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PERMANENT MISSION OF THE REPUBLIC OF THE UNION OF MYANMAR
TO THE UNITED NATIONS, NEW YORK

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The Permanent Mission of the Republic of the Union of Myanmar to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the Communication No. M.Z.N.118.2016. LOS (Maritime Zone Notification) dated 7th April 2016, regarding the deposit of a list of geographical coordinates of points by the People's Republic of Bangladesh to measure the breadth of its territorial sea, pursuant to Article-16, Paragraph-2 of the United Nations Convention on the Law of the Sea (UNCLOS).

The Republic of the Union of Myanmar and the People's Republic of Bangladesh both as States Parties to the United Nations Convention on the Law of the Sea (UNCLOS) enjoy the rights afforded by the UNCLOS and thus have legal obligations to respect the duty to abide by and respect and strictly follow the principles enshrined in rights and duties of Member States as provided in the Article 33 Annex VI of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and other relevant legal instruments including customary international law of the sea.

Most importantly, the Government of the Republic of the Union of Myanmar notes that Bangladesh's 10 fathom baseline amendment (i.e. new baseline points) is not in line with the ITLOS's judgment since new baseline points particularly the new points number 2 (21° 36' 39.2" N; 89° 22' 14.0" E) and 5 (Southern end of the St. Martin's Island-Coordinate not identified) caused seaward shift of Bangladesh's Exclusive Economic Zone and encroaches into the Myanmar's Exclusive Economic Zone and minimizes the Grey Area recognized by the ITLOS. Such initiative by the Government of the People's Republic of

Bangladesh is in violation of the judgment of the ITLOS and the provisions of the UNCLOS.

In this connection, the Government of the Republic of the Union of Myanmar would like to recall paragraph 3 and 4 of the jurisdiction of the ITLOS and draws the attention of the Secretary-General of the United Nations to the non-observance of Bangladesh to fully comply with the verdict given by the International Tribunal for the Law of the Sea (ITLOS) with regard to the “Dispute Concerning Delimitation of the Maritime Boundary between the two countries in the Bay of Bengal”.

The Government of the Republic of the Union of Myanmar, therefore, objects the new baseline points used by Bangladesh to determine its straight baselines and the resultant seaward shift of Bangladesh’s Exclusive Economic Zone which undermine Myanmar’s sovereign rights and encroachment into Myanmar’s Exclusive Economic Zone in the Grey Area as there is compelling evidence to show alternation and violation of the judgment of the ITLOS.

The Permanent Mission of the Republic of the Union of Myanmar to the United Nations in New York avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 15 February 2019

The Secretary-General of the United Nations
(Atten: Division for Ocean Affairs and the Law of the Sea)

