

Take, for instance, France's argument that Canada treats St. Pierre and Miquelon like uninhabited rocks and leaves them no zone of maritime jurisdiction. No rock in the world has received the fishing rights that Canada accords to St. Pierre and Miquelon under the 1972 Fisheries Agreement with France. Moreover, a 12-mile territorial sea is a zone of maritime jurisdiction. Larger and more populous islands than St. Pierre and Miquelon have been restricted to an enclave of that breadth, notably the Channel Islands. The French argument here implies that any island is automatically entitled to a zone of more than 12 miles, thus giving islands a privileged status over mainland territory. Put another way, it is the mainland coast behind the island that is treated like an uninhabited rock in the French view of things.

To judge from the account given by France, it would seem that Canada's claim is based on anything but geography. The opposite, of course, is true. Canada has advanced non-geographic circumstances only in support of a claim solidly based on geography. In fact, the vital interests that Canada has identified as equitable considerations are themselves a function of geography. Canada is not putting forward a thesis of "historical dominance," as the U.S. did in the Gulf of Maine case. We are simply adopting the French view of "predominant interests," which the Anglo-French award recognized as elements that support and strengthen a claim based on other grounds. The state activities we have undertaken in the area are relevant as evidence of our interests, not as a ground of title.

France is equally wide of the mark in attacking a thesis of "single-state management" that Canada has never espoused. What Canada seeks, in fact, is coastal state management -- management that is commensurate with geography and with Canada's rights and responsibilities under international law. What Canada wishes to avoid is a situation in which France gains a strategic foothold that would give it effective control far beyond its own zone and well into Canada's. Such a result would deny Canada its most basic rights as a coastal state, within the very zone attributed to Canada by this Tribunal. The responsibilities of management would remain, but without the effective ability to discharge them.

While Canada wants "quiet possession" or security in the exercise of its management as a coastal state, Canada also recognizes that there will always be a need for co-operation. And Canada is prepared to co-operate. France's complaints about monopolistic tendencies ring hollow in view of the important allocations French vessels receive from Canada under the 1972 Fisheries Agreement. And let it be noted that France's self-defined minimum claim -- to "at least" the whole of St. Pierre Bank -- represents a claim of monopoly in its own right.