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TO IMMEDIATE FCO

TELEGRAM NO 629 OF 8 NOVEMBER

CONSTITUTION

1. IT SEEMS FROM ALL ACCOUNTS THAT CERTAINLY THE FEDERAL GOVERNMENT AND PROBABLY THE QUEBEC GOVERNMENT ARE PROPOSING TO PROCEED CIRCUMSPECTLY.
2. THE FEDERAL CABINET MET ON FRIDAY MORNING AND, DESPITE SOME INACCURATE REPORTING WHICH MAY BE REFLECTED IN THE BRITISH MEDIA, DECIDED THAT WHILE THERE WAS NO QUESTION OF THE NEW CONSTITUTION NOT BEING APPLIED IN ALL RESPECTS TO QUEBEC (PARTICULARLY THE MINORITY LANGUAGE EDUCATION PROVISION), TIME WOULD BE TAKEN TO SEEK AN ACCOMMODATION WITH THE PROVINCE. IT MAY WELL BE TRUE, AS REPORTED, THAT THERE ARE DIVISIONS WITHIN THE CABINET OVER TACTICS BUT THE GENERAL LINE AGREED IS OBVIOUSLY THAT TAKEN BY MR TRUDEAU HIMSELF AT THE CONCLUDING SESSION OF THE CONFERENCE WHEN HE SAID: "I HOPE THAT IN THE WEEKS, AND IF NECESSARY MONTHS TO COME WE SHALL STILL BE ABLE TO CONVINCED OUR COLLEAGUES FROM QUEBEC TO DO IN THE CONSTITUTION WHAT IN FACT HISTORICALLY HAS ALWAYS BEEN DONE IN QUEBEC SINCE THE BEGINNING OF CONFEDERATION: TO TREAT THEIR ANGLOPHONE MINORITIES IN THE SCHOOL SYSTEM EQUITABLY."
3. THIS NEED NOT OF COURSE IMPLY A DELAY OF WEEKS OR MONTHS IN SUBMITTING THE AMENDED OR NEW RESOLUTION TO PARLIAMENT. THE GOVERNMENT'S LEGAL DRAFTSMEN ARE WORKING HARD TO TURN THE OCCASIONALLY EVASIVELY WORDED AGREEMENT INTO LEGAL LANGUAGE. MR TRUDEAU DID NOT AFTER ALL MEET THE LEADERS OF THE OPPOSITION PARTIES ON FRIDAY; HE IS NOW EXPECTED TO DO SO ON MONDAY EVENING OR TUESDAY. AS WEDNESDAY IS A PUBLIC HOLIDAY AND THE BUDGET SCHEDULED FOR THURSDAY (FOLLOWED BY A DAY FOR THE OPPOSITION'S INITIAL RESPONSE) WE CAN REASONABLY ASSUME THAT THE CONSTITUTIONAL ISSUE WILL NOT BE BEFORE PARLIAMENT AGAIN BEFORE 16 NOVEMBER AT THE EARLIEST.
4. MR CLARK IS KEEPING HIS POWDER DRY WHILE SAFELY EMPHASISING THE IMPORTANCE OF REACHING AGREEMENT WITH QUEBEC. GIVEN HIS PARTY'S MISERABLE STANDING IN QUEBEC AND THE PRECARIOUSNESS OF HIS POSITION AS THE PARTY LEADER, HE WILL NEED TO THINK CAREFULLY ABOUT HOW FAR TO TRY TO INSIST ON AGREEMENT WITH QUEBEC. MR BROADBENT'S PARTY IS NOT SOLID; THERE IS DEEP DISAPPOINTMENT ON THE PART OF SOME NDP MEMBERS AT THE REMOVAL OF THE ENTRENCHED RECOGNITION OF THE ABORIGINAL AND TREATY RIGHTS OF THE ABORIGINAL PEOPLES. MR TRUDEAU HAS HOWEVER BEEN ABLE IN ANSWERING QUESTIONS IN THE HOUSE TO POINT OUT THAT THIS PARTICULAR AMENDMENT WAS MADE AT THE INSISTENCE OF THE PROVINCIAL

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/ PREMIERS,

PREMIERS, INCLUDING MR BLAKENEY, THE NDP PREMIER OF SASKATCHEWAN, AND THAT HE (TRUDEAU) HAD INSISTED THAT THE AGREEMENT REACHED LAST WEEK INCLUDE A PROVISION FOR A CONSTITUTIONAL CONFERENCE ON ABORIGINAL RIGHTS.

5. UNDER THE AMENDING FORMULA NOW AGREED, THE SENATE LOSES THE ABSOLUTE VETO WHICH IT SUCCESSFULLY DEMANDED EARLIER THIS YEAR AND IS TO BE GRANTED A "SUSPENSIVE" VETO WHICH WILL ALLOW IT TO DELAY FUTURE AMENDMENTS FOR SIX MONTHS. MR TRUDEAU HAS LET IT BE UNDERSTOOD THAT THE SENATE (DOMINATED BY LIBERALS) WILL AGREE TO THIS.

6. FOR HIS PART, MR LEVESQUE HAS DECLINED TO BE PUSHED BY HIS RANK AND FILE INTO HASTY ACTION. AT A CAUCUS MEETING ON FRIDAY THE QUEBEC GOVERNMENT WAS URGED TO BOYCOTT ALL FUTURE FEDERAL/PROVINCIAL CONFERENCES EXCEPT THOSE DEALING WITH FINANCE. A SUBSEQUENT CABINET MEETING REJECTED THIS ADVICE AND AGREED THAT MAJOR DECISIONS WOULD BE PUT OFF FOR A WEEK. WHILE MR LEVESQUE'S SPEECH AT THE OPENING OF THE NATIONAL ASSEMBLY ON 9 NOVEMBER IS LIKELY TO BE COUCHED IN VITRIOLIC LANGUAGE, IT IS NOW UNLIKELY TO REVEAL WHAT COURSE OF ACTION THE QUEBEC GOVERNMENT WILL FOLLOW.

7. MR RYAN, LEADER OF THE QUEBEC LIBERAL PARTY HAS DESCRIBED THE AGREEMENT AS AN IMPORTANT STEP TOWARDS A RENEWED FEDERALISM BUT IS RESERVING COMPREHENSIVE COMMENT UNTIL HE HAS SEEN WHAT THE NEW CONSTITUTIONAL RESOLUTION WILL AMOUNT TO IN DETAIL.

8. THE INDIAN ORGANISATIONS HAVE REACTED STRONGLY TO THE REMOVAL OF THEIR ENTRENCHED RIGHTS FROM THE CHARTER WITHOUT THE SLIGHTEST ATTEMPT TO CONSULT OR INFORM THEM. THEY WILL UNDOUBTEDLY CONTINUE TO LOBBY AND PUBLICISE THEIR GRIEVANCES, BUT THEY SUFFER BADLY FROM INTERNAL DISUNITY AND THE FACT THAT NEITHER PROVINCIAL NOR FEDERAL GOVERNMENTS SEE POLITICAL OR ECONOMIC ADVANTAGE IN ESPOUSING THE CAUSE OF THE ABORIGINAL PEOPLES. GIVEN THE GENERALLY HELD VIEW AMONGST THE INDIANS THAT THE BRITISH CROWN REMAINS RESPONSIBLE FOR THEM WE SHALL NEED TO WATCH CAREFULLY FOR SIGNS THAT INDIAN FRUSTRATION MAY PRODUCE VIOLENCE.

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