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SECRETARY OF STATE'S MEETING WITH CANADIAN FOREIGN MINISTER

FOLLOWING FROM PRIVATE SECRETARY

MR MCGUIGAN CALLED ON THE SECRETARY OF STATE FOR HALF AN HOUR YESTERDAY EVENING.

1. HE THANKED LORD CARRINGTON FOR BRITAIN'S COOPERATION OVER THE CONSTITUTIONAL QUESTION. HE HAD NO COMPLAINTS AND WAS GRATEFUL FOR OUR FORBEARANCE. HE WAS VERY CONFIDENT ABOUT THE DECISION OF THE SUPREME COURT. LORD CARRINGTON WONDERED WHETHER THERE WAS ANY CHANCE OF THE CANADIANS AGREEING AN AMENDING FORMULA, WHICH WOULD GET US OFF THE HOOK. MCGUIGAN SAID THE CABINET HAD NOT DISCUSSED THIS, AND THE PRESENT INTENTION WAS TO SEND THE ORIGINAL REQUEST TO LONDON. IT WAS POSSIBLE, BUT NOT LIKELY, HOWEVER THAT THE COURT MIGHT SAY THAT ONE PART OF THE REQUEST WAS ACCEPTABLE, BUT NOT ANOTHER, IN WHICH CASE ONLY THE ACCEPTABLE PART WOULD BE SENT.
2. LORD CARRINGTON SAID THAT WE FACED TWO DIFFICULTIES: THERE WOULD BE LESS PARLIAMENTARY CRITICISM IF THE SUPREME COURT BACKED THE CANADIAN GOVERNMENT, BUT STILL SOME DIFFICULTY WITH BACK - BENCHERS: AND THERE WOULD STILL BE A PROBLEM OF PARLIAMENTARY TIME. MCGUIGAN CLAIMED THAT THE PRIME MINISTER HAD GIVEN A GENERAL ASSURANCE OVER THE LATTER, AND THAT MR PYM HAD SAID DURING HIS VISIT TO OTTAWA IN DECEMBER LAST YEAR THAT IT WAS A QUESTION OF WILL, AND THAT WITHIN REASON DATES WERE LESS IMPORTANT. LORD CARRINGTON SAID THAT THIS WAS NOT QUITE WHAT MR PYM HAD RECENTLY TOLD HIM.
3. MCGUIGAN EXPLAINED THAT THE NEW VERMONT COURT DECISION HAD PERSUADED THE FEDERAL GOVERNMENT TO CHANGE ITS POSITION ON REFERENCE TO THE SUPREME COURT. THEY STILL THOUGHT THAT THE MATTER WAS ESSENTIALLY A POLITICAL QUESTION. BUT SOME PEOPLE IN THE CABINET HAD ALWAYS THOUGHT THAT A REFERENCE TO THE SUPREME COURT WOULD EASE THE REAL DIFFICULTIES WHICH FACED THE BRITISH, AND THE GOVERNMENT ALSO WANTED COMPLETE LEGITIMACY. THEIR LAWYERS HAD ALWAYS PREDICTED OTHER PROVINCIAL HEARINGS CORRECTLY, AND HE THOUGHT THE SUPREME COURT'S DECISION WAS PRETTY WELL IN THE BAG.

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WITHIN DAYS AFTER THE COURT DECISION THE REQUEST WOULD BE IN LONDON . THE CANADIAN OPPOSITION WOULD NOT SUPPORT IT (THOUGH SOME OF THEM MIGHT LIKE TO). HE HOPED THAT OPPONENTS IN THE BRITISH PARLIAMENT WOULD BE "SUMMARILY DEALT WITH". WE HAD THE MEANS TO CURTAIL DEBATE. LORD CARRINGTON SAID THAT THE CANADIANS SHOULD NOT UNDER-ESTIMATE THE RESOURCEFULNESS OF CRITICS OF THE BILL IN THE UK PARLIAMENT.

4. MCGUIGAN HOPED THAT WE WOULD ISSUE OUR REPLY TO THE FAC REPORT SOON. THIS WOULD HELP TO TAKE THE STEAM OUT OF THE DEBATE. LORD CARRINGTON SAID THAT WE HAD A GOOD DRAFT, BUT WERE AFRAID IT MIGHT AGGRAVATE THE SITUATION TO ISSUE IT BEFORE THE DECISION OF THE SUPREME COURT. MCGUIGAN SAID THAT, IN THAT CASE, HE HOPED WE WOULD ISSUE THE REPLY AS SOON AS POSSIBLE AFTER THE COURT'S DECISION, WITHOUT WAITING FOR THE REFERENCE TO LONDON.

5. THREE MAIN REASONS DICTATED CANADIAN VIEWS ON TIMING: THE FIRST WAS THAT 1 JULY WAS THE 50TH ANNIVERSARY OF THE STATUTE OF WESTMINSTER, THE SECOND WAS THE DECISION TO CHANGE 1 JULY FROM "DOMINIONS DAY" TO "CANADA DAY" (THIS WOULD HAPPEN IN ANY EVENT), AND THE THIRD WAS THE QUEEN'S WISH TO VISIT CANADA AT THAT TIME. THIS VISIT WOULD DEMONSTRATE IN CANADA THAT THE PATRIATION OF THE CONSTITUTION WAS NOT MEANT TO WEAKEN BUT TO STRENGTHEN THE QUEEN'S POSITION.

6. LORD CARRINGTON SAID THAT WE WOULD DO OUR BEST ON TIMING, BUT WARNED AGAIN AGAINST UNDERESTIMATING THE DELAYING TACTICS OF BACK BENCHERS. THEY MIGHT ALSO BE A PROBLEM IN THE LORDS, WHERE THERE WAS NO GUILLOTINE, AND WHERE THE LONG TITLE ONLY WAS LEFT UNTIL THE END OF COMMITTEE PROCEEDINGS. MCGUIGAN SAID THAT THE FIRST CANADIAN FALL-BACK DATE WAS 17 JULY (IE JUST BEFORE THE OTTAWA SUMMIT), AND THE SECOND 28 JULY (JUST BEFORE ADJOURNMENT).

7. HE WONDERED WHETHER IT WOULD BE HELPFUL IF MR TRUDEAU WERE TO HAVE ANOTHER WORD WITH THE PRIME MINISTER. LORD CARRINGTON AGREED HAT THIS MIGHT BE USEFUL, BUT ONLY AFTER THE SUPREME COURT'S DECISION. MCGUIGAN RAISED THE POSSIBILITY THAT TRUDEAU MIGHT

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VISIT LONDON DURING HIS EUROPEAN TOUR IN MAY. LORD CARRINGTON MENTIONED THE PROBLEMS OF THE PRIME MINISTER'S TIMETABLE, AND OF THE TIMING OF THE SUPREME COURT'S DECISION. MCGUIGAN SAID THAT MR PYM HAD SUGGESTED THAT HE MIGHT SPEAK INFORMALLY TO MPS IN LONDON. LORD CARRINGTON THOUGHT THAT THIS MIGHT HAVE ARISEN IN A DIFFERENT CONTEXT, BUT UNDERTOOK TO ASK MR PYM'S ADVICE ON HIS RETURN. HE WOULD SEND THE HIGH COMMISSIONER A TELEGRAM ABOUT THE PRIME MINISTER'S TIMETABLE, A POSSIBLE VISIT TO LONDON BY MCGUIGAN, AND ON ANY OTHER MEASURES WHICH MIGHT HELP TO EASE THE PASSAGE OF THE BILL.

8. SEE MIFT.

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SIR I SINCLAIR }
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DR PARRY }

LORD MORAN C/O HDS OF MISSION POD
PS/CHANCELLOR OF THE DUCHY OF
LANCASTER

PS/LORD CHANCELLOR

PS/LORD PRESIDENT

MR H STEEL, LAW OFFICERS' DEPT

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