"—including three jurors who had direct involvement or close links to Canada's Mission in Afghanistan, a military historian, an architect, a landscape architect, and an art gallery director—"spent hundreds of hours evaluating the proposals and unanimously decided that the winning team was the one made up of architectural firm Daoust Lestage Lizotte Stecker, artist Luca Fortin and strategic advisor Louise Arbour."

"To everyone's great surprise, the government ended up ignoring the jury's decision and giving the contract to a different team," he continued, referring to the government's announcement, a year and a half later, that the memorial would be designed by a team comprised of Adrian Stimson, Visual Artist; MBTW Group, Landscape Architects; and LeuWebb Projects, Public Art Coordinators.

The government has said that it based its decision on the results of a public poll surveying respondents on their reactions to five shortlisted proposals. The poll received 12,048 responses, many of which came

A routine use of surveys

What, indeed, happened during those two years? In the documents, things start off normally. Following the jury's selection of a winning design, Canadian Heritage recommends that, as per regular procedure, the contract should be awarded to Team Daoust. According to its report, the Team Daoust proposal, which centers on a pair of mash-rabiya-inspired screens offset to frame a view of the Peace Tower, was chosen by the jury, among other reasons, for its clear expression of the mission's focus on democracy and human rights, both encompassing and transcending the conflict to communicate a message of hope.

Staffers at Veterans Affairs make minor comments to a memorandum formally notifying the ministers of Canadian Heritage and Veteran's Affairs of the jury's choice of winning design. According to the memo, Canadian Heritage would contact Team Daoust, who would proceed towards detailed design, with the monument expected to be completed in time for Remembrance Day in November 2024.



TEAM STIMSON

ABOVE The central area of Team Stimson’s proposal is surrounded by Corten steel walls, inscribed with the names of the fallen. “When soldiers and other mission personnel entered the protected space of the base from the field beyond, they removed their flak jackets and protective gear, often placing them on makeshift supports—cross-like forms—as they transitioned on into the activities of the base,” writes Team Stimson.

From the beginning, there appear to be some questions about the jury’s decision being at odds with the survey results, which staff from Canadian Heritage and Veterans Affairs treat as normal concerns. Canadian Heritage explains that it will manage communications to explain the fact that the winning team was not the design concept preferred in the public polling, and notes that they’ve handled similar situations in the past. As they are preparing to notify the ministers, a manager from Veterans Affairs’ Commemoration Division drafts a series of notes on the survey’s role, detailing that “Canadian Heritage routinely uses surveys in juried design competitions as a tool for assessing broad trends in support for individual designs,” and that “Surveys are designed to assess reactions and preferences on a spectrum, rather than a simple analysis of the popular vote.” She adds: “It should also be remembered that the survey is just one element of broader consultation around the project, which included visioning exercises and consultations with a broad range of stakeholders as well as the composition of the jury itself.”

Responding to what appears to have been a request from higher-ups at Veterans Affairs to segment the data further, isolating responses from veterans and their families, she notes that “Production of a segmented report after jury deliberations have concluded creates the potential for the jury’s decision to be unfairly criticized at a later date based on information that was not available to them.” Cross-tabulated survey results were nonetheless produced in December of 2021.

The memorandum notifying the Ministers of the jury decision in late November 2021 addresses the survey results explicitly. It explains that “The Team Daoust proposal was the second most favoured design concept among survey respondents and received generally positive comments” and notes that “survey respondents only had access to limited information on the finalist team’s proposals (a summary of the design

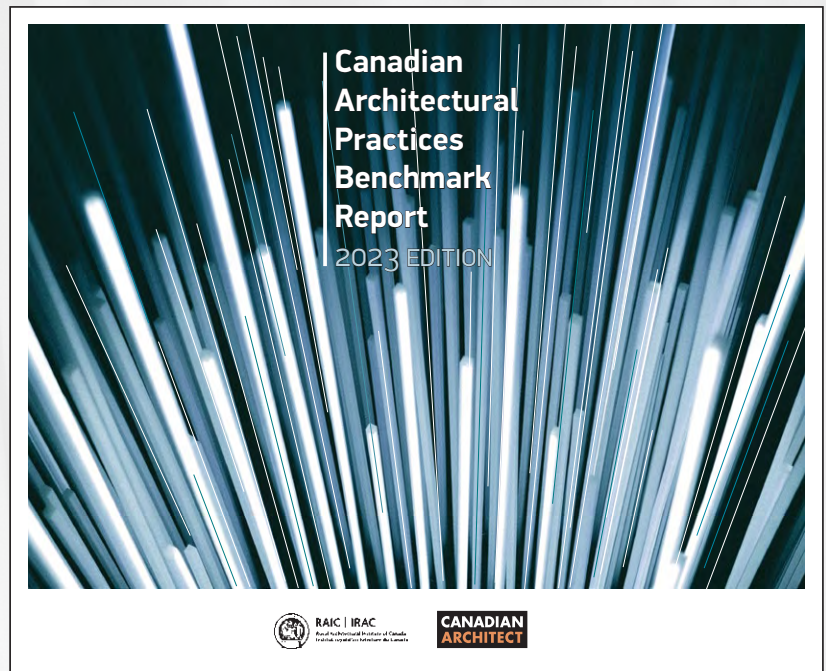
intent, four images and a 90-second video),” while the jury’s evaluation included “the entire design proposal, including the full design intent; a comprehensive, itemized budget estimate, a detailed technical description of the concept and information on support team members; information provided by the design teams as part of the presentation of their concepts to the jury; input from ACPDR [the National Capital Commission’s Advisory Committee on Planning, Design, and Realty] members and from technical experts in conservation, landscape architecture, engineering and costing; and feedback from stakeholders and the public obtained through the online survey.”

The Privy Council and Department of Justice weigh options

Team Stimson’s name first appears in the correspondence in January of 2022, in a three-page document prepared for use by a director in Veterans Affairs for an upcoming briefing. The note, sent by a director from Veterans Affairs’ Commemoration Division, seems to address a new argument that Team Stimson’s proposal should be preferred since it includes the names of Fallen soldiers. “It is notable that the Team Stimson design concept, which received between 52 and 62% support across all questions, includes the names of the Fallen and significant thematic/educational content, although these elements were not required in the Program and Design Guidelines. In addition, the video puts a strong emphasis on visitor interaction. The Team Daoust design concept, which did not present these elements, received between 23 and 40% support across all questions, with its lowest result in its potential to educate visitors.” It adds: “Team Daoust demonstrated openness to including the names of the Fallen in their monument design in response to a question by a jury member during their presentation on May 20, 2021.”

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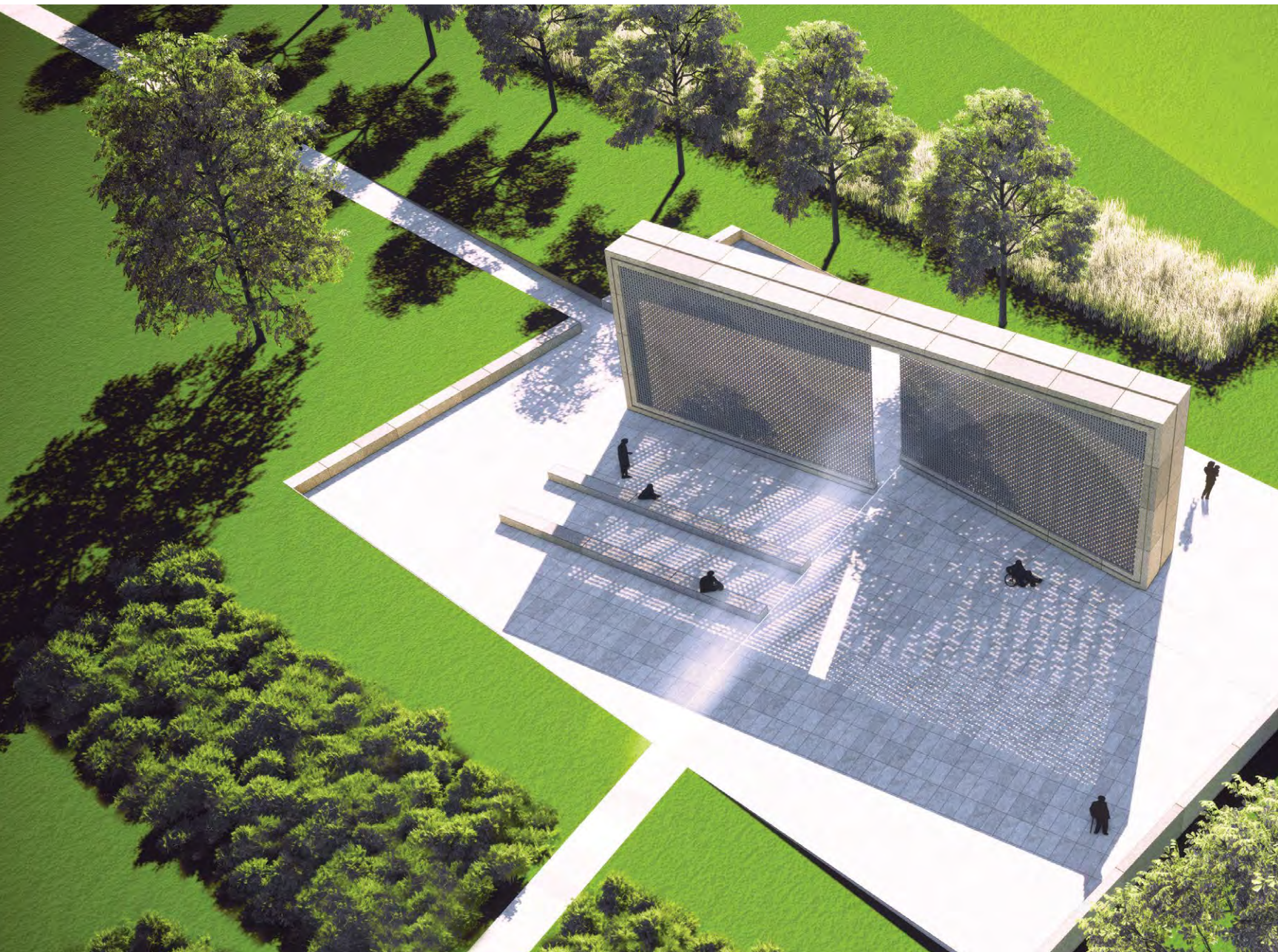
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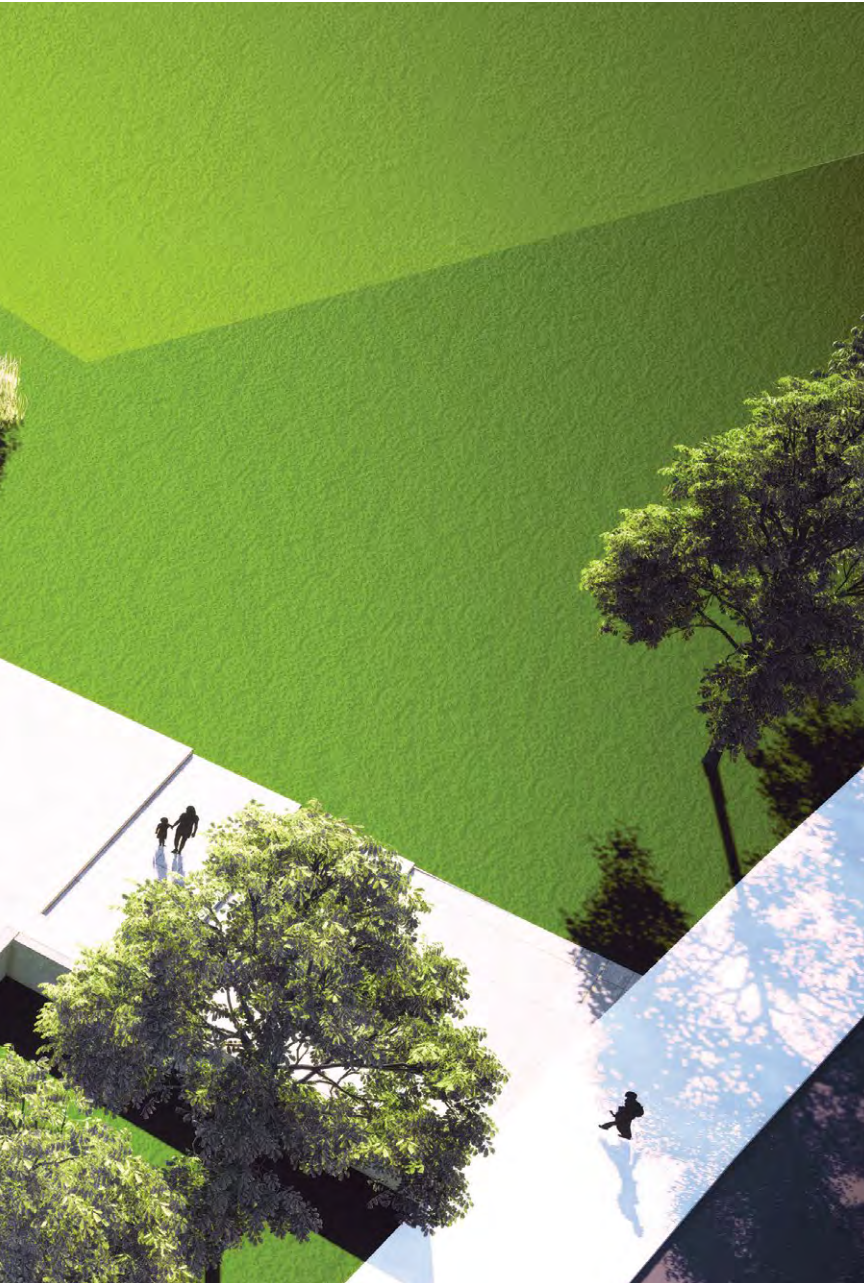
In conclusion, Veterans Affairs writes: “The only options at this point are to award the contract to Team Daoust or to cancel the design competition and retender. Cancelling the solicitation without just cause will put the Crown at risk for negative press and any bidder can pursue legal recourse against the Crown (potential lost earnings, etc.). The recommendation of PCH [Patrimoine canadien/Canadian Heritage]’s Contract and Material Management Directorate is to proceed with contract award to the winning bidder, Team Daoust.”

But the matter continues into February, when representatives from the Privy Council Office—as well as Canadian Heritage’s legal team—become involved. The agenda for a meeting planned between these parties on March 3, 2022 includes looking at the advantages and risks of three options: “issuing a contract to the team selected by the jury,” “cancelling and retendering the competition,” and “issuing a design contract to a finalist not selected as winner by the jury.” In advance of this meeting, a director at Veterans Affairs discusses their “recommendation/

mitigation actions” of proceeding with awarding the contract to the winning bidder of the design competition, and hosting a series of consultations with Veterans and other stakeholders after the award of contract, focusing on “possible additions to winning design (names of Fallen, additional educational content).” (A Veterans Affairs note from around the same time adds the caveat that “we have some concerns about including names of the Fallen—including names is counter to some of the fundamental guidelines and vision of the monument.”)

The Department of Justice weighs in on April 1, issuing an eight-page legal opinion, followed by a three-page follow-up in mid-May. These are redacted in the public record, but presumably address the advantages and risks of the three tabled options.

By that time, a new meeting had been planned for May. In addition to including the Privy Council Office, the Minister of Canadian Heritage, and the Minister of Veterans Affairs, the meeting would also involve a representative from the Prime Minister’s Office.



LEFT Architectural firm Daoust Lestage Lizotte Stecker, artist Luca Fortin and strategic advisor Louise Arbour’s design centres on two offset walls that evoke mashrabiya screens, or the mesh eye window of a burqa.

mation to reassure the folks next door [presumably the Prime Minister’s Office, which shares a building with the Privy Council Office] that things are well in hand.”

A seven-page legal opinion (again, redacted) is prepared in June, with a series of follow-ups, presumably to address the selected approach. Either at the May meeting with the Office of the Prime Minister and Privy Council, or in response to the legal advice, the consultation takes a slightly different format—one that avoids seeking the agreement of competitors and jurors to re-evaluate the competition results, but instead has an eye towards either confirming a winner, or cancelling the competition altogether.

In July, while “awaiting further direction from above,” Veterans Affairs moves forward with preparing for this further round of consultation. A draft version of the consultation documents states their purpose as: “to gather information to inform the decision regarding whether or not *it is in the public interest to proceed with the current procurement process or reset it and start a new process*” [italics original to document].

In order to do this, the consultation would consist of a poll asking respondents if the original vision for the monument—to “recognize an important chapter in Canada’s history and pay tribute to the commitment and sacrifice of Canadians in helping to rebuild Afghanistan”—was still valid in light of the current situation in Afghanistan.

A document in November, outlining an even more comprehensive option to “revalidate the design considerations,” details that this round of consultation would be positioned as a response that considers the takeover of the country by the Taliban in August 2021. “This potential shift in perceptions of the legacy of Canada’s engagement in Afghanistan means we need to consult further and ensure the design for the Monument is sensitive and responsive to the needs and wishes of all those who served in Afghanistan [...] and the Canadian public,” it states. The document outlines a two-phase consultation, with an online survey followed by qualitative consultation that “could include round-tables, one-on-one interviews, etc.”

This consultation approach is never employed—suggesting that the goal of the exercise was not to ensure that the selected design was supported by more robust consultation. The Privy Council Office asks for an update in November of 2022, suggesting that political pressure may also have been mounting.

By January 12, 2023, the Minister of Veterans Affairs has made their final decision to award the contract to Team Stimson. Veterans Affairs realizes that this is risky. To maintain its “critical path” of successfully announcing the winner, it notes several key hypotheses: including that the competitors do not file a complaint with the Canadian International Trade Tribunal, that Team Daoust accepts an offer of 10% remuneration (\$34,200), without further discussion or negotiation, and that families of the Fallen are supportive of the decision.

In further correspondence in early February, Canadian Heritage continues to note that while its contractual team would usually correspond with the designers, it is uncomfortable with conveying this decision; as a result, Veterans Affairs agrees to send the letters indicating that the contract is being awarded to Team Stimson. In May 2023, the Minister of Canadian Heritage signs a document with their required assent for the contract to be awarded to Team Stimson.

“What is the reason behind it?”

Team Stimson has accepted the contract, but the government’s actions are still under scrutiny. “Would the government have asked for a legal opinion and offered money to a team if it had acted legitimately?” asked

The Prime Minister’s Office gets involved, and a push for more consultation

In preparation for the meeting, a detailed flowchart, created by Canadian Heritage with feedback from Veterans Affairs, points to a new option: additional consultations could be planned, and the jury asked to re-deliberate the competition taking into account the results of these consultations. The caveats, laid out in the chart, are that unanimous consent for new consultations must be agreed on by the five bidders, and the jury must agree to reconvene and consider the new elements. There is also the possibility that, at the end of all this process, the jury could maintain its original selection.

Some version of this option seems to have been the one selected in the meeting. The Privy Council follows up the next month with Canadian Heritage: “Did you get any clarity on how they [Veterans Affairs] want to proceed with the consultations? [...] There is a lot of interest here on next steps and starting to hear requests about another 4C [four-party meeting] which we’d like to avoid, so just need a bit more infor-



TEAM DAoust

MP Luc Desilets in the House in December. “The reasons given by the government to justify pushing the Daoust team aside and choosing the Stimson team just do not hold water. What is the reason behind it? [...] I think we all agree; it is not hard to grasp that the decision came from high up and there was interference. At the moment, there is no other credible explanation.”

In defense of the government, MP Kevin Lamoureux said, “It is important to recognize that monuments play a very important role for our entire society. Recognizing that, it takes time to do the consultations and to work with people to ensure we get the right monument, which is what we are seeing with respect to Afghanistan. I believe that, once it is complete, all of us will be proud of that monument.” He continued, “I support the government’s initiatives we have taken to date to support our veterans. [...] I have confidence in Canada’s civil servants to ensure that there is a process that is reflective of being fair and transparent. I believe the information that was gathered is in fact accurate. [...] Unless there is evidence to demonstrate that there was something wrong with what the civil servants or whoever conducted the questionnaire, or survey, did, I would suggest we accept it as we have done on many other policy points.”

“I believe the monument being proposed and constructed for the people who served in Afghanistan is the appropriate one,” said Lamoureux. “Ultimately, I look forward to its completion and dedication.”

MP Blake Richards, of the Conservative Party, replied: “In the original talking points of the government about this, when it was planning to an-

nounce it back in 2021, it said why it was important to follow the jury’s decision above that of this survey. Now it is using this survey as the reason for it, so everyone knows that is not the truth. That is not [the] reason it is not proceeding with the monument originally chosen by the jury.”

Conservative MP Pierre Paul-Hus added: “The battle that we are waging today is not necessarily about whether we personally prefer the Daoust team’s monument, the Stimson team’s monument or one of the other [...] monuments that were proposed. It is not about that. It is about respecting what was done as part of a clear government process, with specific rules. What we are seeing today is an insult to those government processes. When I talk about the concept of an institution, I am talking about an organization that has principles and rules that should be followed. What we are seeing right now is a lack of respect for the institution, a lack of respect for the rules and a purely political decision [...]”

NDP MP Lindsay Mathyssen also weighed in: “I simply do not understand why, after going through so much of that process over eight years and after having that jury determine the winner and artist of the monument design, the government would do such an about-face.”

A need to set higher standards

Many answers have been provided in the past months, but a few questions remain. First, how best to move forward with the Monument to Canada’s Mission in Afghanistan? A year and a half ago, the gov-



TEAM DAOUST

ernment considered three options: cancelling the competition, moving forward with the winning design, or moving forward with another design. Given the public scrutiny of its present choice, it would seem wise to admit to its error, and either move forward with the winning design, or, if it feels that the conditions underlying the competition brief have sufficiently changed, cancel and restart the process.

In tandem with this, there is a need to ensure that open selection processes—in public art, architecture, landscape architecture, and all other fields of procurement—are informed, objective, and free from political patronage and the appearance of influence from behind closed doors. More robust public consultation tools can also be part of selection processes, but their methodology must be fully considered, and the use of these tools in the evaluation of bids must be fully transparent at the outset.

Where did the decision to award the project to Team Stimson, as opposed to Team Daoust, come from? The initial concerns about the survey's disparities with the jury decision, and the later concern about including the names of the Fallen on the monument, both seem to be robustly addressed by Canadian Heritage and Veterans Affairs staff. The involvement of the PMO's office and Privy Council Office suggests that there may have been political interference from a higher level. Even though the Minister of Veterans Affairs at the time of the decision, Lawrence MacAulay, owned the decision when it was made earlier this year, he has remained silent. This included declining to speak during the House of Commons debate—

even though he was sitting in the House during the debate, and is now Minister of Agriculture and Agri-Food in Canada.

What does this mean for Canadian architects and artists? It's rare that the procurement of a work of public art is the subject of more than two hours of Parliamentary Committee hearings, and an additional two-hour debate on the House of Commons floor. Our MPs were sitting through that debate—doubtless the longest exposure they've ever had to a discussion about the processes underlying public art or architecture design competitions. It provided a rare occasion to help inform them about the value of public art and architecture, and the importance of fair, transparent procurement processes—an education that has the potential to provide lasting value beyond the current memorial.

There is an opportunity for the government to change its mind, honour fair process and transparency, and set higher standards for the fair procurement of public art and architecture. Let's hope they do so. ●▲

OPPOSITE A view of the Peace Tower is framed by the space between the walls, evoking the promise of democracy. Team Daoust says they were inspired the Leonard Cohen lyrics: "There is a crack in everything / That's how the light gets in." **ABOVE** The walls are overlaid with a graphic of the mountains in the region of Afghanistan where the Canadian Armed Forces were sent. At night, a line of light and misting pavers intersects the remembrance wall where it splits open.