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PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AI

9 December 1981

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Dear Adam,

As you know, the Canadian Minister of Justice, Mr Chretien, called on the Lord President this morning. The Chief Whip was also present. Mr Chretien was accompanied by Dr Michael Kirby, Secretary to the Canadian Cabinet with responsibility for Federal-Provincial relations.

Mr Pym congratulated Mr Chretien on his part in achieving such a level of agreement in Canada. Matters were now manageable here. However, there were a lot of Westminster MP's who would want to have their say about the Bill. He could not therefore commit himself to any dead-line for the passage of the Bill, but the best chance of achieving smooth progress lay in letting the Bill take its natural course under the normal procedures. He hoped to introduce the Bill before Christmas. Second Reading would be soon after the House reassembled on 18 January, probably in that week. Thereafter we would have a clearer idea of what was involved. He was confident that, if things were allowed to take their natural pace, the Bill would emerge by March/April; it could be sooner, if all went well, but this was impossible to predict at this stage.

Mr Chretien said that, although the sooner the Bill was passed the better from the Canadian point of view, he had no wish to try and impose any dead-line. On the substance of the issue, 92 per cent of Members in the Canadian House of Commons had voted in favour of the Bill. The vote in the Senate yesterday had been closer (59 - 23) because the Government had effectively been asking them to abandon their right of veto. The controversy in Canada had now virtually disappeared. Only Quebec and Aboriginal rights

Adam Wood Esq
Private Secretary to the
Lord Privy Seal
Foreign and Commonwealth Office

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remained as issues. On the latter there appeared to be much misunderstanding and the Government had a good story to tell. On the former, the Government had achieved "three-quarters" of an agreement, which was probably as much as had been possible.

In reply to a question from Dr Kirby, Mr Pym explained that it was not possible at this stage to predict the length of Second Reading, although it was likely to be extended. Members would want to air their points of view and must be allowed to do so. The length of time needed for subsequent stages was also unpredictable. It depended among other things on whether the Opposition chose to use the Bill to disrupt the rest of the Government's programme.

Mr Chretien said that he understood the position and was content. He asked whether it would be helpful or not for Canadian Ministers to visit London during the proceedings; there was naturally a strong wish on the part of many to do so. In reply, Mr Pym said that he had serious reservations about such visits. Any hint of pressure or lobbying would be positively counter-productive to the smooth progress of the Bill. Naturally, however, Mr Chretien himself or with a colleague would be most welcome if they wished to be present during Second Reading. Mr Chretien said that he well understood the need not to get involved. It might not be easy to deter all those who wished to come over from doing so, but it might help if he could suggest some sort of organised visit at the time of Royal Assent or possibly Third Reading in the Lords. Mr Pym said that this sounded perfectly possible and undertook to keep in touch about the possibilities once he had a better idea of the Bill's likely progress.

I am sending copies of this letter to Clive Whitmore (No 10), Murdo Maclean (Chief Whip's Office) and David Wright (Sir Robert Armstrong's office).

*Yours ever,
David.*

D C R HEYHOE
Private Secretary

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TO IMMEDIATE OTTAWA

TELEGRAM NUMBER 458 OF 9 DECEMBER

CANADIAN CONSTITUTION. CALL ON THE LORD PRESIDENT BY THE
CANADIAN MINISTER OF JUSTICE

h-a.
14.
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1. MR CHRETIEN, ACCOMPANIED BY DR MICHAEL KIRBY, SECRETARY TO THE CABINET FOR FEDERAL-PROVINCIAL RELATIONS, CALLED THIS MORNING ON MR PYM. THE CHIEF WHIP, MR JOPLING, AND OFFICIALS FROM BOTH SIDES WERE ALSO PRESENT.

TIMING IN UK PARLIAMENT

2. MR CHRETIEN WAS AT PAINS TO EMPHASISE THAT HIS GOVERNMENT HAD NO DESIRE TO IMPOSE ANY DEADLINE ON THE UK PARLIAMENT, THOUGH HE MADE A LOW KEY REFERENOE TO QUOTE A DATE IN MID-FEBRUARY (BY WHICH THE CANADIANS MIGHT LIKE TO HAVE ACHIEVED PATRIATION). FROM THE CANADIAN POINT OF VIEW, HOWEVER, THE SOONER THE BETTER. HE UNDERSTOOD THAT WE HAD OUR MAVERICKS IN PARLIAMENT: BUT QUOTED THE PREVAILING CANADIAN FEELING THAT, GIVEN THE NEW SITUATION, THINGS SHOULD GO THROUGH OUR PARLIAMENT EASILY.

3. MR PYM SAID THAT MR CHRETIEN'S COMMENT ON THE SOONER THE BETTER APPLIED TO THE UK ALSO. WE WERE RESOLVED TO GIVE THE MATTER PRIORITY AND TO TAKE IT AS QUICKLY AS POSSIBLE.

ON THE OTHER HAND, ANY DEADLINES WOULD HAVE THE WORST POSSIBLE RESULT AND ENCOURAGE DELAYING TACTICS BY THE OPPOSITION. IT WAS THUS IMPORTANT THAT THE LEGISLATION SHOULD BE ALLOWED TO TAKE ITS NATURAL COURSE AND THAT MPS SHOULD BE ALLOWED THEIR SAY. WE THEREFORE PROPOSED TO INTRODUCE THE CANADA BILL BEFORE CHRISTMAS AND TO GIVE IT A SECOND READING AFTER 18 JANUARY WHEN PARLIAMENT RESUMED. THEREAFTER, INCLUDING THE COMMITTEE STAGE AND A POSSIBLE THIRD READING IT WOULD TAKE A FEW WEEKS IN THE COMMONS WHICH WOULD BE FOLLOWED BY 2 OR 3 WEEKS IN THE LORDS. THE WHOLE PROCESS SHOULD THUS BE COMPLETED QUITE HAPPILY IN MARCH OR APRIL. HE WAS NOT ANXIOUS ABOUT THE OUTCOME: BUT HE FEARED IT WOULD BE COUNTER-

PRODUCTIVE TO ATTEMPT ANY DEVICE TO SPEED MATTERS ALONG, E.G. BY STAGING SIMULTANEOUS DEBATES AT THE COMMONS AND THE LORDS.

4. THE CHIEF WHIP ALLUDED TO THE POSSIBILITY OF THE OPPOSITION USING THE CANADA BILL TO DELAY THE GOVERNMENT'S LEGISLATIVE PROGRAMME. HE NAMED SOME OF THOSE WHO COULD BE EXPECTED TO MAKE TROUBLE AND SAID ANHING COULD HAPPEN. NOTHING COULD BE MORE DANGEROUS THAN FOR MPS TO FEEL THERE WAS ANY KIND OF TIME BLOCK.

FAC REPORTS

5. MR PYM TOLD MR CHRETIEN THAT THE GOVERNMENT REPLY TO THE FAC REPORTS WOULD BE PUBLISHED ON FRIDAY 11 DECEMBER. HE NO LONGER PLANNED A SEPARATE DEBATE ON THESE REPORTS: THIS WOULD BE SUBSUMED INTO THE SECOND READING DEBATE.

CANADIAN VISITS TO THE UK

6. MR CHRETIEN SAID HE WAS UNDER PRESSURE FROM MINISTERS, PROVINCIAL LEADERS AND OTHERS OVER POSSIBLE TRIPS TO THE UK, NOW THAT THE ACTION WAS IN THIS COUNTRY. SOME SUCH VISITS WOULD PROBABLY TAKE PLACE WILLY NILLY BUT OTHERS COULD BE CONTROLLED. MR PYM MADE IT CLEAR THAT HE HAD CONSIDERABLE RESERVATIONS ON THIS. HE WAS FRIGHTENED THAT ACTIONS TAKEN, WORDS SPOKEN AND VISITS MADE COULD MAKE THE PROCESS IN THE UK TAKE LONGER. HE WOULD PERSONALLY WELCOME MR CHRETIEN WHO MIGHT LIKE TO WITNESS A PART OF THE SECOND READING DEBATE FROM THE GALLERY. BUT HE WOULD DISCOURAGE ANYTHING MUCH MORE IN THE WAY OF VISITS AT THAT STAGE. THEREAFTER, WHEN HE KNEW THE ATMOSPHERE FROM THE EARLIER PROCEEDINGS WE WOULD BE ABLE TO DISCUSS WITH THE CANADIANS THE BEST MOMENT FOR CANADIAN FEDERAL AND PROVINCIAL LEADERS TO COME OVER, PERHAPS AT SOME CEREMONIAL MOMENT. IF WE WANTED EARLIER CANADIAN VISITS, WE WOULD SAY SO.

MEDIA

7. MR PYM GENERALLY DISCOURAGED THE CANADIANS, PARTICULARLY DURING VISITS TO THIS COUNTRY, FROM SPEAKING TO THE MEDIA ABOUT THE PROCESS IN THE UK. HE (MR PYM) WAS AVOIDING DOING SO ON THIS OCCASION

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SIR E YOUDE

MR DAY

MR URE

LORD N G LENNOX

CABINET OFFICE

COPIES TO:

SIR I SINCLAIR

MR FREELAND

DR PARRY

LEGAL ADVS.

PS/CHANCELLOR OF THE DUCHY OF LANCASTER

PS/LORD CHANCELLOR HOUSE OF LORDS

PS/LORD PRESIDENT

MR H STEEL, LAW OFFICERS' DEPT

PS/HOME SECRETARY

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