

Summary of evidence presented to the 30-year Rule Review Committee, 14 April 2008 at Church House, Westminster

Committee members present:

Paul Dacre (chair)

Professor David Cannadine

Sir Joseph Pilling

Evidence from Lord Owen

Asked if the Fol Act had undermined the 30-year rule, Lord Owen said that it had, "quite considerably and beneficially." He said he initially favoured a reduction to 10 or 15 years, but having assessed the impact of Fol, he wondered whether it could simply be abolished or dealt with differently. He also thought that there might be a case for a phased reduction as people would feel that a commitment had been made that documents would not be disclosed for 30 years.

Asked if a reduction of the rule to 10 years would affect good governance as the Government could be fire-fighting events from earlier in the administration, Lord Owen said: "There are penalties for staying in power too long and that might be the necessary penalty. I believe in the alternation of power and as things go on, the longer you stay the more you may have to face up to that exposure."

Lord Owen said that had some sympathy for the position of civil servants who needed a "safe space" as they are usually anonymous. He said civil servants are minded to give both sides of an argument and did not seek publicity for themselves, unlike politicians.

He went on to say that government had been damaged by the "spate" of publications by civil servants. "I do not honestly think these immediate memoirs from civil servants are at all helpful...we are in open season." He said that it was wrong that books had been written within months of officials leaving office, and thought there should be a period of "restraint."

Lord Owen highlighted instances where papers which had covered issues he had dealt with as a Minister no longer existed as they had been "scrapped...there is no 30-year rule providing this." He said that even his Foreign Office diary had not been kept, and thought that these were "quite important issues...I think it is strange those ministerial papers were not available. Since I am also bound on a 30-year rule it seems pretty odd that they can scrap your papers whenever they wish to." He hoped that the conclusions of the 30-year review would provide greater clarity as to when records could be destroyed.

On the protection of civil servants, Lord Owen said, "We should all in government be open to greater exposure and that includes civil servants but I am really arguing that politicians are in a different category...We are in democratic politics by our own choice...I do think there is a distinction

between the politician who is there and always wants to be protected but for ignoble reasons by and large, and the civil servant who wants to be protected for not too bad reasons.”

Returning to the question of how much the rule should be reduced to, Lord Owen said that he had originally favoured a reduction to 20, he now favoured 10 years, and thought in a few years time he would be down to five years. “There is a balance of discussions. We all of us have normal understanding, whether in business or normal life, that certain conversations are private. My preference would be a longish time for medical information, a little less time for Civil Service information and the shortest possible time for politicians...Embarrassment is not an argument in my view. What is an argument is collegiate feeling.”

Lord Owen thought there was merit in the public having early access to policy papers. He said: “Government is quite good at looking at different options and they should not be afraid of having these papers so we all know that government is considering a big issue like trying to see how the hell, when there is a shortage of credit, you could make more credit available, particularly for people buying houses: it seems to me the papers which Cabinet will eventually look at or are starting to look at now could be disclosed and options given much more frequently.”

Lord Owen wondered whether senior military officers would ever be called to account in the way that they are in the US. “I am increasingly of the view, particularly post-Iraq, that we need to hear more from them, that we are ready to accept that they can speak to us in a way that is different from civil servants...they must also face up to the fact that their advice when given, which may be wrong, has also to be faced up to.”

In conclusion Lord Owen returned to the issue of memoirs. He described the current position as a “mess.”

“There are no rules. It seems to me almost open season, which you could say is one way of sorting it out. The market will decide and if the memoirs are so boring they will not be printed and if they are printed they will not be read, and that is one way of dealing with the problem.”

The evidence session then closed.