



(3)

10 DOWNING STREET

Prime Minister

Quebec

I think we
should discuss
this with
the Lord Privy
Seal on Monday
not

You were not happy about an
earlier draft of the reply to Levesque's
letter.

2. This is a revised text which
makes the point more clearly that
the legal proceedings in Canada are
a Canadian matter and therefore no
reason to halt our own
parliamentary proceedings.

3. If you agree with the letter
the intention is that copies of the
correspondence will be given to

Trudeau.

A. J. C. $\frac{8}{1}$



Foreign and Commonwealth Office

London SW1A 2AH

7 January 1982

Dear John,

Premier of Quebec

You told me on Christmas Eve that the Prime Minister would like a more cautious answer for her to send to Mr Levesque, Premier of Quebec. I now submit a revised draft which takes into account comments by the Law Officers.

Further to the points made in my letter of 23 December, I should add that the proceedings brought by the Indians here raise different considerations from those involved in the legal proceedings to be brought by the Quebec Government in Canada. It is readily understandable that the British Government and Parliament should wish, before going ahead with the Bill, to heed the view of the British courts on proceedings here in which the Indians allege that (contrary, of course, to our own opinion) the British Government has obligations to them under our domestic law which the Bill would affect. However, the Quebec proceedings (which are widely acknowledged to be part of Mr Levesque's long-standing and ~~the~~ probably insoluble quarrel with Mr Trudeau) concern issues of Canadian constitutional law of the same kind as have already been considered by the Supreme Court and are a belated attempt to spin out the argument in Canada still further. The Quebec Court of Appeal is not due to start hearing Mr Levesque's case until mid-March. A judgment is expected in April but there is still the possibility that the case could then go to the Supreme Court of Canada whose decision might not be handed down until September.

We consider that serious harm would be done to Anglo/Canadian relations by delaying action here unnecessarily because of the unpredictable and prolonged proceedings in Quebec. The Prime Minister will recall that she told Mr Trudeau on the telephone on 4 December that the legal action being taken by the Quebec Government was a matter for Canada.

We would propose to telegraph the text of the Prime Minister's reply to Ottawa for our Consul-General in Montreal to hand over to Mr Levesque. The signed copy of the letter can follow by bag. This would be the proper procedure in dealing with a Provincial Government.

Yours ever
Rodric Lyne
(R M J Lyne)
Private Secretary

A J Coles Esq
10 Downing Street

DRAFT: ~~minute/letter/teleletter/despatch/note~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

TYPE: Draft/Final 1+

FROM:

Reference

Prime Minister

DEPARTMENT:

TEL. NO:

SECURITY CLASSIFICATION

TO:

Your Reference

Top Secret

Secret

Confidential

Restricted

Unclassified

M René Lévesque
Premier of Quebec

Copies to:

PRIVACY MARKING

SUBJECT:

.....In Confidence

CAVEAT.....

Thank you for your letter of 19 December in which you asked that the British Government should take no action on the Federal Resolution until Quebec had consented to it or until the opinion of the Canadian Courts was known on the question of Quebec's right of veto.

I have studied your request carefully. I was sorry to learn that the Province of Quebec was unable to agree with the Federal Government and the Governments of the other nine Provinces of Canada on 5 November. A Joint Address from both Houses of the Federal Parliament has now been submitted to Her Majesty. In accordance with established procedure the British Government are now asking Parliament here to pass a Bill which will give legal effect to the Address from the Canadian Parliament. Given the terms of the judgment of the Supreme Court of Canada of 28 September 1981 and the fact that an Address has been submitted to Her Majesty I am satisfied that the existence of further legal proceedings in Canada of the kind to which you refer is entirely a

Enclosures—flag(s).....

Canadian matter which cannot constitute an impediment
to action by the British Government and Parliament.
I therefore do not think that it would be appropriate
to suspend action on the Canada Bill as you ask.

ML $\frac{8}{1}$

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