



**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 in New York presents its compliments to the Secretary-General of the United Nations in his capacity as the depositary for the United Nations Convention on Law of the Sea (UNCLOS), and draws attention to the following Observations of the Government of Bangladesh arising from communication of 04 August 2015, Ref. CLCS.16.2015.LOS.Add.1 (Continental Shelf Notification) concerning the submission presented by the Union of Myanmar to the Commission on the Limits of the Continental Shelf (the "Commission").

Based on its initial review of the Amended Executive Summary of Myanmar's submission, the Mission has the honour to convey the observation of the Government of Bangladesh that the submission fails to comply with UNCLOS on both substantive and procedural grounds, and with the Rules of Procedure of the Commission (the "Rules"). Attention is drawn, in particular, to the following:

1. In Section IV (Relevant Maritime Delimitations) of the Executive Summary, Myanmar states:

"In accordance with paragraph 2(a) of Annex I to the Commission's Rules of Procedures, Myanmar wishes to inform the Commission that the area of continental shelf that is the subject of this submission is not subject to any dispute between Myanmar and other States. In 2012, the maritime boundary between Myanmar and Bangladesh from land-boundary terminus to the 200 M limits and beyond is already delineated by the International Tribunal on the Law of the Sea (ITLOS) of which both Bangladesh and Myanmar declared their mutual consent to the jurisdiction of the tribunal.

At present, the maritime boundaries between Bangladesh and Myanmar as well as Bangladesh and India have already delineated. Therefore, Myanmar has to carry out peaceful negotiation with her neighbouring States for the final delineation of the outer limits of the extended continental shelf in the Bay of Bengal after the recommendation made by the CLCS. Regarding the good faith among neighbours, Myanmar's Submission has been made without prejudice to the eventual final delimitation."

2. In this regard, the Government of Bangladesh observes that the amended continental shelf claim of Myanmar does not reflect the judgment of ITLOS in Case No. 16, "Dispute concerning delimitation

of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)," where in section XI (para 505) it is stated that

"From point 11, the single maritime boundary continues as a geodetic line starting at an azimuth of 215° until it reaches the area where the rights of third States may be affected."

3. Nor does the amended continental shelf claim of Myanmar reflect the award of the Arbitral Tribunal in the matter of The Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India, where in chapter XII (para 509) it is stated that

"..... then along a geodetic line that has an initial azimuth of 177° 30' 00" until it meets the maritime boundary established by the International Tribunal for the Law of the Sea in paragraph 505 of its judgment of 14 March 2012 in the Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)".

4. The area claimed by Myanmar in its amended submission overlaps Bangladesh's continental shelf, including the continental shelf area which was awarded to Bangladesh by the ITLOS and the Arbitral Tribunal.
5. Myanmar's submission thus inappropriately seeks a recommendation from the Commission concerning areas that the ITLOS Judgment and the Arbitral Tribunal's award indisputably awarded to Bangladesh. For that reason, Bangladesh considers that for the Commission to take any action on Myanmar's submission would directly prejudice the rights of Bangladesh as adjudged and declared by ITLOS and the Arbitral Tribunal. Under the circumstances, Bangladesh maintains its objection to Myanmar's submission and respectfully submits that the Commission must decline Myanmar's request to establish a sub commission to examine its submission.

The Permanent Mission of the People's Republic of Bangladesh 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.



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