



**PERMANENT MISSION OF BANGLADESH
TO THE UNITED NATIONS**

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Note Verbale

The Permanent Mission of Bangladesh presents its compliments to the Secretary General of United Nations in his capacity as the depository of the United Nations Convention on the Law of the Sea and has the honor to draw the attention of the latter to the baselines of Myanmar declared under "The Law Amending the Territorial Sea and Maritime Zones Law 2008 (The State Peace and Development Council Law no. 8/2008), the 8th Waxing of Nadaw 1370 M.E. of 5th December 2008 concerning list of geographical coordinates of points defining straight baselines for Co Co Islands and Preparis Islands and the "Territorial Sea and Maritime Zones Law 1977", Pyithu Hluttaw Law no 3 of 9 April 1977 concerning the coordinates of straight baseline and territorial sea and low water baselines along the coasts of Arakan, Co Co Islands and Preparis Islands.

The Government of Bangladesh notes with deep concern the fundamental changes introduced in these two gazette notifications of the Government of Myanmar and issued at a gap of more than thirty years, namely, that of changing the baselines from the low water line to the straight lines.

The Government of Bangladesh is of the view that both the notifications specifying coordinates of the straight baselines to measure Myanmar's territorial sea, contiguous zone, exclusive economic zone and continental shelf in the Bay of Bengal do not conform to the established rules of international law applicable to the matter, as reflected in Article 4 of the Geneva Convention on the Territorial Sea and Contiguous Zone 1958 and Article 7 of the United Nations Convention on Law of the Sea 1982 (the Convention). While the Government of Bangladesh is in the process of analyzing the possible ramifications of baselines as notified by Myanmar on the Convention itself and upon Bangladesh maritime jurisdiction, it wishes to inform the Secretariat of United Nations that the straight baselines legislations of Myanmar clearly affects the rights and interests of Bangladesh in relation to the delimitation of its maritime zones. Bangladesh considers that the issue of drawing baselines will have serious impacts in delimitation of maritime boundary which has to be effected in accordance with equitable principles ignoring any weightage for minor features like Preparis, Coco and Oyster Islands.

Although the baselines claimed by the Government of Myanmar for the Preparis Islands and Coco Islands have the appearance of archipelagic straight baselines, it gives the distinct impression that the Union of Myanmar through use of such archipelagic baselines is positioning its subsequent claims on extended maritime zones and their delimitation.

Bangladesh wishes to state that it will not acquiesce in any claim in this respect that might affect it of existing rights and interests through Myanmar's unprecedented act of changing low water baselines of Coco and Preparis Islands declared in 1977 to straight baselines in December 2008 which would mean gaining of additional territory by saying that the same coastline fits the criteria for the use of straight baseline system now which has been known and sanctioned over three decades of such legislations of Myanmar and the Convention.

The Government of Bangladesh is therefore of the view that the promulgation of straight baselines with new base points in Preparis and Co Co Islands as well as the delineation of straight baseline along the coast of Myanmar up to Oyster Island are contrary to both customary international law and the relevant provisions of "UNCLOS" 1982 and it may also lead to future anomalies and complexities in international navigation.

The Government of Bangladesh reserves its rights and those of its nationals in regard to the straight baselines that do not conform to established principles of international law and intends to preserve its rights to not to take those base points into consideration, which have significant effects in bilateral maritime boundary delimitation during the negotiation process and to the international shipping/ navigation as mentioned before.

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

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