

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



YEAR 2010

28 January 2010

**DISPUTE CONCERNING DELIMITATION OF THE MARITIME BOUNDARY
BETWEEN BANGLADESH AND MYANMAR IN THE BAY OF BENGAL**

(BANGLADESH/MYANMAR)

ORDER

The President of the International Tribunal for the Law of the Sea,

Having regard to articles 24 and 27 of the Statute of the Tribunal,

Having regard to articles 45, 46, 55, 56, 59, and 61 of the Rules of the Tribunal,

Makes the following Order:

Whereas, by a letter dated 13 December 2009, filed in the Registry of the Tribunal on 14 December 2009, the Minister of Foreign Affairs of Bangladesh notified the President of the Tribunal of declarations issued by Myanmar on 4 November 2009 and by Bangladesh on 12 December 2009, respectively;

Whereas, in its declaration of 4 November 2009, Myanmar stated that it “accepts the jurisdiction of the International Tribunal for the Law of the Sea for the settlement of dispute between the Union of Myanmar and the People’s Republic of Bangladesh relating to the delimitation of maritime boundary between the two countries in the Bay of Bengal”;

Whereas, in its declaration of 12 December 2009, Bangladesh stated that “it accepts the jurisdiction of the International Tribunal for the Law of the Sea for the settlement of the dispute between the People’s Republic of Bangladesh and the Union of Myanmar relating to the delimitation of their maritime boundary in the Bay of Bengal”;

Whereas the notification of Bangladesh stated that “[g]iven Bangladesh’s and Myanmar’s mutual consent to the jurisdiction of ITLOS, and in accordance with the provisions of UNCLOS Article 287(4), Bangladesh considers that your

distinguished Tribunal is now the only forum for the resolution of the parties' dispute. [...] Bangladesh respectfully invites ITLOS to exercise jurisdiction over the maritime boundary dispute between Bangladesh and Myanmar, which is the subject of Bangladesh's 08 October 2009 statement of claim";

Whereas, on 14 December 2009, a certified copy of the notification of Bangladesh was communicated to Myanmar;

Whereas in the light of the agreement of the parties as reflected in their declarations dated 4 November 2009 and 12 December 2009, respectively, to submit to the Tribunal for adjudication their dispute concerning delimitation of their maritime boundary in the Bay of Bengal, and the notification of Bangladesh, the case was entered in the List of cases as Case No.16 on 14 December 2009;

Whereas Bangladesh has appointed H.E. Ms Dipu Moni as Agent and Mr Khurshed Alam as Deputy Agent; and whereas Myanmar has appointed H.E. Tun Shin as Agent, and Ms Daw Hla Myo Nwe and Mr U Nyan Naing Win as Deputy Agents;

Whereas consultations were held by the President of the Tribunal with the representatives of the parties on 25 and 26 January 2010 at the premises of the Tribunal to ascertain the views of the parties with regard to questions of procedure in respect of the case concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal;

Whereas, during these consultations, the Deputy Agent of Bangladesh and the Agent of Myanmar agreed on the following order and time-limits for the filing of the written pleadings:

1 July 2010 time-limit for the filing of the Memorial by Bangladesh

1 December 2010 time-limit for the filing of the Counter-Memorial by Myanmar;

should the Tribunal find it necessary to authorize the presentation of reply and rejoinder, the time-limits for the filing of these pleadings should be as follows:

15 March 2011 time-limit for the filing of the Reply by Bangladesh

1 July 2011 time-limit for the filing of the Rejoinder by Myanmar;

THE PRESIDENT

Taking into account the agreement of the parties,

Fixes the following time-limits for the filing of the Memorial and the Counter-Memorial:

1 July 2010 for the Memorial of Bangladesh;
1 December 2010 for the Counter-Memorial of Myanmar;

Reserves the subsequent procedure for further decision.

Done in English and in French, both texts being authoritative, in the Free and Hanseatic City of Hamburg, this twenty-eighth day of January, two thousand and ten, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Bangladesh and the Government of Myanmar, respectively.

(Signed)

JOSE LUIS JESUS
President

(Signed)

PHILIPPE GAUTIER,
Registrar
