

ABSTRACT

"In law as elsewhere, we can know and yet not understand. Shadows often obscure our knowledge which not only vary in intensity but are cast by different obstacles to light. These cannot all be removed by the same methods and till the precise character of our perplexity is determined we cannot tell what tools we shall need." (H.L. A. Hart, "Definition and Theory in Jurisprudence", ((1954)) 70 Law Quarterly Review, p.37).

In the most general terms our thesis attempts to offer a framework within which to comprehend what we consider to be the most important aspects of the archipelagic State, particularly the developing, mid-ocean archipelagic State, in the dynamic processes of the law of the sea. More specifically, we examined the Bahamas Archipelago as a case study to elucidate the dialectical relationship between the archipelago as a physical reality, and, the law as a regulator of territorial and other rights and duties in society; hence our emphasis on the nature and implications of foreign policy, and on jurisprudence.

The issues confronting The Bahamas are not dissimilar to those faced by other mid-ocean archipelagic States which also have to contend with the multiple jurisdictions of the seas that encompass them both internally and externally. We argue, therefore, on the basis of the implications of universalist international law, that, what is of greatest importance for the resolution of these problems is: the recognition by third States of archipelagic state practice evidencing a new norm of international law, and, of the necessity

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