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Ref. A03227

MR. ALEXANDER

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Patriation of Canadian Constitution

Thank you for your minute of 13th October.

2. As I told you yesterday, I agree with the Prime Minister that it will not be possible for the British Government to do anything other than introduce at Westminster whatever resolution is passed by the Canadian Parliament. I am sorry that that view did not emerge clearly from my minute of 9th October. That minute was intended to be concerned with the domestic political implications of what happens after the introduction of the Bill, and what the Government's posture should be during the proceedings on the Bill in Parliament. I am clear that the British Government will be under a duty to introduce the Bill. The present custodian of the Canadian Constitution is of course Parliament, not the Government. There will be a campaign by the provincial governments, which will no doubt make much of the argument that the passage of the Bill put forward by the federal Government would be a breach of trust between the British Parliament and the Canadian provinces - even though I am told that opinion polls have produced majorities in favour of patriation (though not necessarily of this Bill) in every single province. The position of the Government in the Parliamentary debates may have to be to recommend Parliament to pass the Bill as proposed by the Canadian Parliament. But it may be prudent to try to assess the possibilities of the Bill failing to pass, and to consider whether, in addition to recommending the passage of the Bill, the Government should put the whips on for the purpose of dealing with the Bill in the House of Commons.



(Robert Armstrong)

14th October, 1980

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File



10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

PATRIATION OF CANADIAN CONSTITUTION

The Prime Minister has seen your minute to me of 9 October on this subject. She agrees that it would be useful to have a small meeting with the Ministers listed in paragraph 5 of your minute and we shall be arranging this.

On the substance of the issue, the Prime Minister does not believe that it will be possible for the British Government to do anything other than introduce at Westminster whatever Resolution is passed by the Canadian Parliament. In her view, the most dangerous course for HMG would be to attempt to substitute their judgement for that of the elected Government of Canada. The Queen is The Queen of Canada. The Prime Minister believes that, above all, we must avoid putting Her in the position of receiving conflicting advice from Mr. Trudeau and from the Prime Minister.

M. O'D. B. ALEXANDER

13 October 1980

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