Thus, in the 1977 Anglo-French case, France told the Tribunal that it accepted a 12-mile enclave for St. Pierre and Miquelon. So the Tribunal understood France's representations at any rate. While we cannot say just how much these representations influenced the decision, the fact is that the Tribunal did adopt an enclave solution for Britain's Channel Islands as urged by France.

Mr. President, distinguished Members of the Court, I must stop here to note that Canada is at a disadvantage on an important issue in these proceedings. Indeed, the Tribunal is at a disadvantage. You know that in the present case France itself has referred to its pleadings in the Anglo-French case. You know that we have asked France to provide us -- and the Tribunal -- with those pleadings. And you know that our request has been refused.

France argues that the Anglo-French award is irrelevant because of profound differences between that situation and the present one. Yet it was not Canada, but France, that first drew an analogy between the two. Indeed, the issue goes beyond analogy. Leave aside for a moment what the 1977 Tribunal said about an equitable boundary for the Channel Islands. Focus instead on what France said to the 1977 Tribunal about an equitable boundary for St. Pierre and Miquelon. That is more than analogy. And that must be relevant by anyone's test of relevance.

Given all the circumstances, we would have expected a different reply to our request to France. Given all the circumstances, we now expect that France will not be allowed to deny that in the Anglo-French proceedings it put forward a 12-mile enclave as an equitable solution for St. Pierre and Miquelon. What France held to be equitable then, this Tribunal should hold to be equitable now.

Mr. President, distinguished Members of the Court, I now wish to turn from France's position on St. Pierre and Miquelon in the Anglo-French case to France's position on St. Pierre and Miquelon in the present case. They are, as you know, in total contradiction. In a word, the French position today is equidistance: equidistance recast in various guises, but equidistance still, with all the old pretensions to being a necessary method and a self-justifying result.

Now, this is an extraordinary position for France to adopt. If one point has been settled in maritime boundary law since the *North Sea* cases in 1969, it is that there is no mandatory or preferred method of delimitation. Nothing suggests that this point has been re-opened in any of the cases or other developments after 1969. On the contrary, everything confirms its continued validity. Only some pendulum theory of legal dynamics could now attempt to call it into question.