

FEDERAL AND
INTERGOVERNMENTAL AFFAIRS

FROM Dick Johnston
Minister of Federal and
Intergovernmental Affairs

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TO Honourable Peter Lougheed
Premier
307 Legislature Building

DATE May 11, 1981

TELEPHONE

SUBJECT CONFERENCE CALL OF EIGHT PREMIERS

In preparation for the conference call on Tuesday, the following is a review of various elements of U.K. strategy (Part I) and communications strategy within Canada (Part II).

Part I: United Kingdom Strategy

The Western Premiers agreed on the following proposals at their meeting in Thompson, Manitoba, with respect to U.K. strategies and further agreed that these proposals should be communicated to the other four Premiers.

1) Letters

It was agreed identical letters should be sent to Prime Minister Thatcher, Speaker of the House of Commons and Lord Chancellor of the House of Lords. The letter is being redrafted by Mr. Bedson, Clerk of the Manitoba Executive Council, to reflect the Constitutional Accord signed by the Premiers on April 16. The Western Premiers agreed that undated letters should be signed as soon as possible so they could go simultaneously with the federal Resolution.

2) Petition

Western Premiers agreed that Alberta and Saskatchewan should redraft the Petition to reflect the Constitutional Accord. It was felt that there was merit in presenting eight similarly worded Petitions, one signed by each Premier on behalf of his Executive Council. Questions which remain outstanding relate to the timing of the Petitions and who should be asked to present them. Esteemed M.P.'s of good standing on both sides of the House would be preferable. With respect to timing, the most impact may be achieved by having the Petitions presented immediately after the federal Joint Address is introduced in the U.K. Parliament, if this is possible.

3) Visits by Premiers

Western Premiers agreed that should Premiers decide to visit the U.K., it should be done on a joint basis rather than individually. The visit would include meetings with Parliamentarians, speeches, and briefings for the press and editorial boards of major British newspapers and perhaps a courtesy call on the Government. Careful preparatory work would be necessary to ensure such a visit was successful. Preparations would include: hotel bookings, selecting and booking appropriate forums for speeches; arranging meetings, luncheons, receptions; developing guest lists; and coordination of media coverage.

4) Legal Counsel

The Western Premiers discussed briefly the possibility of hiring legal counsel in the U.K. Saskatchewan, Quebec and British Columbia have already retained legal counsel in Britain on an individual basis.

While it was not discussed in Thompson, Premiers may wish to consider the compilation of a joint information kit for distribution in the U.K. The kit could include the Constitutional Accord and brief background documents outlining the nature of federalism and the provincial position.

Timing

Whether all elements of this strategy will have to be implemented will depend on the Supreme Court ruling and the federal government's reaction to it. If implementation is required, the effectiveness of the strategy will depend on timing. Following is a possible time frame:

June 1 - 15 Supreme Court of Canada's decision on the Constitution of Canada

Note: According to the all-party agreement the following schedule is to be followed:

- DAY 1 - Supreme Court decision
- DAY 2 - Government designates two days of debate - but must give 24 hours' notice before the debate can begin.
- DAY 3 - Debate in the House of Commons
- DAY 4 - Debate concludes in the House of Commons and begins in the Senate.
- DAY 5 - Debate concludes in the Senate.
- DAY 6 - Resolution is forwarded to the United Kingdom.
- DAYS 7-12 - United Kingdom Government prepares legislation, prints bill, etc.

- DAY 13 - United Kingdom Government places the Resolution on the order paper.
- DAYS 14-27 - From the time of placing the Resolution on the order paper to second reading should take about two weeks if the regular United Kingdom procedures are followed.
- DAYS 28-29 - Two days of debate in the House of Commons
- DAYS 30-32 - Bill is debated in the House of Lords

This scenario represents one possibility. The first week to a great extent has been determined by the rules already agreed to by Parliament (see attachments). The United Kingdom portion is a guestimate based on earlier assessments. The above schedule assumes the United Kingdom Parliament would be willing and able to deal with the Resolution in an expeditious manner. Neither assumption may prove to be correct. Any slippage in the United Kingdom Parliament could delay the enactment of the Resolution until the fall. Conversely, the United Kingdom Government may decide to move more quickly and approve the Resolution before the Ottawa Economic Summit on July 20 - 21.

Objectives and Tactics

Our objective is to have the U.K. Parliament defeat the resolution. The odds in favour of this happening are better if a special committee in the House of Commons is established, thereby giving provinces the opportunity to present their views before Parliament, or if second reading is delayed until the fall, thereby allowing more time for public opinion in Canada and the U.K. to jell. The point to be emphasized is that from the above time line, we have approximately four weeks from the Supreme Court decision to second reading. This four-week period will be a period of intense activity on the part of both the provinces and the federal government in the U.K.

Conclusion

If the above joint strategies are to be effectively implemented, they will require considerable preparatory work by ministers and officials. While the implementation of much of the U.K. strategy will depend on when the Supreme Court decision is rendered and what the ruling is, it is important that provincial governments identify and prepare alternative approaches in advance of the decision. This preparatory work would be coordinated by Alberta since we volunteered to accept the lead role among the provinces in coordinating U.K. strategy.

The need for a U.K. strategy on the part of the provinces is highlighted by the importance the federal government has attached to lobbying British Parliamentarians. Indications from the Agent General, the British media, Canadian visitors to Britain, and British academics and journalists visiting Canada are that the British M.P.'s and press have been receiving a one-sided view of the patriation issue -- the federal side. Ontario has also made plans to present their views according to information received by Jim Seymour from Hugh Segal.

Should the Supreme Court rule in favour of the provinces, we should also be prepared to act in case the federal government proceeds.

Part II: Communications Strategy


Communications Campaign in Canada

The Western Premiers agreed that more emphasis must be placed on communicating the provincial position to Canadians. This would include advertising and public-speaking engagements by Premiers and Ministers. The objective would be to clarify the Constitutional Accord and the amending formula. Manitoba was designated as the province responsible for the coordination of the communications plan.

Response to Supreme Court Decision

It was agreed by Western Premiers that a joint response to the Supreme Court decision should be given within 24 - 48 hours. In order to respond quickly, it was agreed that work should be done on alternative reactions, depending on the possible decisions of the Supreme Court. Clarification is needed as to which province will coordinate this preparatory work. The various alternative joint statements will have to be completed in advance of the Supreme Court ruling (i.e. within the next 4 weeks).

It was agreed that Manitoba would contact legal counsel from the other provinces to attempt to distill their prognosis of the Supreme Court hearing and possible outcome.



DJ/jaa

Attachment

cc: Dr. J. Peter Meekison