



জাতিসংঘে বাংলাদেশ স্থায়ী মিশন, নিউইয়র্ক
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 16 April 2021 (No. PM/NY/443/4/2021) from the Permanent Mission of India to the United Nations 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 the Government of the Republic of India presented in the abovementioned note verbale, the Government of Bangladesh wishes to convey the following:

1. 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 India and Myanmar intersect. (Ref. Executive Summary, 22 October 2020, p.8, Map1 & Table1). The boundary with India was determined by the Award of an Annex VII arbitral tribunal dated 7 July 2014. The boundary with Myanmar was determined by the International Tribunal for the Law of the Sea (ITLOS) by Judgment dated 14 March 2012. Bangladesh's use of the basepoints to which India objects has no effect on the location of the tripoint, which is substantially beyond 200 M from the coast of either State.

2. In this connection, the Government of the Republic of India published gazette notifications (Ministry of External affairs Notification, New Delhi, G.S.R. 334(E) dated 23rd March 2016 & GSR 381 (E) dated 29 Mar 2016, respectively) reflecting the Award of the arbitral tribunal related to the single maritime boundary line between Bangladesh and India, including the intersection point of the two maritime boundary lines at precisely the same coordinates as identified by Bangladesh in its amended submission. There is therefore no dispute between Bangladesh and India as to the limits of Bangladesh's entitlement to the continental shelf beyond 200 M in the Bay of Bengal.

3. The Commission has no role to play in the determination of the extent of the so-called "Grey area" where the Exclusive Economic Zone of India overlaps with the continental shelf beyond 200 M of Bangladesh. The Commission's role is limited to determining that Bangladesh has an entitlement in the continental shelf beyond 200 M and the limit(s) of that entitlement.

4. In its original submission to the Commission dated 25 February 2011, Bangladesh 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 India and Myanmar 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



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Award of the Annex VII tribunal and the Judgment of ITLOS and take notice of the fact that its potential entitlement has already been greatly curtailed by the decisions of those tribunals.

5. For all these reasons, the issue of the so-called “Grey area” does not “arise in connection with the establishment of the outer limit of the continental shelf” of Bangladesh. (Ref. CLCS Rules of Procedure, Annex 1, para. 1.) It is therefore not governed by the provisions of Annex 1 to the Commission’s Rules of Procedure and, as a result, paragraph 5 of the Annex 1 has no further relevance to Bangladesh’s amended submission or its examination by the Commission.

6. With respect to the issue raised in India’s 16 April 2021 note verbale concerning Map 1 to the Executive Summary to Bangladesh’s amended submission, Bangladesh affirms that the bearing of the depicted delimitation line between Bangladesh and India is entirely consistent with the 2014 Award of the arbitral tribunal. In any event, the bearing of the delimitation line is an established fact determined by the arbitral tribunal with final and binding effect on both Parties and is readily determined by reference to the Award itself.

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

8. The Permanent Mission of the People’s Republic of Bangladesh requests that this note verbale be circulated to the Members of the Commission and Members of the United Nations, and be posted on the website of the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Secretariat of the United Nations.

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, 13 September 2021

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

