



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

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The Permanent Mission of the Peoples Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General of the United Nations in his capacity as the depository for the United Nations Convention on Law of the Sea 1982 (“UNCLOS”), and draws his attention to the following observations of the Government of Bangladesh arising from his communication of 14 May 2009, Ref. No.CLCS.48.2009.LOS (Continental Shelf Notification) concerning the submission presented by the Republic of India to the Commission on the Limits of the Continental Shelf (the “Commission”).

2. Based on its initial review of the Executive Summary of India’s submission, the Government of Bangladesh observes that the submission fails to comply on both substantive and procedural grounds with UNCLOS and with the Rules of Procedure of the Commission (the “Rules”). Major elements of which are given below:

a. Delimitation of the continental shelf as well as the exclusive economic zone and the territorial sea in the Bay of Bengal between India and Bangladesh remains unresolved and the subject of conflicting claims and ongoing negotiations. Bangladesh has rejected and continues to reject all delimitations claimed by India in the Bay of Bengal, to the extent they infringe on the rights and claims of Bangladesh, as they are inconsistent with UNCLOS and general principles of international law. Bangladesh also objects to the proposed baselines as gazetted by India on 11 May 2009 and from which India purports to measure the breadth of its territorial sea, exclusive economic zone and continental shelf in the Bay of Bengal on the grounds that these too are inconsistent with UNCLOS and general international law. On 8 October 2009, Bangladesh initiated arbitration proceedings against India, pursuant to UNCLOS Article 287 and Annex VII, for the purpose of achieving a delimitation of the boundaries between Bangladesh and India in the territorial sea, exclusive economic zone and continental shelf. The unresolved delimitation in the Bay of Bengal is, therefore, to be considered as a dispute for the purposes of Rule 46 of the Rules, and of Annex I thereto.

b. In accordance with UNCLOS, including Article 76 and Annex II thereto, and the Rules of Procedure of the Commission, and in particular Annex I thereto, the actions of the Commission may not prejudice matters relating to the delimitation of boundaries between States with adjacent or opposite coasts. Yet, India's submission invites the Commission to do just that, because the areas claimed by India in its submission to the Commission as part of its putative continental shelf are the natural prolongation of Bangladesh and hence India's claim is disputed by Bangladesh.

c. India has claimed a natural prolongation of its landmass through to the outer edge of the 'Bay of Bengal sector' and the 'Western Andamans sector'. The Government of Bangladesh believes this assertion is not supported by morphological, geological, or tectonic evidences. Scientific research and analyses have established that the morphology of the seabed in the Bay of Bengal is marked by a regional slope where water depth gradually increases in a seaward direction from north to south. This characteristic contradicts the notion of an eastward prolongation of India's continental landmass, or of a westward prolongation of the landmass of the Andaman Islands, which would imply regional slopes at right angles to the coastlines of those two landmasses, i.e., from west to east, and from east to west, respectively. The characteristic also underscores the reality that the seabed in the northern and central Bay of Bengal owes much of its shape and composition to the high volumes of sediments that has emerged mostly from or across the landmass of Bangladesh over geological time. The entire central part of the Bay is known to overlie oceanic crust, as proven by seismic refraction and other geophysical studies and measurements. Hence for any State that borders upon the Bay of Bengal, the only natural prolongation that can be claimed is the one that arises from the accumulation of sediments over this oceanic crust in the seaward direction of its flow. In consideration of its location and shape of the sedimentary wedge, the accumulated sediments therefore comprise the exclusive natural prolongation of Bangladesh.

3. The Government of Bangladesh reserves its right to submit further comments in relation to the submission of India as and when a more qualified assessment can be conducted, including an assessment of emerging relevant scientific data. Bangladesh also reserves its right to submit comments on India's contentions regarding the purported applicability of the Statement of Understanding set out at the Annex II of the Final Act of UNCLOS III.



4. Recalling paragraph 5(a) of Annex I of the Rules, the Government of Bangladesh observes that, given the presence of a dispute between Bangladesh and India concerning entitlement to the parts of the continental shelf in the Bay of Bengal claimed by India in its submission, the Commission may not “consider and qualify” the submission made by India without the “prior consent given by all States that are parties to such a dispute.”

5. In these circumstances, and in accordance with articles 76 and 83(3) of the Convention and Annex I to the Commission’s Rules of Procedures, Bangladesh will make every effort to reach a practical arrangement with India that will allow the Commission, in accordance with paragraph 5(a) of Annex I to its Rules of Procedure, to consider both the submission of India and the submission that Bangladesh will make by July 2011.

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

29 October 2009

The Secretary General of the United Nations  
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