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March 5, 1981

F3-11(1)

KIRBY

MEMORANDUM FOR THE PRIME MINISTER

Elements of a London Strategy

1. Introduction

As the third stage debate in the Canadian Parliament draws to a close, there is an urgent necessity to reassess our strategy in London. That strategy, which is aimed at achieving the objective of getting the measure through Westminster by July,

[Redacted]

Red notes made at mtg with the P.M. on March 5/81

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[Redacted]

[Redacted]

Associated [Redacted]

These include:

- a strategy for maximizing the public relations benefit flowing from transmittal of the measure to London; and
- a line of response to the question of why we are not waiting for a Supreme Court decision before going to Westminster and what happens if the Supreme Court rules negatively after the measure has been passed by Westminster.

[Redacted], an outline of the decisions required today and a brief assessment of the situation in London. A separate paper on a strategy for maximizing the public relations benefit flowing from transmittal of the measure to London will be provided for you tomorrow. A separate paper on a line of responses to questions relating to a reference to the Supreme Court is being prepared in the Department of Justice and will be available for your consideration by Wednesday of next week.

For the purposes of our meeting this afternoon, it will be sufficient if you had an opportunity to read this introduction together with parts 2 and 3 of this paper, namely the following summary and enumeration of decisions required.

Wed ④ list of IOW's we cancelled decision (formalistic caution) PART OF PRESSURE PAPER

Wed ④ NEW strategy

Fri ② - special material memo

Fri ① - Canadian communication campaign

Fri ③ - how to handle

Wed ①

Wed ② Hand to prepared the package for the P.M. Wed ③

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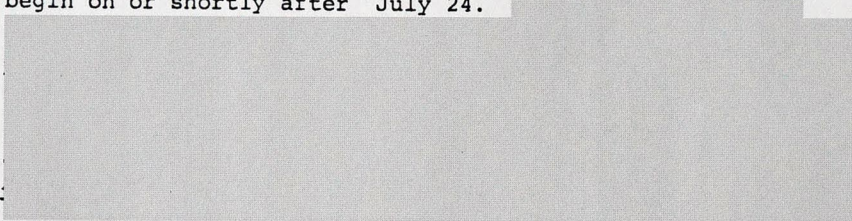
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2. Summary

The London strategy discussed below proceeds from the assumption that the British Government will cooperate in achieving enactment of the constitutional measure before the summer recess of the British Parliament scheduled to begin on or shortly after July 24.

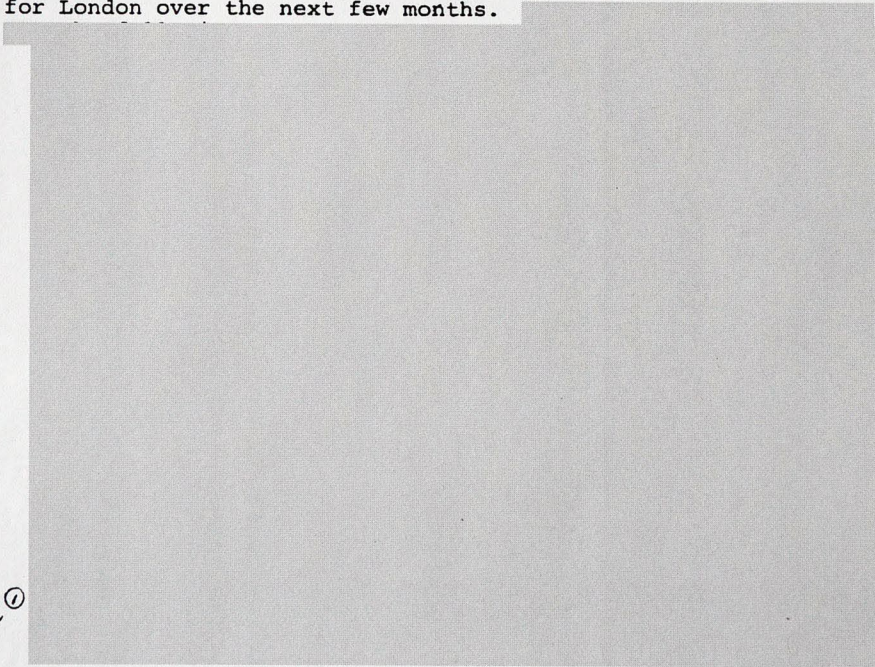
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Whether or not the British Government supports enactment of the constitutional measure before the British Parliamentary recess, we foresee a three element strategy for London over the next few months.



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- Initially we will discuss a way to organize special interest groups

As part of the London strategy it is my recommendation that the PMO should give urgent consideration to the feasibility and desirability of creating a privately funded arms-length organization to organize and promote events in London, to finance the transportation and living costs of prominent private sector speakers and, possibly, to produce written material for use in London. Such an organization might be named something such as "Canadians for a Canadian Constitution".

On the basis of the program outlined in this paper and of our discussions this afternoon, we would propose to produce for you, on a weekly basis, a week-by-week activity plan implementing the London strategy.

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3. Decisions Required

If at all possible, at our meeting this afternoon we would like to have decisions on the following issues:

Agreed

- (1) approval of the program outlined above and in greater detail in the body of this paper;

we will have detailed instructions for next week's for that week

no

Agreed

- (2) authority to publish at the earliest possible time the response to the Kershaw Report as a government publication under Mr. Chrétien's name;

- possibly an explanation of the role of the C.I.C. - possibly to submit what has been done in the area of public relations

** New to get info on what*

Agreed

- (3) authorization to approach Premier Davis with an invitation to speak to the Canada Club in London on March 25 in place of Mr. Chrétien on the two conditions that, firstly, Mr. Chrétien is unable to fulfill the engagement and secondly, Premier Davis is re-elected.

Agreed. but approach Stewart Smith as well.

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4. Assessment of the Situation in London

There are mixed assessments of the likelihood of the British government aggressively supporting the resolution and of Westminster passing the resolution before the Supreme Court rules on its constitutionality and before the summer recess.

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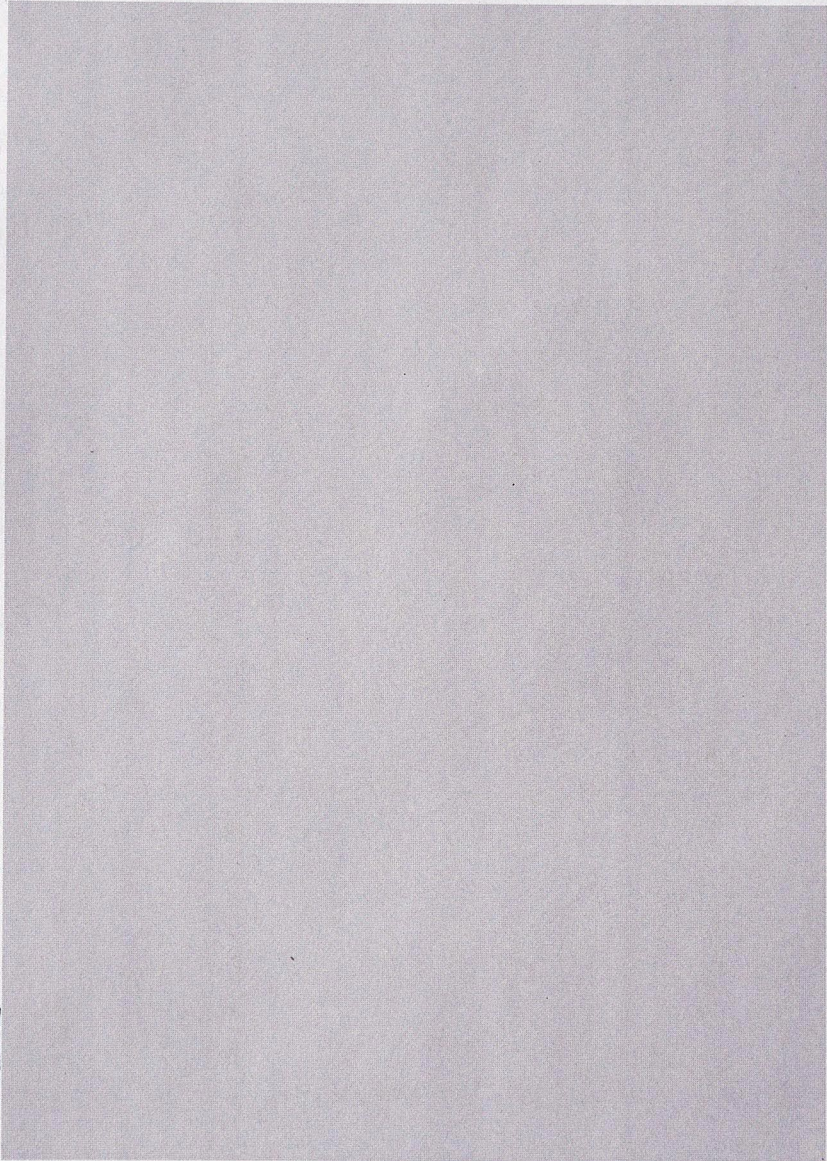
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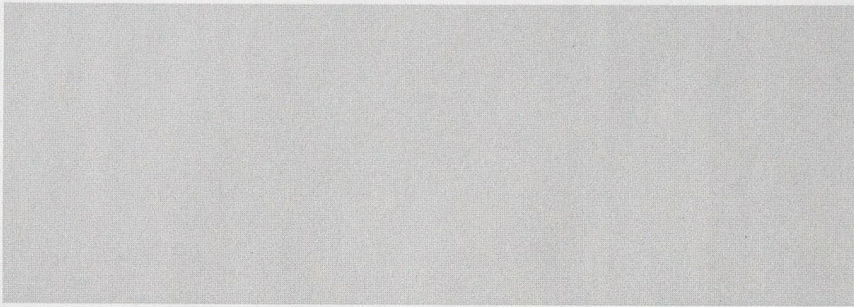
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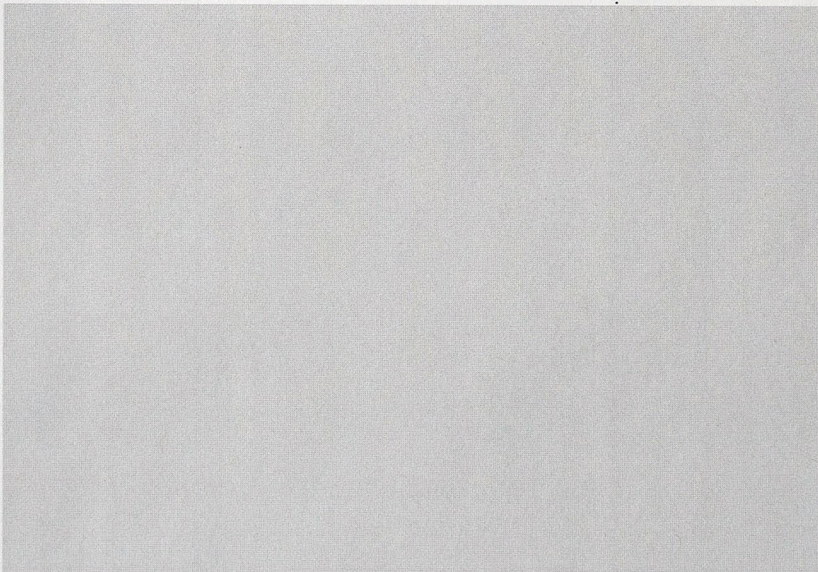
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5. Elements of the Strategy

(1) Government to Government

Every effort should be made to determine, by the end of next week, the position of the British government on early passage of the constitutional resolution. The British government's position is clearly critical to the design of all elements of the strategy.



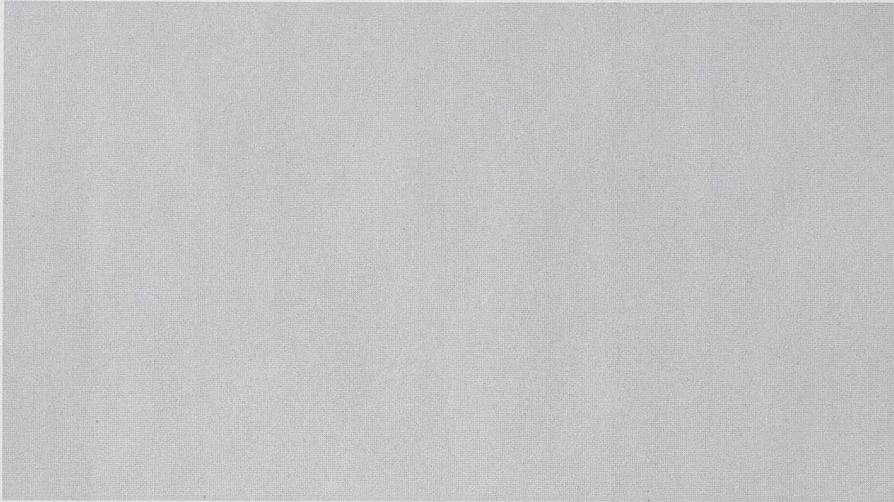
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Assuming that a positive response is received regarding the proposed timetable, the second stage of the government to government element of the strategy would involve close liaison with the British government with Canadian politicians and officials taking on a supportive role to the British government based largely on their counsel and advice. Throughout any such phase, it would remain necessary to monitor, continuously and critically, the progress of the resolution through the British Parliament to ensure that our timetable will be met.

Assuming a negative response from the British government to the proposed timetable, two options would be open to us. The first and less desirable in the current climate would involve acceptance of a judgement by the British government that enactment of the measure at Westminster during the current session of Parliament is impossible, or so unlikely of success as to not warrant the risk of trying. If such a judgement were accepted, a window would be provided between now and the next session of the British Parliament during which every effort could be made to clarify the constitutional situation here in Canada by obtaining an opinion of the Supreme Court of Canada. That is, we could use the period from April to October to obtain a Supreme Court opinion on the constitutionality of the measure. In this regard, it should be noted that in his meeting with FCO officials last week, Barry Strayer got the impression that they were preoccupied with the question of whether action should be taken by the U.K. Parliament before the Supreme Court of Canada has ruled on the measure.

PT will report this

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The second option open to us would involve rejection of the British government's advice to delay and would require the bringing of pressure on the British government to secure a change in its attitude to one of support for our timetable. Clearly, to follow this strategy with any hope of achieving enactment of the measure before the summer recess of the British Parliament would require both raising with the British government fundamental questions relating to Canadian/British relations and mobilization of a much greater effort than we currently have the capacity to mobilize in London.

There is, of course, the possibility that the British government will be non-committal in its response to us; that it will make the right noises, but in fact do very little to help us meet our deadline. Unless we get a very clear indication that the British government will do all they can to help us meet our timetable, we should assume that they have given us a negative response and act accordingly.

Methods by which pressure might be created on the British government include the following:

- public statements by you and your colleagues on what your target date is;
- arguments regarding the precedents for quick action;
- arguments on the Canadian political need to have Westminster resolve the issue quickly;
- a high profile transfer of the resolution to London with a strong implicit (or explicit) message that quick action should follow;
- the creation of "structural" reasons why the process must be completed soon, e.g. Mrs. Thatcher's visit to Ottawa for the Summit in late July, the Commonwealth heads of government meeting in September, or even a royal visit.

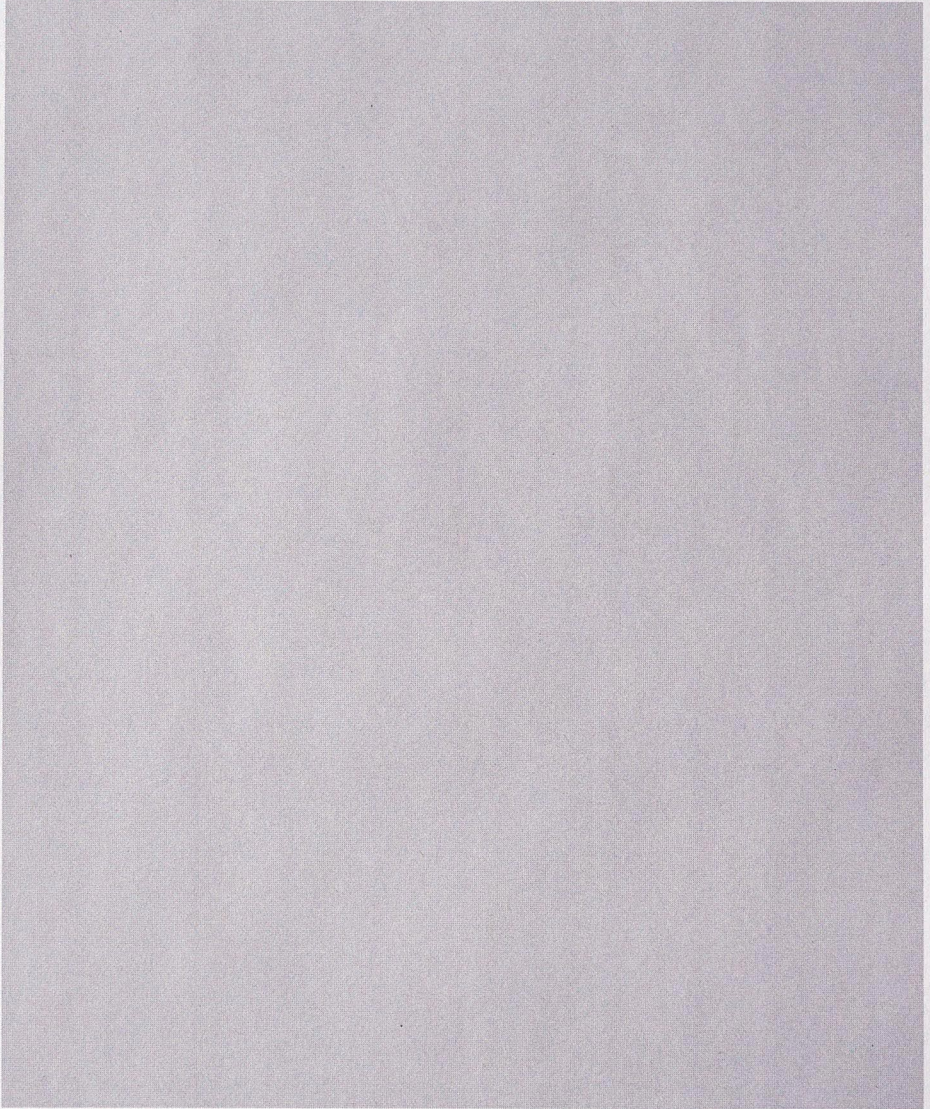
*To be added to
in next week's
paper.*

As well as creating pressure, the Government could lessen resistance by quietly making known its view that the British government's legislative program is manageable, and that opposition in Westminster is limited

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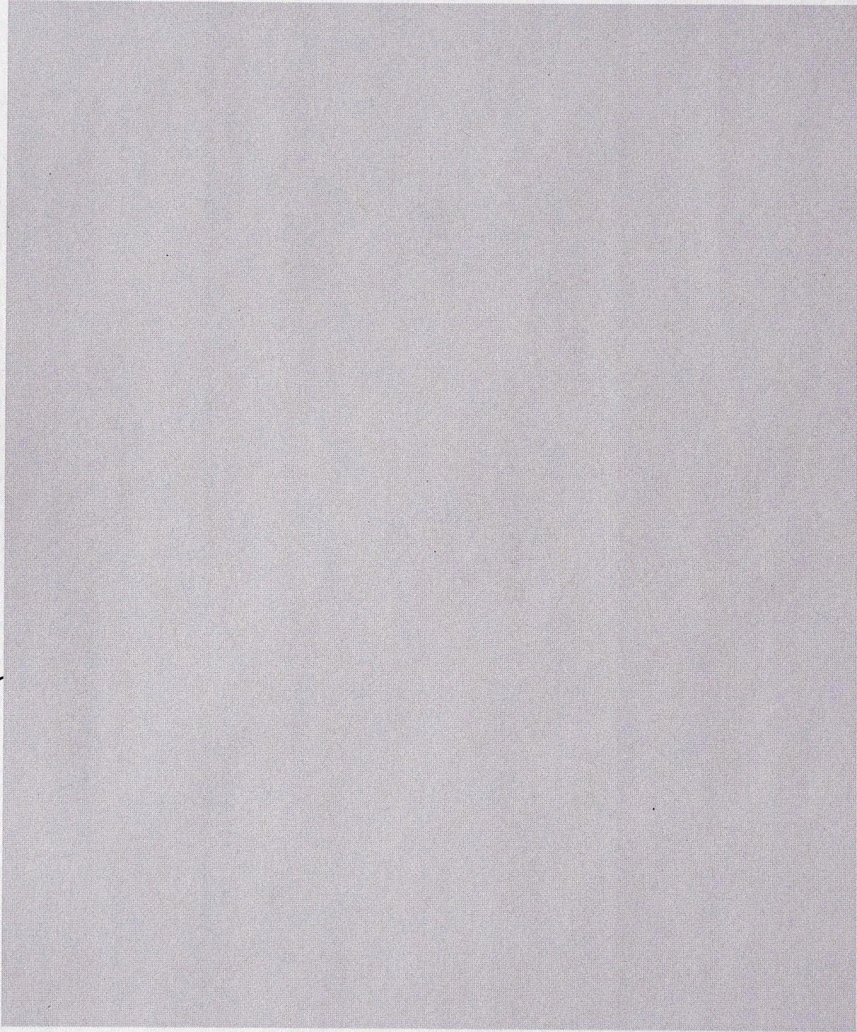


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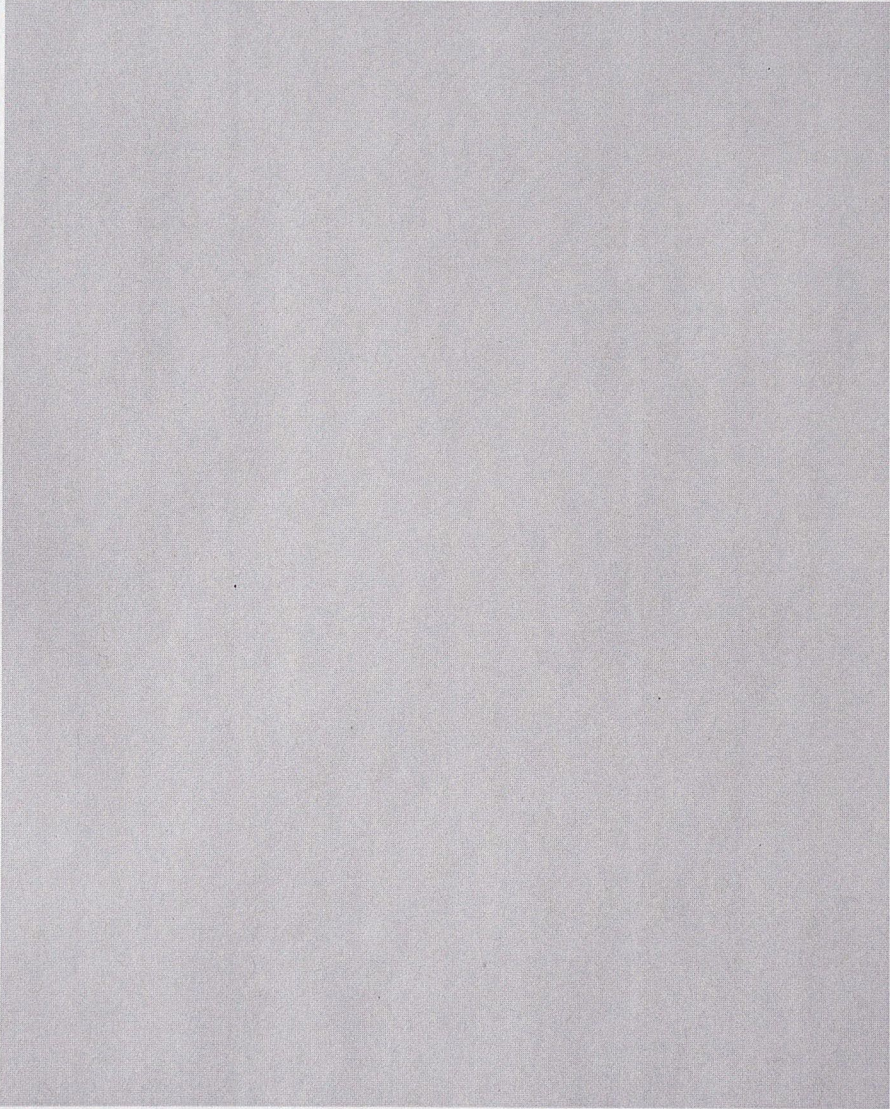


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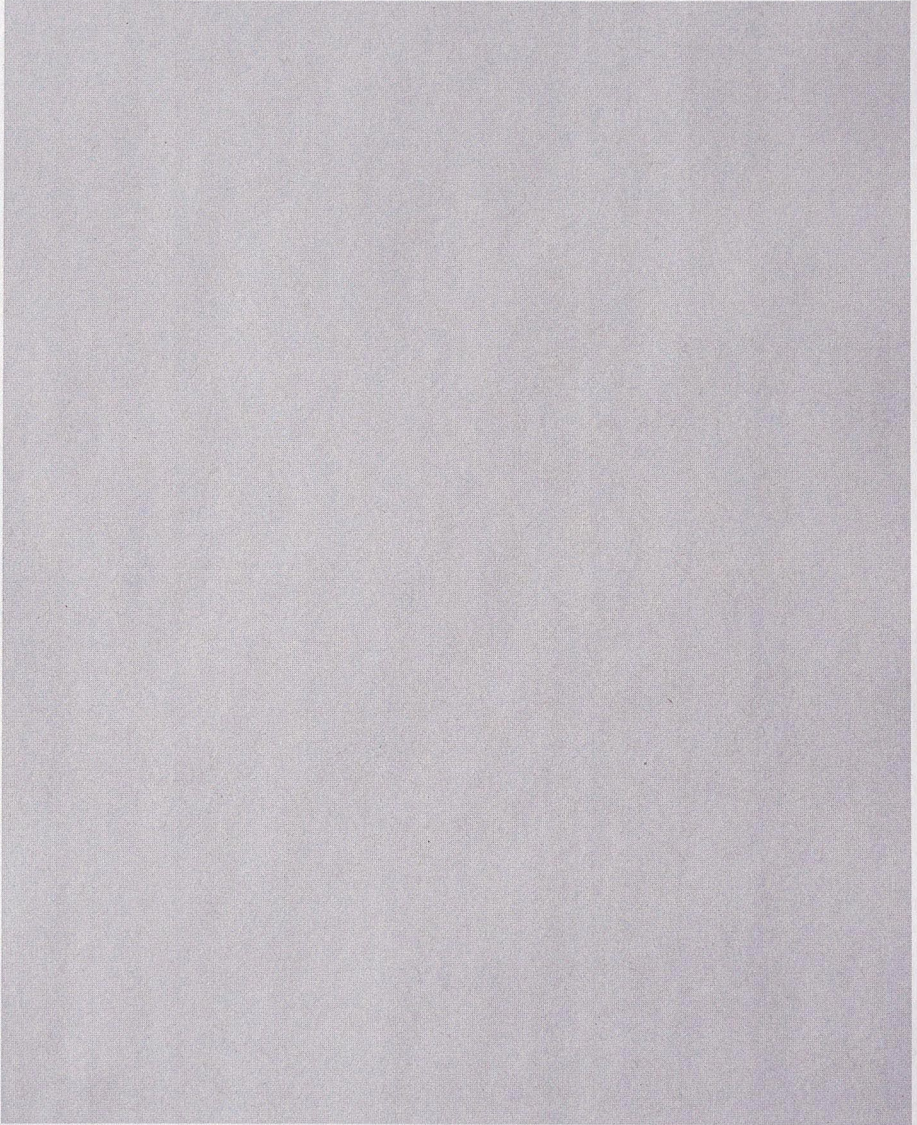


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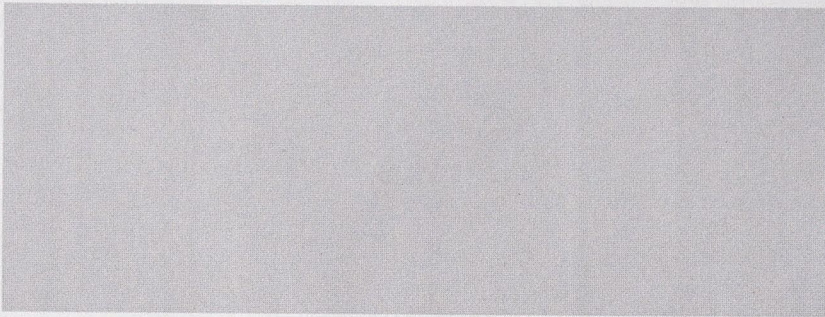
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The central line of all our public and private messages must be that we are dealing with a political rather than a legal or constitutional problem. The political dimensions of the issue, including the consequences of delay at Westminster, are the key factors to be stressed.

Stewart

6. The transmittal of the measure to London

The occasion of transmittal of the measure to London should be used to create or reinforce the sense of urgency surrounding its enactment, should be decorous and solemn, and should be given a high profile. A separate paper will be provided for you on this subject tomorrow.

7ri ②

7. Issues relating to the Supreme Court

These issues will be the subject of a separate paper that will be completed early next week and that is being prepared in the Department of Justice.

Wed ①

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Michael J.L. Kirby