

# Le dénouement

Once agreement had been obtained with nine out of ten provinces and simultaneously with the two federal opposition parties, the patriation proposals gathered momentum towards the final showdown at Westminster. On 2 December 1981, after some lively last-minute debate, the Canadian House of Commons voted 246 to 24 to approve the resolution that beseeched 'the Lords Spiritual and Temporal and the Commons [of Britain]' to sever the colonial cord.



2 December 1981: The constitutional resolution passes with an overwhelming majority, and the House of Commons in Ottawa rises to its feet in a spontaneous singing of the Canadian national anthem.

Canadian Senate approval followed suit and the patriation proposals were brought to London on 9 December where Esmond Butler, Secretary to the Governor General of Canada, accompanied by Mrs. Jean Casselman Wadds, the Canadian High Commissioner in London, went to Buckingham Palace for the formal submission of the request.

Quebec Premier René Lévesque took a last-ditch stand with a letter to Prime Minister Thatcher, asking her not to approve the patriation request. House leader Francis Pym replied in a letter to the Premier:



Jean Chrétien, Minister of Justice, and the Rt. Hon. Humphrey Atkins MP, at that time Lord Privy Seal, following a discussion of the Canada Bill at Westminster. (AP photo)

'While we naturally regret that the present proposals do not enjoy the unanimous support of the Provinces, we have given weight to the decision of the Supreme Court of Canada of 28 September 1981. We believe that the agreement of nine out of the ten Provinces constitutes a substantial measure of support for the proposals and we therefore feel we would not be justified in declining to act upon the request by the Federal Government and Parliament. Similarly, our view is that it would not be proper for the United Kingdom Parliament to amend the Canada Bill, because to do so would introduce an element which had not been requested by the Parliament of Canada and would thus be inconsistent with the convention recited in the Statute of Westminster.'

In a letter to the Times, Sir Anthony Kershaw added that 'to give Quebec and Quebec only a veto seems to the House of Commons Select Committee on Foreign Affairs to be politically unreasonable; nor could we find any legal basis for such a veto.'

Undeterred, M. Lévesque asked the Quebec Court of Appeal whether the province did not in fact have a veto power, established by tradition, over legislation affecting it. The unanimous 5 to 0 verdict was 'no'. The issue has subsequently been appealed to the Canadian Supreme Court.

Debate on the Bill in the Commons at Westminster became at times ascerbic during the five hours of the second reading, before members voted 154 to 42 to reject the first series of amendments which would have strengthened native rights. The reading was completed on 3 March and third reading was achieved 8 March, appropriately enough Commonwealth Day, with a majority of 144, 177 for and 33 against.

Final reading in the House of Lords on 25 March was enlivened by a determined effort on the part of an independent earl to speak at length on the Indian rights issue, until at last a majority of 147 to 15 peers voted that he be 'no longer heard'. A protester in the Strangers Gallery attempted to finish the earl's speech for him, but in the end was given barely time to hurl to the floor below what turned out to be a copy of the European Convention on Human Rights.

Royal Assent followed and Her Majesty the Queen accompanied by Prince Philip journeyed to Canada for the final proclamation on 17 April 1982. In her speech on that historic occasion Her Majesty observed that 'There could be no better moment for me, as Queen of Canada, to declare again my unbounded confidence in the future of this wonderful country.'

Prime Minister Trudeau added: 'After 50 years of