

But, of course, there is no legal vacuum. This Tribunal has been asked not to invent new law, but to apply existing law. The jurisprudence does provide clear principles and criteria of general application, and they do help to determine the relevance of state practice.

France, however, persists in its effort to invent new law or to stand existing law on its head. Thus, the French countermemorial suggests that equidistance must always play a role in any delimitation, at least as a first step. But beginnings lead to endings, as France well knows, and *ce n'est que le premier pas qui coûte*. That is why all the cases have rejected any special status for equidistance, as France also knows.

Other notions relied upon by France have also been decisively rejected. Not all of France's inventiveness can give new life to the idea that the equality of states means equality in the extent of titles. And for all that France tries to read into the indivisibility of sovereignty, nothing can erase the distinction between dependent and independent territories, and nothing can move France across the Atlantic to add the weight of its mainland coast to that of St. Pierre and Miquelon.

France's greatest flights of imagination, however, are reserved for its treatment of "special circumstances" or sources of inequity. Where islands have always been regarded as classic examples of special circumstances, France claims that islands far removed from the mother country can never be special circumstances. Indeed, France argues that remoteness from the mother country must now weigh in favour of the island territory. The mainland becomes a special circumstance, and longer coasts generate inequities rather than entitlements.

Mr. President, distinguished Members of the Court, audacity and invention can go no further. With these propositions by France, we move from a dialectic of cubism to one of surrealism.

France advances no legal basis for its revolutionary arguments and does not seem anxious to have them examined too closely. That is perhaps why we are bombarded with a stream of assertions that Canada has recognized France's claim not once but again and again: in 1972, 1977, 1979 and 1989. But France itself demonstrates how far-fetched these assertions are by complaining, at the same time, that Canada has never budged from its position.

In fact, Canada has been consistent in its principles, but flexible in applying them, throughout the boundary negotiations. France, of course, never really addresses Canada's principles in its memorial or countermemorial. Instead, it draws a caricature of Canada's position and then attacks that easier target.