

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 Sir Christopher Meyer

Asked for his views on the 30-year rule, Sir Christopher said it was unsustainable and reflected the views of government from the circumstances of the First World War, Second World War and the Cold War. The FoI Act had been an “eruption on the scene” that meant people could “short-circuit the general rules.”

“We find ourselves in a different situation now, I think you can take a much more liberal view of public information and also take a much more liberal view of what is in the public interest to be read. The figure 30 I think cannot be sustained.”

He thought that, like in the US, the Government archive should be released with the change of administration or possibly change of Prime Minister. On reflection, he later said it would be more realistic to do so when the governing party changed rather than the Prime Minister.

He recognised that some papers would not be able to be released: “the new presumption would be that, after an administration, in principle everything should be released, subject to particularly sensitive matters which would have to be excluded for a time to be decided. This would be a much more elastic arrangement”.

Sir Christopher said he thought the ‘safe space’ argument for civil servants was “overrated” and that he would have no problem with the publication, “warts and all”, of the archive from his time as Ambassador in Washington. He argued that earlier release would lead to greater transparency and accountability, and did not agree that it would be “not merely unhelpful but damaging” for senior civil or diplomatic servants to find that “things they have been involved in earlier in their career came out while they were still in positions of influence.”

“One of the problems that we have today, maybe we have always had, is although the government is held accountable through elections, through the parliamentary process, through the investigations of journalism, this is an imperfect process. I think it would be made more perfect if more transparency was made available in public to hold the government to account... We have reached the stage now in our constitutional development where greater transparency would illuminate in a beneficial way decision taking and the way in which the relationship between ministers and civil servants has had a

bearing on this.” It would also make more transparent the role of special advisers in the decision-making process.

Sir Christopher said that there was a greater supply of transparent information in the US through memoirs by political appointees. “You can go crazy reading endless American books about terror and Iraq but they all have their angles, their unique points. If you are trying to find out what the hell happened between say 2001 and now both in the United States and the United Kingdom, in the United States you will find far greater transparency. There is controversy about the content but not about the writing of these books, whereas over here it is still pretty murky and opaque, in my view.”

He was then asked about the effect earlier release would have on diplomatic relations, particularly with non-democratic countries. Sir Christopher said that transparency could not be 100 per cent but that the Radcliffe criteria were perfectly workable: “do not damage the national interest; do not damage relations with other countries; and do not damage the confidentiality of relationships between civil servants and their political masters.” Any review of Foreign Office archives would need to take into account the national interest, “which is much decried these days.”

It was also important that people from outside of Government were brought into the review process. “You cannot have civil servants and former civil servants and politicians alone making judgments. I think you really have to bring in people from outside Westminster and Whitehall in the mix.”

He was asked if his views had been formed by his experiences when he published his book. Sir Christopher said that his views pre-dated that and were long-standing, largely based on his experience as a Press Secretary.

“It is a curious position to be in because you are in a kind of no-man's-land between the civil service government machines, and the politicians on the one hand; and newspapers on the other. It gives you a very good perch to look at government information in the round and to see your colleagues doing the more conventional jobs in the civil service being incredibly anxious about pieces of information being given to the press and being in a press office and saying to them, for Pete's sake, what conceivable harm can there be in giving this out?... There was so much stuff which we were told was classified which demonstrably did not justify being classified. It could easily have been put out.” He also felt that greater transparency would have helped the FCO better explain its role and purpose.

Asked if the publication of his memoir had been a watershed, Sir Christopher said that he did not think it was. He favoured more publications by people other than the politicians. “It is wrong that politicians should have a monopoly of writing contemporary history. Now at the beginning of the 21st century there should be a level playing field between politicians, special advisers and civil servants.”

He recognised that there would still be a need for scrutiny and was not arguing for a “free for all.” He said that we have a mechanism, which successfully deals with memoirs, a mechanism which is based on the Radcliffe principles. He did not see the need to “invent new restrictions”.

Asked if a reduction in the 30-year rule would make civil servants more nervous about giving dispassionate advice, Sir Christopher said he did not think that it would. He regarded the ‘safe space’ argument for maintaining the rule as “a load of tosh...I never in my career ever thought before sending up a piece of advice or talking to a Minister that this may appear in a memoir in two years time. I do not believe in safe space.”

He added that ‘sofa government’ was not an argument for maintaining the 30-year rule because Ministers and officials had always found ways of having un-minuted conversations.

He was then asked if the FoI Act had improved journalism. He thought that it had improved the content of newspapers’ websites. He said that when Government departments sought to resist applications, that “sensationalised” the coverage. “Then you have two stories: the original story which may be whatever it is, plus the fact that the department in question fought tooth and nail and lost. That can sensationalise the story.”

Concluding the session, Sir Christopher said there should be a single set of rules for the publication of memoirs, which would cover the three main categories: ministers, special advisers and civil servants. “You can no longer distinguish between them.”