



জাতিসংঘে বাংলাদেশের স্থায়ী মিশন, নিউ ইয়র্ক
Permanent Mission of Bangladesh
to the United Nations, New York



No. PMBNY/CLCS/2021

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the note verbale dated 26 January 2021 (No. 29/1313) from the Permanent Mission of the Union of Myanmar regarding the amended submission Bangladesh made to the Commission on the Limits of the Continental Shelf (Commission) on 22 October 2020.

With regard to the observations of Government of Myanmar presented in the above-mentioned note verbale, the Government of Bangladesh wishes to convey the following:

1. The baseline for measuring the breadth of the territorial sea of Bangladesh is irrelevant to the determination of its outer limits of the continental shelf. As explained in Section 5 of the Executive Summary to the amended submission, the outer limits of the continental shelf of Bangladesh are defined by one fixed point that represents the coordinates of the tripoint where its maritime boundaries with Myanmar and India intersect [Ref. Executive Summary, 22 October 2020, p. 8, Map 1 & Table 1]. The boundary with Myanmar was determined by the International Tribunal for the Law of the Sea ("ITLOS") by Judgment dated 14 March 2012. The boundary with India was determined by the Award of an Annex VII arbitral tribunal dated 7 July 2014. Bangladesh's use of the basepoints to which Myanmar objects has no effect on the location of the tripoint, which is substantially beyond 200 M from the coast of either State.

2. The Commission has no role to play in the determination of the extent of the so-called "grey zone" where the continental shelf of Bangladesh beyond 200M and the Exclusive Economic Zone of Myanmar overlap. [Although not relevant to the work of the Commission, Bangladesh does not agree that there is anything improper or inconsistent with the ITLOS Judgment about its use of basepoints located on St. Martin's Island]. The role of the Commission is limited to determining that Bangladesh has an entitlement in the continental shelf beyond 200 M and the limit(s) of that entitlement.

3. In that respect, Bangladesh recalls that in its original submission to the Commission dated 25 February 2011, it defined the limits of the continental shelf beyond 200 M by reference to the depth formula (2500 m isobath + 100 M), which limit was substantially beyond the limit defined by the tripoint where its maritime boundaries with Myanmar and India intersect. The Commission therefore needs only to determine that Bangladesh's entitlement in the continental shelf beyond 200M extends at least as far as the tripoint based on the Judgment of ITLOS and the Award of the Annex VII tribunal and take notice of the fact that its potential entitlement has already been greatly curtailed by the Judgment of those tribunals.



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4. Finally, Bangladesh observes that the location of the tripoint is not a matter to be determined by negotiations among the States concerned, as Myanmar suggests. To the contrary, it is a geodetic fact determined by the combined effect of the Judgment of ITLOS in the case between Bangladesh and Myanmar, and the Award of the Annex VII tribunal in the case between Bangladesh and India. Indeed, the coordinates of the tripoint that Bangladesh has indicated represent the outer limits of its continental shelf beyond 200 M are merely those indicated in the Appendix to the 2014 Award of the arbitral tribunal in the Bangladesh-India case [Technical Report of the Tribunal's Hydrographer, p. A4, para. 23.]

For the avoidance of doubt, Bangladesh wishes to inform the Secretary-General that it maintains in full its views as expressed in its 22 October 2015 note verbale (ref: PMBNY/CLCS/2015) with respect to Myanmar's July 2015 amended submission to the Commission. For the reasons explained, Myanmar's amended submission inappropriately seeks a recommendation from the Commission concerning areas that ITLOS and the Annex VII tribunal awarded to Bangladesh.

Bangladesh further wishes to inform the Secretary-General that, in its consideration, the amended submission of Bangladesh including the intersection point of its maritime boundaries with Myanmar and India, has been made in full compliance with the respective laws and procedures applicable in this case.

The Permanent Mission of the People's Republic of Bangladesh to the United Nations avails itself of the opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 06 May 2021



The Secretary-General of the United Nations
New York
Attn: Division for Ocean Affairs and Law of the Sea