

SECRET

June 17, 1980.

MEMORANDUM FOR THE PRIME MINISTER

Highlights of Tuesday's federal-
provincial ministerial meeting
on the constitution

At the request of Mr. Chrétien, I am writing this note to give you the highlights of Tuesday's meeting.

1. Ministers agreed to the following schedule of meetings:

July 8 to 11 - in Montreal

July 15 to 18 - in Toronto and either

July 22 to 25 or 29 to August 1 - in

Vancouver.

2. Ministers agreed to discuss items in the order shown on the attached list. It is important that Mr. Chrétien be given guidance on what he should say on these items before July 8. I assume, however, that most of the federal positions will not have changed significantly from what they were at the First Ministers meeting on the constitution in February, 1979. The exception to this may be the issue of resources. I hope therefore that it will be possible for you to give Mr. Chrétien some guidance on what the federal position should be on resources, as well as on the related issue of the offshore resources, before you go to Venice on Friday. You may be able to do this by returning to us the material we sent

you on Friday which contained a series of questions and proposed answers on each of the twelve items along with your marginal comments on each of the proposed answers.

3. With respect to the twelve items to be discussed, you should know that it was decided that the item on patriation should include a discussion of various amending formulae (one of which could be the unanimity rule) and that between now and September the only item which will be discussed under the heading of powers over the economy is the issue of barriers to the free movement across Canada of goods, persons, services and capital.

4. Ministers agreed that a sub-committee chaired by Mr. Chrétien and including provincial constitutional Ministers from Manitoba, Saskatchewan and Alberta would meet with representatives of Native organizations to discuss their involvement in future constitutional negotiations.

5. The procedure for the first week of Ministerial meetings is that the first two or three days will be devoted to reviewing where each of the governments stand on all twelve items on the negotiating list. By the time you go to Winnipeg for the Liberal convention, we will have prepared, and will have discussed with Mr. Chrétien, draft statements for him to make on each of the twelve items. Hopefully it will be possible for you to review this material on your way back from Winnipeg so that we can then discuss it with you and Mr. Chrétien on Monday, July 7.

6. It would also be useful if you gave us some indication of the time when the federal government's position on some or all of the twelve items should be discussed in a Cabinet committee or in full Cabinet. My view is that this discussion can be postponed until at least Monday, July 15 by which time Mr. Chrétien will have been able to develop an appreciation for the position which each of the provinces is taking on each of the twelve issues and hence where modifications in the federal position might help to reach federal-provincial agreement.

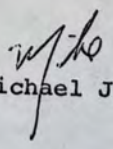
7. Finally, you should know that Ministers divided the twelve items into three categories. The first category was classified as "easy items". That is, items on which no more technical or political work was

needed but on which individual governments could essentially state their position and on which agreement could be reached without much further negotiation. These items include equalization, family law and the Supreme Court.

The second class category of items are those which require significant political input at this stage because most of the work on them has already been done by officials (or various Task Forces). These items include resource ownership and interprovincial trade, the Senate, and patriation with an amending formula.

The remaining six items were assumed, by Ministers, to be very tough and require a lot of work from officials. It is important for you to note that both Principles and the Charter of Rights are included in this category. With the exception of Ontario, and possibly New Brunswick, provinces are clearly going to resist movement in the area of rights and principles.

As a final note, you should be aware of the fact that it appears that most provinces are going to resist taking an absolutely final position on any item until First Ministers meet in September. While tentative agreements may be reached, our feeling is that provincial Ministers will only make such agreements on a "without prejudice basis" so that they can renege on such agreements, if necessary, during the First Ministers meeting.


Michael J.L. Kirby.