

Summary of evidence presented to the 30-Year Rule Review Committee, 26 February 2008 at Church House, Westminster.

Committee members present:

Paul Dacre (chair)

Professor David Cannadine

Sir Joseph Pilling

Evidence from Lord Fowler

Asked by the Chair for his views on the rule, Lord Fowler said that it needed to be “radically reformed”, that it was out of date, and that Fol had “probably knocked in the last nail in the coffin”. It was unfair to ministers as many would be dead and unable to defend themselves once documents were published. “Personally I want to be around, and also *compos mentis* and with a fresh memory when the information is published.”

“At the moment you get the worst of every conceivable world. It is published 30 years late. It is not much use to anybody, most of it has been published in any event and ministers do not get any right of reply at all because, quite frankly, most of them are not there...It is much better to have my recollections now than my recollections in 30 years' time... If one is interested in history, if one is interested in having an accurate account of what took place, 30 years is too long.”

He was then asked if a reduction to 15 years would mean that the Conservatives would be distracted into fire-fighting about events then rather than concentrating on winning an election. Lord Fowler said that a number of diaries and memoirs had been published covering that period, and it really depends when you believe history begins. He thought the starting point was after 10 years. He did not think that if he were to write about the Major years it would have a “vast impact on politics today.”

Asked if his former colleagues supported him, Lord Fowler said some had been opposed to the select committees opening up government, and Margaret Thatcher had opposed the televising of Parliament; but “once it was done she made herself an absolute master of that particular art. The same is true of ministers; whatever their initial reactions may be, they will certainly fall in with it.”

He was then asked by the Chair if a reduction would encourage sofa government, he said the real danger came from Prime Ministers who serve for long periods of time – the longer they serve the more impatient they become of the mechanics of government.

Asked about the impact a reduction would have on civil servants, as to whether they would be constrained about the advice they would give, he said he did not think so. Civil servants did not make proposals but gave advice which covered the advantages and disadvantages.

Sir Joseph Pilling asked whether, if the government of 1989 -1997 had had to firefight about events in 1979, 1980 and 1981, revelations of disagreements in government would have undermined collective responsibility. Lord Fowler said that memoirs had been published during the Major years about that period. He also said that issues such as Matrix Churchill, which started under the Thatcher government, "haunted" the Major government. "The opposite to open government is making things about as secret as you can and we have had experience of that: Suez, when there was a conspiracy between the British government, the French government and the Israeli government...I think it is secrecy which causes the problems; I do not think it is open government that causes it."

Sir Joseph asked about the consequences of releasing information on the Falklands conflict, notably the sinking of the Belgrano. Lord Fowler agreed that they might be a "distraction", but "you have to put the distraction against the public interest...The difficulty with leaving it for 30 years is self-evident: people's memories are not fresh, some people have gone, some people have died, some people are ill, and so you never learn and you never understand what did take place." Asked if 10 years was too short a period, Lord Fowler said his first inclination was to go for 15 years, but he felt that history began after 10 years, and that was the appropriate time period.

"Take the current big issue about what happened in government, which is Iraq. There are a whole range of questions to be asked about Iraq. Was the public given the right information? Did the cabinet properly consider it? What advice went from the Foreign Office? That was five years ago now. We have not had an inquiry on it. I am not sure we are ever going to get an inquiry on it. Do we have to wait for 15 or 20 years?...I think the longer you delay the less chance there is of people remembering exactly what has taken place, what has happened. I think what one has to do is to think and judge where the public interest lies in all this."

Professor Cannadine then asked if a reduction in the 30-year rule would lead to 'sofa government' and whether it would affect record keeping – as "nothing will be written down". Lord Fowler said we already had sofa government with the rule. "Tony Blair indulged in it and so did Margaret Thatcher and the longer they were in power the more they indulged in it... Sofa government can be of a number of varieties. It does not have to be ministers necessarily coming into the Prime Minister's study upstairs. It could be even worse, the special advisers upstairs." Policies would be decided in advance and "around the table a whole range of ministers some of whom are wishing to make their way further in politics...do not actually much fancy the idea of taking on the Prime Minister in full flood. That is one aspect of sofa government."

Lord Fowler added: "I am not sure of the connection between any number of the years and a rule and sofa government. There is no question that some politicians and some civil servants want the least disclosure that they can get away with... One thinks of the disadvantages but the advantages are that most governments are honest in any event...there is a persuasive force saying this must be honest and you will be held to account for it."

Asked if papers written by special advisers should be included, Lord Fowler said he thought they should also be released. The chair asked whether a reduction in the rule would damage good governance and would lead to firefighting. Lord Fowler said he did not think so, and that much would have come out through published memoirs and diaries. The advantage of publishing the actual papers was that they are an “authentic record”.

Prompted by the Chair, Lord Fowler agreed that “reducing the review to ten years would concentrate ministers' minds so they made better judgments and gave better decisions if they knew they were writing for ten-year old history.”