



PERMANENT MISSION OF BANGLADESH
TO THE UNITED NATIONS
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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 refers to the communication dated 14 August 2012 from the Commission on the Limits of the Continental Shelf ('Commission') concerning the examination of the submission made by Myanmar to the Commission in accordance with Article 76, Paragraph 8 of the United Nations Convention on the Law of the Sea ('Convention').

The Permanent Mission of Bangladesh takes note of the observations made by the Commission with respect to submissions the consideration of which had been deferred (CLCS/74). In particular, the Permanent Mission of Bangladesh takes note of the Commission's statement that "at least in one case, the circumstances which had led to the postponement of the consideration of the submission might no longer exist". The Permanent Mission of Bangladesh further takes note of the 5 July 2012 note verbale from Myanmar to the Commission referring to the Judgment of the International Tribunal of the Law of the Sea ('ITLOS') in Case No. 16 "Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)", and requesting that a subcommission be established to examine the Submission of Myanmar, without further delay.

In this regard, the Government of Bangladesh would like to express its view that the circumstances which led to the postponement of the consideration of Myanmar's submission continue to exist. The Commission should therefore not accede to Myanmar's request. The time is not yet ripe for the Commission to establish a subcommission to examine the submission of Myanmar. The Permanent Mission of Bangladesh wishes to inform the Commission that the delimitation of the continental shelf beyond 200 nautical miles between Bangladesh and Myanmar remains incomplete notwithstanding the ITLOS Judgment. The Judgment did not fully and finally delimit the boundary between the parties. Rather the ITLOS indicated only that the boundary would continue in a certain direction until it reaches the area where the rights of a third State (i.e. India) may be affected. The location of that area has not yet been determined.

The Permanent Mission of Bangladesh also wishes to inform the Commission that the location of the area in question is currently the subject of proceedings between Bangladesh and India before an arbitral tribunal convened pursuant to Annex VII of the Convention. The award in those proceedings is

expected during the year 2014. Only then will it be possible to ascertain whether the delimitation dispute between Myanmar and Bangladesh has been fully and finally resolved.

The Government for Bangladesh would like to assure the Commission of its full and complete respect for the ITLOS Judgment and all the claims of Myanmar rightfully based thereon. The Government of Bangladesh will communicate its consent to the examination of Myanmar's submission at the earliest possible opportunity following the conclusion of the pending arbitral proceedings with India.

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, September 30, 2012

Secretary General
of the United Nations
United Nations Secretariat,
New York

