



**Philippine
Overseas
Employment
Administration**

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GOVERNING BOARD RESOLUTION NO. 09
Series of 2011

WHEREAS, it is the policy of the State to afford full protection to labor, local and overseas, to protect the rights of workers and to promote their welfare;

WHEREAS, it is the mandate of the Philippine Overseas Employment Administration to ensure the safety and well-being of Overseas Filipino Workers, including seafarers on board ocean-going vessels;

WHEREAS, Governing Board Resolution No. 4, Series of 2008 declared as a "high risk" zone the coordinates within the Gulf of Aden:

Latitude 12 ^o 13' North	Longitude 43 ^o 39' East
Latitude 15 ^o 22' North	Longitude 53 ^o 10' East
Latitude 11 ^o 00' North	Longitude 44 ^o 05' East
Latitude 14 ^o 10' North	Longitude 54 ^o 00' East

WHEREAS, the recent piracy incidents that occurred along the Arabian Sea, North Indian Ocean, South Indian Ocean, and its neighboring countries such as Kenya, Tanzania and Mauritania as reported by the International Maritime Bureau, necessitate the urgent need to update the existing high risk zone;

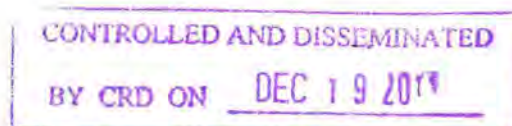
WHEREAS, given continuing pirate attacks on merchant ships despite the presence of a number of international navies, the Joint Negotiating Group (JNG) and International Transport Workers Federation (ITF) agreed on March 25, 2011 in London, United Kingdom to extend the geographical coverage of the International Bargaining Forum (IBF) High Risk Area;

WHEREAS, the Governing Board concerned with the welfare of Filipino seafarers, consulted with the representatives of the manning industry;

NOW THEREFORE, the POEA Governing Board, in a meeting duly convened, hereby RESOLVES THE FOLLOWING:

1. To adopt the IBF Circular dated 25 March 2011 on the Revision of the IBF HIGH RISK AREA in the Gulf of Aden and Indian Ocean, WHICH READS AS FOLLOWS:

"Given continuing pirate attacks on merchant ships despite the presence of a number of international navies, the Joint Negotiating Group (JNG) and the International Transport Workers Federation (ITF) agreed in London, United Kingdom to extend the geographical coverage of the IBF High Risk Area and terms and conditions applying in said area as follows:



1. "With effect from 0001Z on 1st April 2011 the Extended Risk Zone is as follows:

"The western border of the Zone runs from the coastline at the border of Djibouti and Somalia to position 11 48 N, 45 E; from 12 00N, 45 E to Mayyun Island in the Bab EI Mandeb Straits. The eastern border is set at 78 E, the southern border is set at 10 S and the Northern Border set at 26 N."

Attached is the IBF Extended Risk Zone Map marked as Annex "A"

2. "The IBF constituents have agreed that during a vessel's transit of the Extended Risk Zone protection of seafarers through the provision of increased security measures should be adopted. Such measures must be above the latest Best Management Practice level and may include the provision of personnel or systems which appropriately reduce the vulnerability of a vessel. The sufficiency of such extra security measures should be determined depending on vessel type, size, freeboard during transit and speed, with consulting and seeking advice of respective ITF union(s) where necessary".
3. "The IBF constituents confirm that the adoption of Best Management Practice is required of all vessels operating under IBF agreements as a minimum standard of protection".
4. "Within the Extended Risk Zone the IBF constituents agree to retain the previously designated IBF High Risk Area as it is recognised that the pirate attacks emanate mainly from bases in this region. The Western Border of this High Risk Area runs from the coastline at the border of Djibouti and Somalia to position 11 48 N, 45 E; from 12 00 N, 45 E to Mayyun Island in the Bab EI Mandeb Straits. The Eastern Border runs from Rhiy di-Irisal on Suqutra Island to position 1418 N, 53 E; from 14 30 N, 53 E to the coastline at the border between Yemen and Oman, together with a 400 mile zone off the eastern coast of Somalia, i.e. from Suqutra Island down to the Kenian border in the South".
5. "During the period of transit of the area designated as the IBF High Risk Area seafarers shall be entitled to compensation amounting to 100% of the basic wage and a doubled compensation payable in case of death and disability. This entitlement should apply on each day of the vessel's stay in the High Risk Area".
6. "In the case of vessels that will transit the IBF High Risk Area outside of the east bound and west bound lanes created under the International Recommended Transit Corridor

(IRTC), seafarers have the right not to proceed with the passage. In such an event, the seafarer concerned shall be repatriated at the company's cost with benefits accrued until date of return to the port of engagement. This entitlement shall only apply in respect of vessels which are bound to enter the IBF High Risk Area, and will not apply in case of crossing the rest of the Extended Risk Zone".


7. "Vessels may deviate from the International Recommended Transit Corridor (IRTC) lanes without affecting the terms and conditions for the seafarers onboard for collision avoidance purposes only, as long as they are returned to the original lanes as soon as it is safe and practicable to do so".
8. "During the period of transit of the IBF Extended Risk Zone, outside the area which is designated as High Risk Area, each seafarer shall be entitled to a bonus equal to 100% of the basic wage and a doubled compensation in case of injury or death - on any day during which the vessel he serving on is attacked. The proof of these entitlements shall be subject to a confirmed entry into the ship's log book and a report of attack being lodged with recognised international reporting authorities, such as UK MTO. The maximum period when these entitlements may apply shall not exceed the number of days of the vessel's transit of the IBF Extended Risk Zone outside the area designated as High Risk Area. For the purpose of this article an attack means any unauthorized and obvious action taken by a third party in a willful attempt to board or damage the vessel or to harm the crew which leads to the activation of the relevant vessel contingency plans including the alerting of the whole crew".
9. "The IBF constituents believe that, in order to assist the military efforts to counter piracy in this region, all vessels that are subject to a confirmed attack should report to international navies present in the area or other relevant authority, to assist in the deployment of naval resources to appropriate areas, where piracy attacks are occurring".
10. "Within all of the IBF Extended Risk Zone, including the High Risk Area, the above identified entitlements to double basic pay and double compensation for injury or death will not apply while vessels are alongside a berth, at anchor in secure anchorages off ports or attached to SBM facilities - with exception of Somali waters and ports. It is understood that vessels will have to transit the high risk area in order to proceed to certain ports and as such the bonuses mentioned in above should cease when a vessel is either all secure alongside, brought up to her anchor or fully coupled to a SBM in any port of the IBF Extended Risk Zone, excluding Somalia. Likewise when sailing, the applicability of bonuses etc should commence when the vessel is all gone", i.e. the


last line is let go from a berth, when the anchor is aweigh or a vessel has de-coupled from a SBM".


11. "This Revision of the IBF High Risk Area remains in force from 0001Z on 1st April until any further revision or amendment is adopted by the constituents of the International Bargaining Forum".
2. That the rights of the seafarer under paragraph 6 of the above mentioned IBF circular not to proceed with the passage and to be repatriated under company's costs with benefits accrued until the date of return to the port of engagement, shall apply if the information that the ship will transit, or will possibly transit, the IBF high risk area outside the east bound and west bound lanes created under the recommended IRTC was not disclosed to the seafarer prior to the deployment, or even if so disclosed, no written agreement by the seafarer to proceed with the passage was entered into prior to the deployment.
3. That POEA shall conduct an extensive information dissemination campaign to be launched for the seafarers and manning agencies deploying to the "high risk" areas.

The provisions herein provided shall apply to all Filipino seafarers effective 28th November 2011.

Done in the City of Manila this 28th day of November 2011.


ROSALINDA DIMAPILIS-BALDOZ
Secretary of Labor and Employment
Chairman of the Governing Board


CARLOS S. CAO, JR.
Vice-Chairperson


LEONARDO B. DE OCAMPO
Member


GUILLERMINA T. GABOR
Member

ANNEX: IBF Extended Risk Zone

