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GRS 170

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FM OTTAWA 082300Z JAN 82

TO PRIORITY FCO

TELEGRAM NUMBER 5 OF 8 JANUARY

YOUR TLENO 4: CANADA BILL

1. I AM NOT SURPRISED ABOUT MR TRUDEAU'S CONCERN, WHICH I FORECAST IN MY TELNO 2. FORTUNATELY THE CANADIAN AUTHORITIES HAVE NOT YET MADE THEIR ANXIETY PUBLIC. A CLEARLY INSPIRED AND HELPFUL PIECE IN TODAY'S PRESS (COPY BY BAG) SAYS THAT "THE FEDERAL GOVERNMENT IS COMING TO THE CONCLUSION THAT THE CONSTITUTION PROBABLY WON'T BE HOME NEXT MONTH - AND PERHAPS NOT FOR SOME TIME AFTER THAT...." AND GOES ON TO SAY THAT BECAUSE OF THE CHALLENGE BY THE INDIANS IN THE BRITISH COLUMBIA "IT NOW SEEMS HIGHLY UNLIKELY THAT THE CONSTITUTIONAL PACKAGE WILL GET COMPLETE BRITISH APPROVAL BEFORE MARCH". IT ADDS THAT "THE QUESTION WOULD THEN BECOME WHETHER ANY OLD DAY WOULD DO TO BRING IT TO CANADA, OR WHETHER IT WOULD BE BETTER TO WAIT UNTIL A DATE OF MORE SIGNIFICANCE SUCH AS JULY 1, DOMINION DAY (OR AS THE GOVERNMENT CALLS IT, CANADA DAY)." THE REPORT ADDS THAT "OFFICIALS IN OTTAWA WILL NOT EVEN HINT AT A DATE FOR THE FEAR IT MIGHT SEEM THEY ARE SETTING DEADLINES FOR THE BRITISH".

2. PLEASE SEE MY IFT.

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SIR E YOUNG

MR DAY

MR URE

LORD N G LENNOX

CABINET OFFICE

COPIES TO:

SIR I SINCLAIR

MR FREELAND

DR PARRY

} LEGAL ADVS.

MR BAILEY TREASURY SOLS.

PS/CHANCELLOR OF THE DUCHY OF LANCASTER

PS/LORD CHANCELLOR HOUSE OF LORDS

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FM OTTAWA 082315Z JAN 82
TO PRIORITY FCO
TELEGRAM NUMBER 9 OF 8 JANUARY

CANADA BILL

1. YOU SHOULD KNOW THAT MR STANLEY CLINTON DAVIS MP, WHO IS HERE AT THE INVITATION OF THE CANADIAN INDIANS, SAW THE MINISTER OF JUSTICE THIS MORNING. HE TOLD HIM THAT HE THOUGHT THE SECOND READING OF THE CANADA BILL WOULD NOT TAKE PLACE UNTIL MARCH. HE SAID THAT HE PERSONALLY THOUGHT IT QUITE POSSIBLE THAT LORD DENNING MIGHT FIND IN FAVOUR OF THE INDIANS AND THAT THE CASE WOULD BE APPEALED TO THE HOUSE OF LORDS. MR CHRETIEN EXPRESSES DISMAY AT THE PROSPECT OF A SUBSTANTIAL DELAY WHICH HE SAID COULD BE EXTREMELY BAD FOR ANGLO-CANADIAN RELATIONS. HE HAD BEEN GREATLY CONCERNED THAT THE BRITISH COURTS HAD AGREED TO HEAR THE INDIANS' CASE AND WAS WORRIED THAT THIS WOULD RESULT IN OTHER INDIAN GROUPS AND QUEBEC LAUNCHING COURT ACTIONS. MR CHRETIEN WAS OBVIOUSLY VERY WORRIED BY WHAT HE WAS TOLD BY MR DAVIS AND I SHOULD NOT BE SURPRISED IF WE RECEIVE FURTHER EXPRESSIONS OF CONCERN FROM THE CANADIAN AUTHORITIES.

2. WHEN HE LUNCHEDED WITH ME AFTERWARDS MR DAVIS SAID THAT HE HIMSELF BELIEVED THAT THE CANADA BILL WOULD PASS UNAMENDED WITHOUT TOO MUCH DIFFICULTY BUT THAT INEVITABLY SOME MEMBERS ON BOTH SIDES, NOTABLY MR BRUCE GEORGE AND SIR BERNARD BRAINE WOULD WANT TO SPEAK AT CONSIDERABLE LENGTH AND MIGHT WELL WISH TO INTRODUCE AMENDMENTS. I TOLD HIM THAT THE CANADIAN AUTHORITIES HAD IN PRACTICE BEEN RESPONSIBLE FOR THE INDIANS FOR OVER 100 YEARS, THAT THEY HAD AN ENTIRE GOVERNMENT DEPARTMENT DEALING WITH THE PROBLEM (ON WHICH MR DAVIS IS CALLING THIS AFTERNOON) AND THAT THEY HAD EARMARKED DOLLARS 4 BILLION TO SETTLE INDIAN LAND CLAIMS. I ALSO SAID THAT THOUGH THE SITUATION OF THE INDIAN PEOPLES WAS UNSATISFACTORY IN MANY RESPECTS IT COULD BY NO STRETCH OF THE IMAGINATION BE REGARDED AS OUR PROBLEM, AND I WARNED HIM THAT CRITICISM OF THEIR INDIAN POLICIES OR INDEED PROLONGED DEBATE ON THE CANADA BILL ITSELF MIGHT BE STRONGLY RESENTED AS INTERFERENCE IN THEIR AFFAIRS BY MANY CANADIANS. MR DAVIS SAID THAT HE AND MR HEALEY WERE WELL AWARE THAT IT WAS QUITE IMPRACTICABLE FOR THE UK TO MAINTAIN THAT IT STILL HAD ANY RESPONSIBILITY FOR INDIAN AFFAIRS BUT IT WAS HOPELESS TO TRY AND PERSUADE SOME MEMBERS OF THE LABOUR PARTY OF THIS, AND IF MR HEALEY TRIED TOO HARD TO DO THIS HE WOULD BE ACCUSED OF ACTING AGAINST LABOUR PRINCIPLES. HE SAID THAT HE THOUGHT

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IT WOULD BE HELPFUL IF THE CANADIANS COULD PUBLICISE WHAT THEY WERE DOING FOR THE INDIANS. HE HAD I THINK BEEN QUITE IMPRESSED BY WHAT MR CHRETIEN, WHO WAS FOR 6 YEARS MINISTER OF INDIAN AFFAIRS, HAD TOLD HIM ABOUT THIS AND BY THE FACT THAT MR CHRETIEN HIMSELF HAD AN ADOPTED INDIAN SON. WOULD YOU LIKE US TO PUT THIS SUGGESTION TO THE CANADIAN GOVERNMENT?

3. MR DAVIES STRUCK ME AS VERY BALANCED AND SENSIBLE. HE SPOKE HIGHLY OF MR LUCE.

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