

Main finding 7:

None of the Spratlys can generate a continental shelf or Exclusive Economic Zone (EEZ)

All the states that claim sovereignty to some or all of the Spratly Islands have accepted and are parties to the United Nations Convention on the Law of the Sea (UNCLOS), which came into force in 1994. Article 121 of the convention states that islands generate zones of maritime jurisdiction in the same manner as continental landmasses. However, with respect to the extensive maritime zones, e.g. the exclusive economic zone and the continental shelf, an exception is stated in paragraph 3 which reads: "rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf". Estimates of the number of features in the Spratlys that are permanently above the sea level, and thus satisfy the basic condition for being an island, vary from 20 to 46. Surveys of these islands currently available do not include sufficient evidence that any of them can sustain human habitation or economic life of their own. Although volatile habitation and economic activity is reported, an equitable interpretation of article 121 strongly suggests that none of these islands can have more than 12 nautical-mile territorial waters.

Relevant publications from the project

- **Marius Gjetnes**
«[Maritime Zones Generated by the Spratlys: Legal Analysis and a Geographical Overview](#)», in Knut Snildal (Comp.): Perspectives on the Conflict in the South China Sea, SUM Workshop Proceedings, August 1999.
- **Marius Gjetnes**
The paper "[The legal regime of islands in the South China Sea](#)" was presented under panel 5: Legal Issues at the conference "Human and Regional Security around the South China Sea", Oslo 2-4 June 2000
- **Marius Gjetnes**
[The Legal regime of Islands in the South China Sea](#)
A master thesis, submitted to the Department of Public and International Law, University of Oslo, Autumn 2000.