

If one of the parties here advocates single-state management, it appears to be France. As advanced by the U.S. in the Gulf of Maine case, that theory was built around the notion of separate stocks and separate ecological regimes separated by a "natural boundary." On one side, State A would manage things; on the other side, State B would do so. These same elements have surfaced in French arguments alleging the existence of separate inshore and offshore stocks, with a so-called "thermal wall" dividing them. In the French thesis, the inshore stocks would go to Canada and the offshore stocks to France. It must be emphasized, however, that this neat and novel structure has no foundation in science or law.

As to France's indignant assertion that Canada challenges the full exercise of French sovereignty over St. Pierre and Miquelon, this is another "straw man" argument. Canada no more challenges French sovereignty over St. Pierre and Miquelon than France challenged British sovereignty over the Channel Islands in the Anglo-French case. Canada simply contends that there are legal constraints on the extent of maritime jurisdiction that can be generated by St. Pierre and Miquelon. These constraints arise from the same considerations that have applied to the Channel Islands and other islands. In the present case, additional and supportive constraints arise from the original treaties regarding the cession of St. Pierre and Miquelon to France. Canada holds that these treaties are incompatible with France's claim and demonstrate that the French islands were recognized as a geopolitical anomaly from the outset. In invoking the treaties in this way, Canada does only what France did when it invoked the fisheries provisions of the same treaties in the La Bretagne arbitration and on other occasions.

Mr. President, distinguished Members of the Court, I regret that I must now turn to another caricature drawn by France: a caricature of Canada itself. The French countermemorial, as you know, is riddled with pejoratives about the Canadian national character. We stand accused of "exclusivism," "expansionism," "hegemony" and "imperialism." We are portrayed as an international outlaw with no respect for freedom of navigation, no fidelity to treaty obligations. Hence the alleged need for a large maritime zone for St. Pierre and Miquelon. Hence the alleged need for a kind of corridor linking the islands with France without passing through waters under Canadian jurisdiction.

Mr. President, distinguished Members of the Court, Canada shares with France a tradition of vigorous advocacy in legal proceedings. We are accustomed to robust give and take in these matters. But let it be remembered that invective is not law. It is not even argument. And it certainly is not fact. Indeed, here it is so far removed from fact as to be merely ludicrous.