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The Permanent Mission of the Republic of the Union of Myanmar presents its compliments to the Secretary General of the United Nations and has the honour to refer to the submission presented by the People's Republic of Bangladesh to the Commission on the Limits of the Continental Shelf on 25 February 2011.

Myanmar wishes to inform the Secretary General that, in its view, Bangladesh has no continental shelf extending beyond 200 nautical miles measured from base lines established in accordance with the international law of the sea. Indeed, Bangladesh's right over a continental shelf does not extend either to the limit of 200 nautical miles measured from lawfully established base lines, or, *a fortiori*, beyond this limit.

Notwithstanding this general objection, the Permanent Mission of Myanmar wishes also to draw the attention of the Secretary General to the following:

1. In paragraph 5 - 2 of the section relating to "Settled and Outstanding Delimitations" of the Executive Summary of the submission. Bangladesh states,

"With the exception of the Agreement between the People's Republic of Bangladesh and Myanmar in respect of their territorial waters boundary completed in 1974 and reaffirmed in 2008 (see Annex 1 to the Main Body) ¹, Bangladesh has not yet delimited boundaries with India or Myanmar in respect of those areas where territorial sea or EEZ entitlements overlap, or where continental shelf entitlements beyond 200 M from the territorial sea baselines potentially overlap."

Myanmar recalls that there is no agreement between Myanmar and Bangladesh concerning the territorial sea boundary as Bangladesh alleges in paragraph 5 - 2. The maritime boundary between the respective territorial seas of both countries remains in dispute.

¹ Myanmar has no knowledge of the content of "Annex 1 to the Main Body" of Bangladesh's submission.

In this regard, Myanmar wishes to observe that Myanmar and Bangladesh agreed to submit the dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal to the International Tribunal for Law of the Sea in December 2009. The delimitation of the territorial sea boundary is an integral part of the proceedings pending before the Tribunal. Myanmar has requested the Tribunal to fix a single maritime boundary line (including territorial sea, EEZ and continental shelf) between Myanmar and Bangladesh.

Myanmar takes note of Bangladesh's statements in paragraph 5 - 13 of the Executive Summary according to which:

“Bangladesh wishes to assure the Commission that the present Submission is made without prejudice to the delimitation of the relevant maritime boundaries with the coastal states concerned, including with respect to the matters that are presently the subject of third-party adjudication”

Myanmar has also noted that, in paragraph 5 - 14 of the Executive Summary: Bangladesh takes the view that

“the consideration of [its] Submission will not prejudice the consideration of the matters in dispute outlined above, or prejudice the delimitation of boundaries between Bangladesh and any other State(s)”.

2. Myanmar also draws attention to the fact that the straight baselines claimed by Bangladesh fail to comply with the rules set forth in Article 7 of 1982 United Nations Convention on the Law of the Sea. Myanmar does not accept the use of these baselines for the purposes of the Convention, and in particular for the application of Article 76 of the Convention.
3. Myanmar firmly believes that the outer limit depicted in section 6 of the Executive Summary is not consistent with the requirement of Article 76 of the 1982 United Nations Convention on the Law of the Sea. In this regard, Myanmar reserves its right to make further comments on that section after necessary study has been done.
4. Furthermore, Myanmar wishes to draw the attention of the Secretary General and the Commission on the Limits of the Continental Shelf to the provisions of Annex 1 of the Rules of the Commission(document CLCS/40/Rev.1), and in particular to paragraph 5 of this Annex. It reserves all its rights in this regard.

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

Secretary General of the United Nations
New York



New York, 31st March 2011