November 12, 2014

The United States Mission to the United Nations presents its compliments to the Division for Ocean Affairs and the Law of the Sea and has the honor to refer to its communication CLCS.71.2014.LOS of April 17, 2014 concerning receipt of the submission by the Commonwealth of The Bahamas to the Commission on the Limits of the Continental Shelf (the “Submission”), has the honor to submit the following statement by the Government of the United States.

The United Nations Convention on the Law of the Sea, including its Annex II, and the Rules of Procedure of the Commission, in particular Annex I thereto, provide that the actions of the Commission shall not prejudice matters relating to delimitation of boundaries between States with opposite or adjacent coasts. In particular, Annex I to the Commission’s Rules of Procedure recognizes, and the United States concurs, “that the competence with respect to matters regarding disputes which may arise in connection with the establishment of the outer limits of the continental shelf rests with States.”
The United States takes note of paragraph 2.2 of the Executive Summary of the
Submission, which states in part that "The Bahamas confirms that the area of continental
shelf that forms the basis of the Submission is not the subject of any dispute with any
other State." Contrary to this statement, the area described in the Submission is the
subject of a maritime dispute with the United States.

The United States notes further that paragraph 2.3 of the Executive Summary
"notes that the establishment of agreed maritime boundaries between The Bahamas and
the United States of America is presently subject to negotiation and final delimitation"
and that the "Submission is made without prejudice to the delimitation of outstanding
maritime boundaries between The Bahamas and the United States of America."
Notwithstanding the intention of The Bahamas, the United States considers that
consideration of the Submission by the Commission would be prejudicial with respect to
the rights of the United States in the area in question and the delimitation of the maritime
boundary between the United States and The Bahamas.

Accordingly, the United States requests the Commission not to consider the
Submission of The Bahamas, in accordance with Article 5(a) of Annex I to its Rules of
Procedure, which states the following: "In cases where a land or maritime dispute exists,
the Commission shall not consider and qualify a submission made by any of the States
concerned in the dispute. However, the Commission may consider one or more
submissions in the areas under dispute with prior consent given by all States that are
parties to such a dispute." At this time, the United States is unable to consent to the
consideration by the Commission of the Submission of the Commonwealth of The Bahamas. The United States intends to keep this matter under active consideration in connection with ongoing efforts to delimit the maritime boundary between the United States and The Bahamas.

The United States Mission avails itself of this opportunity to renew to the United Nations the assurances of its highest consideration.