



জাতিসংঘে বাংলাদেশ স্থায়ী মিশন, নিউইয়র্ক
Permanent Mission of Bangladesh
to the United Nations, New York



No. PMBNY/BL/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 your communication no M.Z.N.76.2010.LOS (Maritime Zone Notification) dated 17 February 2010 regarding the deposit by India, pursuant to Article 16(2) of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), of a list of geographical coordinates of points concerning the straight baselines for measuring the breadth of the territorial sea of India, as contained in notification in the Government of India dated 11 May 2009 & 20 November 2009.

With regard to the list of geographical coordinates of points concerning the straight baselines system for measuring the breadth of the territorial sea of India, the Government of Bangladesh wishes to convey the following:

1. The Government of India adopted its *Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act* in 1976. At the time, and for 33 years thereafter, it did not purport to define the limits of its territorial sea, contiguous zone, exclusive economic zone and continental shelf by reference to straight baselines. To the contrary, it exclusively used the low water line to define the limits of those zones.

2. Only in 2009 did the Government of India purport to define the limits of its territorial sea, contiguous zone, exclusive economic zone and continental shelf along certain portions of its east coast in the Bay of Bengal by reference to straight baselines. The Government of Bangladesh is of the view that the use of straight baselines in this area does not conform to the applicable rules of international law, as reflected in Article 7 of the UNCLOS, to which India is a Party, and customary international law. The Government of Bangladesh considers that neither of the circumstances mentioned in Article 7 that justify the adoption of straight baseline claims (i.e., a coast that is deeply indented and cut into, or a fringe of island in the immediate vicinity of the coast) exists along the east coast of India.

3. In addition, some of the base points for these straight baselines are completely at sea (i) without reference to any low water mark of any proximate area of terra firma and (ii) not grounded on any form of coastline. For example, India's Base Point 87 is entirely at sea; the nearest Indian coast is approximately 10.5 nm distant.



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4. The Government of Bangladesh is particularly concerned that India's Base Point 89 is located on Bangladesh's side of the maritime boundary with India, 2.3 M inside Bangladeshi waters. Bangladesh bi-laterally requested India to correct this mistake, especially following the 2014 Award of the Annex VII arbitral tribunal delimiting the maritime boundary between the two States, but India has yet to do so.

5. The Government of Bangladesh also wishes to recall that, considering the state of bi-lateral relations at the time, in 2009 it only objected bilaterally to India's promulgation of straight baselines and in particular Base Points 87 and 89. (Ref. Note Verbale No. MOFA/ UNCLCLOS/ 320/1/187 dated 25 October 2009.) Bangladesh did not then formally circulate its objections to the United Nations or its Members. For the avoidance of doubt, the Government of Bangladesh reiterates that it formally objects to the aforementioned straight baselines adopted by the Government of India, and will continue to object to base points 87 and 89 in particular until appropriate corrections are made and notified to the United Nations.

The Permanent Mission of the People's Republic of Bangladesh requests that this Note Verbale be circulated to the Members of the United Nations and be posted on the website of the United Nations.

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

New York, 13 September 2021

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

