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FM FCO 231730Z JAN 81

TO IMMEDIATE OTTAWA

TELEGRAM NUMBER 20 OF 23 JANUARY

YOUR TELECON WITH BERTHOUD

MR PYM'S MEETING WITH THE CANADIAN HIGH COMMISSIONER TODAY.

mb
You may like to read this in full to glance at the attachments. I confer to being a little bothered by the line Mr Pym has been talking since before Christmas: he was creating the impression that we will not try,

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1. MR PYM'S OFFICE HAVE TOLD US THAT HE MADE IT VERY CLEAR TO THE HIGH COMMISSIONER THAT IF THE CANADIAN GOVERNMENT THOUGHT THEY WERE GOING TO GET THEIR PROPOSALS THROUGH THE UK PARLIAMENT DURING THIS SESSION THEY WOULD BE MISTAKEN. MR PYM SAID THAT IT WOULD ALSO NOT BECOME ANY EASIER WITH THE PASSING OF TIME IF THE PROPOSALS REMAINED IN THEIR PRESENT FORM AND THERE WAS NO WAY IN WHICH HE COULD GUARANTEE THAT THEY WOULD GET THROUGH PARLIAMENT.

2. MR PYM STRESSED THAT HMG'S OBJECT WAS TO MAINTAIN OUR GOOD RELATIONS WITH CANADA AND IT WAS REGRETTABLE THAT THEY MIGHT BE AFFECTED BY MR TRUDEAU'S PROPOSALS BUT THERE WAS NO HOPE THAT PARLIAMENT COULD BE SHANGHAIED.

3. ALTHOUGH MR PYM HAD TOLD MR TRUDEAU SOMETHING LIKE THIS DURING HIS VISIT IN DECEMBER HIS OFFICE THOUGHT THAT THE HIGH COMMISSIONER HAD NOT HEARD IT PUT IN SUCH STRONG TERMS BEFORE AND SHE COULD BE EXPECTED TO SEND A GLOOMY REPORT TO OTTAWA.

4. THESE COMMENTS ARE VERY MUCH OFF THE CUFF FROM MR PYM'S PRIVATE OFFICE: SO PLEASE TREAT WITH DISCRETION UNTIL FULL RECORD IS AVAILABLE.

CARRINGTON

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NEWS DEPT

CCD

LEGAL ADVISERS (FOR SIR I SINCLAIR
MR FREELAND

COPIES TO
MR GARDINER, LEGAL ADVISERS

PS

PS/LPS

PS/MR RIDLEY

PS/MR BLAKER

PS/MR LUCE

PS/PUS

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FM OTTAWA 231915Z JAN 81
TO IMMEDIATE FCO
TELEGRAM NUMBER 27 OF 23 JANUARY

MY TELNO 26 (OF JAN 23)

CANADIAN CONSTITUTION

1. I CANNOT MYSELF REMEMBER ANY SPECIFIC UNDERTAKING AT EITHER TRUDEAU'S MEETING WITH MRS THATCHER ON JUNE 25 OR AT HER OR LORD CARRINGTON'S MEETING WITH CANADIAN MINISTERS ON OCT 6 THAT HMG WOULD IMPOSE A THREE-LINE WHIP ON DISCUSSION AT WESTMINSTER OF A CANADIAN JOINT RESOLUTION. CANADIANS COULD, HOWEVER, HAVE REASONABLY ASSUMED THAT THE UNDERTAKINGS IMPLICIT IN WHAT THEY WERE TOLD IMPLIED ALSO SOME USE OF THE WHIP.

2. I CANNOT RECOLLECT THAT ANY MENTION OF A CHARTER OF RIGHTS WAS MADE ON JUNE 25. I BELIEVE IT WAS NOT. AT NO TIME WAS I WARNED IN AUGUST THAT A PATRIATION MEASURE WAS LIKELY TO BE COMPLICATED IN THAT WAY. THE FIRST OFFICIAL WARNING OF IT WAS WHEN CANADIAN OFFICIALS BROUGHT THE TEXT TO LONDON A FEW DAYS BEFORE ITS PUBLICATION HERE. ON OCT 6 MRS THATCHER CLEARLY EXPRESSED HER SUPRISE AT IT.

3. UNLESS POLITICALLY THERE IS NEED IN THE UK FOR MRS THATCHER PUBLICLY TO PUT THE RECORD STRAIGHT I BELIEVE THAT OUR BEST COURSE WILL REMAIN TO KEEP A LOW PROFILE, KEEP ALL OUR OPTIONS OPEN AND FOLLOW LINE SUGGESTED IN PARA 7 OF MY TELEGRAM NO 553 OF DEC 19.

4. IN MY LETTER 012/2 OF JAN 20 TO BERTHOUD (SENT BY BAG ON JAN 20) I CONCLUDED THAT IT IS STILL NOT CERTAIN THAT TRUDEAU WILL GET HIS WAY HERE. ON JAN 20 MR PRUD'HOMME, LIBERAL CHAIRMAN OF THE COMMONS STANDING COMMITTEE ON EXTERNAL AFFAIRS AND DEFENCE, TOLD ME THAT HE PERSONALLY HAD SERIOUS DOUBTS ABOUT WHAT TRUDEAU WAS DOING (RECORD OF TALKS LEAVES BY BAG TO-DAY). AT A DINNER ON JAN 21 MR MARCHAND, A FORMER CLOSE BUDDY OF TRUDEAU'S AND NOW SPEAKER OF THE SENATE, SAID THAT HE THOUGHT TRUDEAU WAS GOING

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ABOUT THINGS THE WRONG WAY AND RAISING ALL SORTS OF RESISTENCE. HE THOUGHT HE WOULD GET HIS WAY IN THE CANADIAN PARLIAMENT (BUT MARCHAND DID NOT SEEM TO SAY THIS WITH MUCH CONVICTION). AT THE MOMENT I SENSE THAT THE TIDE IS FLOWING AMONG THE PEOPLE IN CANADA AGAINST TRUDEAU AND THAT DOUBTS ARE INCREASING IN SOME MINDS IN THE LIBERAL CAUCUS, ALTHOUGH TRUDEAU STILL HAS IT UNDER CONTROL AND IS ACTING AS IF HE BELIEVES IT WILL REMAIN SO. IN THESE CIRCUMSTANCES IT WOULD SEEM IN OUR INTERESTS HERE FOR HMG IF POSSIBLE TO CONTINUE AVOIDING ENTRY INTO THE DEBATE.

5. THE ISSUE OF THE SELECT COMMITTEE REPORT WILL I ASSUME GET THE HEADLINES BOTH HERE AND IN LONDON. SIR ANTHONY KERSHAW'S SPEECH IN ALBERTA ON FEB 6 WILL GIVE AN EXCELLENT OPPORTUNITY FOR A NON-OFFICIAL SOURCE TO MASSAGE THE DOUBTS AND CONCERNS OF LIBERAL PARLIAMENTARIANS HERE. I REALISE THAT HE WILL WANT TO SPEAK FOR HIMSELF BUT I HAVE SUGGESTED IN MY LETTER 012/2 OF JAN 19 TO BERTHOUD A LINE IN WHICH HE COULD USEFULLY TAKE: AND I HOPE THAT THIS CAN BE PUT TO HIM.

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PS/MR RIDLEY

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SIR A ACLAND

MR URE

GRS 1120

UNCLASSIFIED
FM OTTAWA 231550Z JAN 81
TO IMMEDIATE FCO
TELEGRAM NUMBER 26 OF 23 JANUARY

CANADIAN CONSTITUTION

1. FOLLOWING IS TEXT OF MR TRUDEAU'S ANSWERS AT A PRESS CONFERENCE YESTERDAY.

2. IN ANSWER TO A QUESTION ABOUT PREMIER HATFIELD'S WARNING IN LONDON ABOUT THE CONSEQUENCES OF A FAILURE BY THE BRITISH PARLIAMENT TO ACT ON A CANADIAN REQUEST MR TRUDEAU SAID QUOTE-

I REALLY PREFER TO TALK TO MR HATFIELD ON THIS, BECAUSE AS I WAS SAYING A MOMENT AGO, HE WANTS TO SEE ME AND REPORT ON SOMETHING. BUT UNTIL I HAVE SPOKEN TO HIM, AND UNLESS HE MAKES ME CHANGE MY MIND, I CANNOT SUBSCRIBE TO THESE DIRE WARNINGS, FOR THE SIMPLE REASON THAT I HAVE THE PRIME MINISTER OF GREAT BRITAIN'S WORD THAT HER PARTY WOULD TAKE ANY RESOLUTION PRESENTED TO HER BY THE CANADIAN PARLIAMENT AS A GOVERNMENT MEASURE IN BRITAIN AND PUT A THREE-LINE WHIP ON IT.

I WILL SEE WHAT MR HATFIELD SAYS. I THINK HE IS SAYING NO MORE, AS I WAS SAYING A MOMENT AGO, THAN THAT THE BRITISH MPS HAVE BEEN LOBBIED BY PROVINCIAL SPOKESMEN, SOME OF WHOM WANT TO DESTROY CANADA -- THE SPOKESMAN FOR THE PROVINCE OF QUEBEC. AND THEY HAVE ALWAYS BEEN AGAINST THE MONARCHY. SO, I THINK THE BRITISH MPS SHOULD TAKE, WITH A BIT OF CAUTION, DEFENDERS OF THE SPIRIT OF FEDERALISM WHEN IT COMES TO PEOPLE WHO, AS RECENTLY AS SIX MONTHS AGO, TRIED TO DESTROY THAT FEDERAL SYSTEM. BUT WE WILL SEE WHAT MR HATFIELD HAS TO SAY.

UNQUOTE

3. IN ANSWER TO THE QUESTION QUOTE WHEN YOU GOT THE ASSURANCE FROM MRS THATCHER THAT THEY WOULD PUT A THREE-LINE WHIP ON THE RESOLUTION THIS SUMMER DID YOU TELL HER THAT IT WOULD BE COMING OVER WITH A CHARTER OF RIGHTS ATTACHED? UNQUOTE TRUDEAU REPLIED QUOTE-

ON YOUR QUESTION ABOUT WHAT MRS THATCHER KNEW, YOU MUST PUT YOURSELF IN THE CONTEXT -- I THINK THE ANSWER TO YOUR QUESTION IS 'YES'; BUT PUT YOURSELF IN THE CONTEXT OF WHAT STATE OF PLAY THE WHOLE BUSINESS WAS IN WHEN I SAW MRS THATCHER AT THE END OF JUNE LAST. I HAD JUST MET WITH THE PROVINCES: I HAD PROPOSED TO THEM WORK THROUGH THE WHOLE SUMMER ON A PACKAGE OF AMENDMENTS. I EXPLAINED TO MRS THATCHER, IN GENERAL TERMS, WHAT THIS PACKAGE COMPRISED, AND OF COURSE WITH INSISTENCE THAT, AS FAR AS WE WERE CONCERNED, THE PEOPLES' PACKAGE WAS THE ONE ON WHICH I WANTED ACTION BY SEPTEMBER AND THAT WE WOULD, AS SOON AS POSSIBLE AFTER SEPTEMBER, BE COMING TO HER FOR ACTION ON IT, AND THAT PEOPLES' PACKAGE, OF COURSE, INCLUDED PATRIATION, AN AMENDING FORMULA, AND THE CHARTER.

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BUT TO BE QUITE HONEST AND FAIR TO MRS THATCHER, I DID NOT ENVISAGE THEN THAT WE WOULD BE COMING TO HER WITHOUT THE SUPPORT OR CONSENSUS OF THE PROVINCES. I SAID, "THIS IS WHAT WE ARE GOING TO BE DISCUSSING THIS SUMMER. WE HAD A MEETING AT THE BEGINNING OF JUNE AMONGST FIRST MINISTERS WHICH WAS NOT VERY SUCCESSFUL, BUT WE ARE GOING TO PUT IN A WHOLE SUMMER'S FULL OF WORK BETWEEN MINISTERS AND OFFICIALS AT A VERY INTENSIVE PACE, AND I HOPE TO COME TO YOU IN SEPTEMBER WITH A PACKAGE WHICH I HOPE YOU WILL PASS. BUT I WARN YOU" -- AND THIS WAS QUITE CLEAR, OTHERWISE, THE POINT OF TALKING TO HER WOULD HAVE BEEN LOST -- "IT IS POSSIBLE THAT WE WILL NOT GET THE SUPPORT OF ALL THE PROVINCES, AND I WOULD LIKE TO KNOW FROM YOU IF YOU STILL SHARE THE VIEW, WHICH IS TRADITIONAL AT WESTMINSTER, THAT WHEN THE CANADIAN PARLIAMENT PRESENTS A RESOLUTION FOR CONSTITUTIONAL AMENDMENT, THAT THE BRITISH PARLIAMENT WILL ADOPT IT AS A GOVERNMENT MEASURE." AFTER HAVING SAID, "I CANNOT GUARANTEE THAT THERE WILL BE UNANIMOUS CONSENT, BUT I CAN GUARANTEE THAT I AM DETERMINED TO PROCEED IN SEPTEMBER ON THE PEOPLES PACKAGE," WHICH I HAVE SAID PUBLICLY, WHICH I TOLD THE PREMIERS IN JUNE, AND SO ON, AND I TOLD HER. SO, THERE CAN BE NO DOUBT IN ANYONE'S MIND THAT THE BRITISH KNEW THE SCENARIOS WHICH MIGHT BE PLAYED OUT. I REPEAT, IN FAIRNESS, I WAS STILL HOPING THAT WE WOULD GET SOME CONSENSUS IN CANADA, IF NOT UNANIMITY, AND THEREFORE I DID NO PAINT THE BLEAKEST PICTURE, BUT I DID POINT OUT THAT IT WAS POSSIBLE THAT WE WOULD NOT GET THE SUPPORT OF ALL OR ANY OF THE PROVINCES AND, THEREFORE, I WAS ASKING HER WHAT HER ATTITUDE WOULD BE.

4. IN ANSWER TO THE QUESTIONS WHETHER HE WOULD CONSIDER SENDING A CABINET OFFICIAL OR HIMSELF GOING TO LOBBY WESTMINSTER TRUDEAU REPLIED QUOTE--

I HAVE CONSIDERED IT, AND I HONESTLY DO NOT THINK IT IS PROPER. I DO NOT THINK IT IS PROPER FOR MEMBERS OF THE CABINET IN CANADA TO GO AND LOBBY WHAT JAKE EPP CALLS GOVERNMENT. I AM SURPRISED THAT HE CALLED BRITAIN A FOREIGN GOVERNMENT, A FOREIGN COUNTRY. BUT I DO NOT THINK THAT IS THE WAY. IT SEEMS TO ME, AS A CANADIAN HEAD OF GOVERNMENT, THE WHOLE POINT OF DECOLONIZATION IS TO ESTABLISH THAT WE REALLY SHOULD NOT HAVE TO CONVINCING THE BRITISH GOVERNMENT. PRIVATELY I TALKED TO MRS THATCHER. THERE IS A PARADOX THERE, BECAUSE OBVIOUSLY THE BRITISH PARLIAMENT-ARIAN, ACCORDING TO MR HATFIELD, IS MISINFORMED. HE IS BEING LOBBIED BY THE RIGHT PEOPLE. BUT YOU SEE THE PARADOX YOURSELF OF A SEPARATIST GOVERNMENT IN CANADA, IN QUEBEC, WHICH WANTS TO DESTROY CANADA AS ONE NATION, AND SEEKING INDEPENDENCE FOR THAT PROVINCE, IS OUT LOBBYING ANOTHER GOVERNMENT TO PROTECT IT FROM A GOVERNMENT IN OTTAWA WHICH ELECTS 74 OUT OF 75 SEATS FROM QUEBEC.

/so.

SO , I DO NOT WANT TO ENTER INTO THAT KIND OF GAME, AND I THINK THE BRITISH UNDERSTAND IT. THERE WOULD BE CERTAINLY SOMETHING VERY COLONIAL, AND ANNOUNCED AS SUCH, IF I WENT OVER THERE AS THE PRIME MINISTER OF A SOVEREIGN COUNTRY TO BEG THE BRITISH PARLIAMENTARIANS TO COME TO MY SIDE. THAT IS WHY I HAVE ALWAYS HELD THAT THE BRITISH PARLIAMENTARIANS SHOULD NOT NOW, ANY MORE THAN THEY HAVE IN THE PAST, QUESTION THE WISDOM OF THE CANADIAN PARLIAMENT WHEN IT ASKS THEM TO PASS A LAW ENTRENCHING A RESOLUTION — OR, RATHER, LEGISLATING A RESOLUTION. IT IS NOT NEW. THERE HAVE BEEN, IN MANY OF THE AMENDMENTS PRESENTED TO WESTMINSTER, OCCASIONS WHEN PROVINCES OBJECTED, AND EACH TIME WESTMINSTER SAID, "WELL, WE DONT WANT TO KNOW IF YOU ARE RIGHT ARE WRONG, BUT WE HAVE A RESOLUTION IN ITS CORRECT FORM FROM THE CANADIAN PARLIAMENT, AND WE MUST ACT ON IT."

BECAUSE THERE CAN ONLY BE, SURELY, ONE GOVERNMENT SPOKESMAN FOR CANADA: THERE CANNOT BE ELEVEN. ELSE, WE ARE NOT ONE STATE. IT HAS ALWAYS BEEN THAT WAY INT THE PAST, AND I DO NOT SEE ANY REASON TO CHANGE NOW. THE LOBBYING IS MORE INTENSE NOW BECAUSE, I SUPPOSE, COMMUNICATIONS ARE EASIER: BUT WE ALL KNOW OF OCCASIONS IN THE LAST CENTURY AND IN THIS ONE WHEN PROVINCES SENT DELEGATIONS OVER TO WESTMINSTER TO GET THEM NOT TO ADOPT THE RESOLUTION, THE CONSTITUTIONAL AMENDMENTS PROPOSED BY THE CANADIAN PARLIAMENT.

IN A SENSE, IT HAS NEVER BEEN EASY FOR THE BRITISH, BECAUSE THEY HAVE ALWAYS HAD TO — BUT, YOU KNOW, THE QUEBEC ACT WASN'T EASY EITHER: NOR WAS THE ROYAL PROCLAMATION OF '63: AND GOD KNOWS THE BNA ACT OF 1867 WASN'T EASY. CANADIANS TRIED TO HAMMER IT OUT OVER A PERIOD OF THREE YEARS AND THEN WENT OVER THERE.

SO , NOTHING IS EASY. THE ABOLITION OF SLAVERY IN THE UNITED STATES WASN'T EASY, BUT IT HAD TO BE DONE. I THINK THIS IS PEANUTS COMPARED TO WHAT HAD TO BE DONT THERE, AND THE METHODS WE ARE USING, SURELY, ARE MUCH MORE DEMOCRATIC AND PEACEFUL.

5. IN ANSWER TO A QUESTION TRUDEAU AFFIRMED THAT HE WOULD NOT PERMIT A FREE VOTE OF THE CANADIAN PARLIAMENT ON THE ISSUE.

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