**Opening Speech on behalf of Part 6 Party, Baroness Deech**.

1. Baroness Deech: is a well-known public figure with a lifetime of teaching, and of public service. She is a descendant of victims of the Holocaust (a grandmother who died in a concentration camp, and a father who was forced to flee the onslaught on the Jews, who was interned in the UK, but who gratefully made his home in the UK). After serving as Principal of St Anne’s College Oxford, she has gone on to several public service posts such as Chair of the Human Fertilisation and Embryology Authority, and Chair of the Bar Standards Board. She now sits as a cross-bench Peer and is an active participant in the House of Lords.
2. So when it comes to Holocaust Remembrance and the fight against anti-Semitism she has personal experience, what might be called “skin in the game”.
3. She has been prominent in opposing this particular scheme, precisely because of her history and her desire to remember, record and pass on the knowledge of the Holocaust.
4. I wish to start with the idea of a Holocaust Memorial: to honour the victims and ensure their suffering, including the ultimate suffering of death, is eternally remembered. To remind this and future generations of what happened and, hopefully, act on the conscience of viewers to prevent future recurrences.
5. I also want to deal with a theme which motivates Baroness Deech greatly: the uniqueness of the Holocaust. We are dealing with an event which has no parallel in the modern world. This is a cruel world, and there are many awful and atrocious events which have occurred, affecting millions of people. It is invidious to compare the extent of the evil, but there is literally nothing resembling the Holocaust in modern times, or perhaps ever. A decision made by a government with the means to carry it out, to murder every single living person who was either Jewish or descended from Jews whom they could lay their hands on, by shooting and, when that proved too expensive and too burdensome, gassing them. There is a hint in some of the submissions, particularly in the attempt of the applicants to make this a “commemorative narrative”, to undermine the uniqueness of the Holocaust Memorial, which we will say undermines any public benefit argument.
6. Baroness Deech believes that it is not appropriate at all to “use” the Holocaust to teach general lessons or to advance a political agenda. It cheapens it, demeans it and opens it up to appalling abuse. The only lesson to be learned is about the Holocaust itself, and that it must never happen again.
7. So we come to a UK Holocaust Memorial: erected by the government with public funds, to make a statement by the country honouring the victims, reminding visitors (and citizens generally) of what happened and that it must not be repeated.
8. Baroness Deech is not opposed to the idea of a UK Holocaust Memorial. She is in favour of it, but one in the context of Britain today which already has 5 other Holocaust Memorials of one sort or another, including a special Holocaust Memorial Exhibition in the Imperial War Museum, about a mile away from this one. She believes that the public interest is best served by spending money on wider education about the holocaust, and in this she will rely on the evidence of the 22 academics, led by Dr Hannah Holtschneider, who have set out what is needed in this regard.
9. She is not opposed to a learning centre as such; she is very much in favour of more and extensive Holocaust Education. Not as a gesture to demonstrate virtue, and as a contrived add-on to fit the planned memorial, but a learning centre which will reach and teach as many people in the UK and elsewhere about the Holocaust, what happened, and why it must never happen again. In paragraph 8 of her statement, Baroness Deech goes into great detail about the urgent need to teach people about the Holocaust in order to deal with the real problem of Holocaust Denial. She shows how it is necessary to expand and build on the existing institutions and strategies for teaching this. This project starts from the assumption that it will just exist in isolation. There is no additional public benefit in building a learning centre which does not integrate with existing provisions. It also fails to meet the original objectives of the Holocaust Commission**.**
10. There is no public benefit in simply setting up a few rooms underground next to Parliament for some sort of exhibition, quite independent of what is already provided throughout the country. The existing provision for Holocaust education needs to be developed and expanded in the UK, probably digitally, with public funds used to achieve that. The mere fact that the intended Holocaust Memorial and Learning Centre claims an intention to hold exhibitions about the Holocaust does not in itself carry any particular weight when set against the harm this project will cause. If it simply duplicates what is done elsewhere, or even detracts from that by starving it of funds, then it can hardly be said to outweigh those harms just because the subject matter of its exhibitions is The Holocaust.
11. As we shall see, the history of how this project came in existence and then developed, is shrouded in mystery: we will be relying on the evidence of Dr Dorian Gerhold which demonstrates how the original announcement by the Prime Minister was for a Memorial in the garden, and yet somehow the Learning Centre was surreptitiously added.
12. I stress: it is not a proposal for a Holocaust Memorial alone. It is a proposal for a different project which must be borne in mind at all times: a learning centre, which is an underground, indoor exhibition space with somewhat restricted amenities, but which aims to stage exhibitions with a view to attracting physical visitors to see the exhibitions, in their thousands or even millions. It is in respect of that project in this Park which the Applicants have to persuade the Inquiry outweighs the harms.
13. There are two other important features relating to the size of this Memorial and Learning Centre revealed by the history, which seriously detract from any argument that it will be of such public benefit as to outweigh the harms:
    1. one is that the design of the Memorial itself is very similar if not simply a re-cycle of the same design, submitted by the architects Ron Arad and Partners for a proposed memorial in Ottawa. So it is not designed to fit in this London Park (VTG);
    2. the second is that the size of the learning centre has been adapted to fit the memorial quite independently of any proposals about the actual intended use and purpose of a learning centre. The Holocaust Commission which was set up to assess the desirability of Holocaust remembrance recommended a much larger space for effective holocaust teaching, remembrance and study.
       1. The subsequent National Holocaust Memorial Foundation set the criteria for a central London site with a much larger space: a place where people could pay their respects, a lecture theatre and classrooms, an office for holocaust educational organisations and space for gatherings of up to 500 people. Yet the Foundation then ignored its own proposals in selecting VTG where only a much smaller space was possible.
    3. So in fact the proposal is for a Memorial which was not originally designed with this Park in mind, and it has a so-called Learning Centre which was fitted into the planned Memorial without regard to all the criteria which were originally envisaged. This building which is obviously unsuited to this small Park in just about every conceivable way, is then said to outweigh any harms by virtue of the fact that it deals with the Holocaust. It may not be original, and it may not achieve what were originally thought to be the objectives of a Learning Centre, but it memorialises the Holocaust so that’s enough.
    4. If that were correct, it could be situated anywhere, since the fact that it deals with the Holocaust would outweigh any planning consideration.
14. The site has never been the subject of a detailed and principled comparison with alternative sites in the UK or London. The Holocaust Commission shortlisted three sites including the take-over of the Holocaust Exhibition at The Imperial War Museum. They did not consider this site as opposed to the shortlisted sites. The research of Dr Gerhold shows how the Foundation came to recommend this site, almost certainly without seriously considering the results of its own site search.
15. This Inquiry is not going to look into other sites, at least not in any detail. But without a proper study of that question, how is it possible to assign the right weight, if any, in the balance against harms caused by siting it in this park? Without knowing the exigencies of other sites, how can that conclusion be reached? Or does one just say, well it deals with the Holocaust, even though, in the opinion of many educators, inadequately.
16. It seems this site might well have been chosen initially because it was free and centrally situated, and said to be “iconic” because of its proximity to Parliament. At the time the site was initially identified, it was to place a memorial there, with a possible site for a Learning Centre in Millbank, presumably because it was realised that it is quite a small park in central London so it could only accommodate a small memorial, and any learning centre would be elsewhere. The site was quite unsuitable for a large memorial and totally inappropriate for a learning centre, attracting visitors.
17. Westminster Council, which is the appropriate body to deal with all the usual planning considerations relating to a public park in London, has considered it in depth and rejected it, finding that the public benefit does not outweigh the harm, and if trees are to be interfered with, the substantial harm caused by the project.
18. What is the public benefit that is said by the Applicants to overcome these obstacles? I shall refer to some of the reasons given which range from speculative to implausible. I start however by summarising why Baroness Deech maintains that the public benefit is not weighty.
19. The surroundings:
    1. If the Memorial and Learning Centre were actually to do its job, people would approach it with trepidation and come out of it deeply affected, indeed reeling from the impact. Go to the memorial in Jerusalem, or even the one in Prague (in the Priska Synagogue). You will never forget it. You will learn about horror and inhumanity, and the real lessons of the holocaust: anti-Semitism taken to its unconstrained conclusion. Countries and peoples must strive to ensure it does not happen again. They are not seeking to teach the public, or local politicians, by virtue of the location alone, trite lessons about the need for democracy in this or that country, or about British or Israeli or Czech values.
    2. It is quite extraordinary that the proponents of this memorial even suggest that the memorial won’t really disturb the amenity of the park and its existing facilities, in particular the children’s playground. They say it’s only going to take up 7.6% of the whole area or 15% of the green space, and people can continue to enjoy the amenities, as if they were sitting and picnicking next to a relaxing garden sculpture. Young children can continue to be brought to play in the playground, whilst mingling with hundreds, if not thousands of tourists and others who will be attracted to view this memorial
    3. Moreover, existing residents and office workers who relax and eat in the park can presumably continue to do so. Since there is nothing about the memorial which tells you at a glance what it is, you have to be told that you are having your lunch next to, or even on top of a mound which contains a memorial to 6m murdered Jews, most of them shot in ditches or gassed in ovens.
    4. If this memorial goes ahead, the park is effectively finished as a park, and Baroness Deech urges you to find that any public benefit does not outweigh it. As for the idea that a simple memorial by itself might fit there, well, there is no proposal for the memorial alone to be sited there. And even if it were, given the complete absence of any attempt to show why it could and should not be elsewhere, the applicants cannot show it is in the public benefit.
    5. What about other sites nearby? The Imperial War Museum? The open piece of land, College Green, across the road from Parliament? They haven’t even considered that as an alternative though its proximity would meet every one of the proponents’ alleged reasons for citing it next to Parliament.
20. Security:
    1. Lord Carlile who is a specialist in the context of security in this particular field, will tell you that the threat of terrorism, vandalism and turmoil is highly magnified by putting the memorial right next to Parliament, thus inviting those with a grudge and those with evil intentions to make their statements.
    2. The result will have to be massive and on-going security, which will be expensive, will in itself interrupt and prejudice what normal use of the park is left. This is not in itself a reason not to have a Holocaust Memorial, but it certainly is a reason to influence the location of it, given the cost and other implications.
21. The cost of, and associated with, the proposed Holocaust Memorial and Learning Centre, including the running of it, and the security which will need to be provided as long as it exists:
    1. The original cost was said to be £50m, went up to £75m and in May 2019 the estimated total capital cost was £102m, with running costs of up to £6m per annum. I say “said to be” because there is very little in the way of any concrete costing of the building, the running or the on-going cost of protecting the buildings.
    2. It is not in the public benefit to allow something as costly as this if it detracts from other Holocaust memorial and on-going teaching projects, as it inevitably will. Baroness Deech will urge upon the Inquiry the evidence of one of Britain’s leading educators on the Holocaust and Jewish matters generally, Dr Trudy Gold. She fears that the public benefit will be adversely affected by diverting badly needed resources from teaching the Holocaust widely, into this one independent exhibition which will simultaneously be seen by too many people to fit in the park, and too few to have any nationwide effect,
22. The residents of London and the area generally:
    1. The residents will speak for themselves, obviously, but Baroness Deech believes that it is not in the interests of advancing Holocaust learning and remembrance by depriving the people of London generally, and local residents in particular, of the use of a dedicated London Park, which has served the community, and office workers, for such a long time.
    2. This is not just another building but a project designed to bring busloads of people, with all the attendant security that will be necessary, to this local park.
    3. It is not in the public interest to ride-roughshod over the interests of the locals, and the advantages, if any, of a building which prejudices them cannot be said outweigh planning harm. Lasting resentment of the building will do nothing to advance its cause.
23. I turn now briefly, to the reasons advanced by the Applicants for why this Holocaust Memorial and Learning Centre has to be situated in this Park, and nowhere else.
    1. It certainly is an iconic place to be situated next to Parliament, but is it in the public benefit? Why would a Memorial in or at the Imperial War Museum not be iconic?
    2. Why must the site be iconic? Does this actually mean anything in the context of the alleged objectives of the memorial and learning centre?
    3. Then it is said that the Holocaust Memorial and Learning Centre has to in this Park and nowhere else because the purpose of building it there is:
       1. to teach the public and, it’s even claimed, the Members of Parliament, MPs and Peers, that democracy protects against genocide. This is not only factually wrong (the Nazi Party was elected to power constitutionally, it then abolished all opposition) (see Gerhold), it is just a meaningless turn of phrase. If the Memorial and Learning Centre were situated one mile down the road, at the Imperial War Museum, would here be no such lesson learned?
       2. Are they suggesting that a person looks at the exhibition and somehow gains the impression that democracy is the answer?
       3. Presumably not because they go on to say that as the public exits the Learning Centre (or looks at the memorial) they will see Parliament and that will induce certain thoughts in their heads about democracy. Will it? How does this sort of thing get proved?
       4. For one thing, as you exit the Learning Centre you will be facing the wrong way.
       5. For another, how does anyone know what lessons, let alone thoughts, are in the heads of people as they emerge from a public monument and see another one?
    4. Then it is also said that MPs need reminding of their duty not to instigate holocausts, or is it just racism generally (which makes the point Baroness Deech objects to, namely the use of the Holocaust to teach political lessons seen as relevant to the prior political inclinations and causes of the person trying to use the Holocaust as propaganda).
    5. Of course, few Peers, and even fewer MPs will even see the Memorial and Learning Centre as they enter and leave. However, is it really believable that MPs would change their political views on day to day matters by the existence of the Holocaust Memorial and Learning Centre in an adjacent garden.
    6. Finally, it is said that somehow or other the siting of the Memorial and Learning Centre in this Park next to Parliament has something to do with British values. It’s not clear what this means, but I’ve already said that Baroness Deech deprecates the use of the Holocaust to make political points of this kind.
    7. There is a danger, adverted to by the academics, that this could be seen as an attempt at self-congratulation by the UK in relation to the Holocaust. Whilst Britain’s’ magnificent contribution in the Second World War speaks for itself, its relationship with the plight of the Jews of Europe before, during and after the war is complicated, and it is not appropriate for a Holocaust Memorial to be used to make simple controversial points about Britain.
24. In summary:
    1. The site was selected in a mysterious and irregular way;
    2. The Memorial is a recycle of a design for a Memorial in Canada and not suited to this park;
    3. The Proposed learning centre is an add-on, fitted into the park with no particular purpose or connection with existing provision for Holocaust education, taking no account of the existing memorials and educational programmes and whether the proposed project will supplement them:
    4. The applicant has failed to show that the benefits of fitting **this** project into the park justify the harm it will cause by its presence there.

BRIAN DOCTOR QC

Fountain Court Chambers

6 October 2020.