

# ALON

Ocean Wave  
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Issue 4 2014

Topics of interest relating to the Philippine Maritime Industry and Shipping

**Filipino Seafarers – High Risk Area Gulf of Aden and ship owners contractual liability under the Employment Contract POEA.**

**GULF of ADEN – This update should be read in conjunction with ALON 1 2014**

***Governing Board Resolution 26-2014***

This update is an amendment to the previously POEA defined High Risk Area for the Internationally Recognized transit Corridor (IRTC) has been downgraded from “High Risk” to Extended Risk Zone status, which means no double pay or compensation unless the vessel is actually attacked and the attack documented and confirmed.



This new provision shall be effective from 1<sup>st</sup> October 2014



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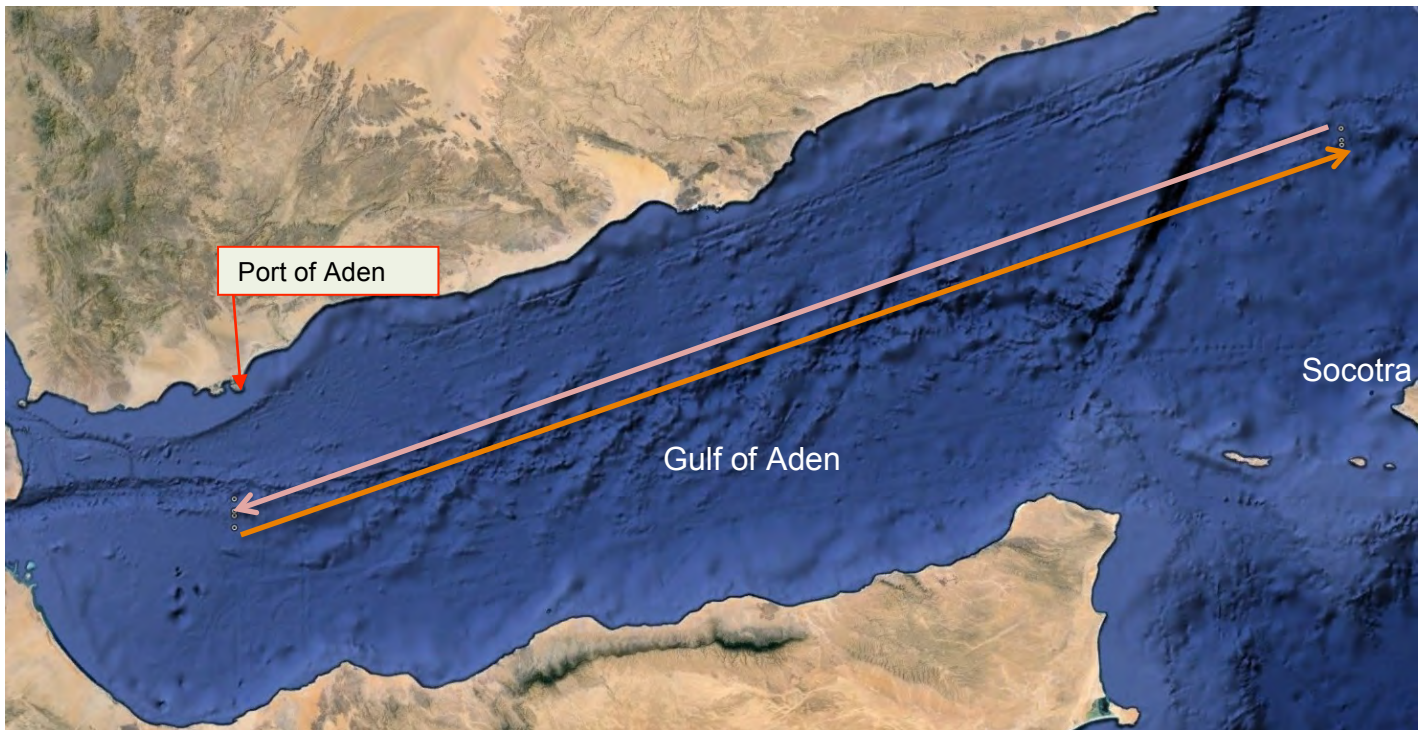
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The previously POEA defined High Risk Area for the Internationally Recognized transit Corridor (IRTC) has been downgraded from “High Risk” to Extended Risk Zone status, which means no double pay or compensation unless the vessel is actually attacked and the attack documented and confirmed. **This new provision shall be effective from 1<sup>st</sup> October 2014**



Background map image courtesy of Google Earth

East Bound Lane →

Starts	Lat 11 48N Lat 11 53N	Long 045 00E Long 045 00E	Course 072 deg T
Terminates	Lat 14 18N Lat 14 23N	Long 053 00E Long 053 00E	

West Bound Lane ←

Starts	Lat 14 25N Lat 14 30N	Long 053 00E Long 053 00E	Course 252 deg T
Terminates	Lat 11 55N Lat 12 00N	Long 045 00E Long 045 00E	





GOVERNING BOARD RESOLUTION NO. 26  
Series of 2014

WHEREAS, Governing Board Resolution No. 04, Series of 2008 was passed on 07 October 2008, declaring the Gulf of Aden as a high risk area for Filipino seafarers onboard ships transiting U1e said area;

WHEREAS, U1e International Bargaining Forum (IBF) issued the guidelines defining the limits of the high risk areas and the benefits due to seafarers;

WHEREAS, Governing Board Resolution Nos. 03, 05 and 06 Series of 2009 and No.11, Series of 2011, No.12 and No.13, Series of 2012 were subsequently adopted to govern the application of the said guidelines with respect to high risk area passage and premium pay;

WHEREAS, a new agreement was reached on 05 June 2014 between the social partners comprising the International Bargaining Forum amending the terms of the High Risk Area Agreement;

WHEREAS, the new agreement takes into account the decreased likelihood of piracy attack in the Gulf of Aden due to the implementation of The Best Management Practices, Series 4, prepared by international shipping organizations and the increased presence of military assets in the area;

WHEREAS, the new agreement downgrades the Internationally Recognized Transit Corridor (IRTC) within the Gulf of Aden from High Risk Area status to Extended Risk Zone status, which means that the necessity to pay additional compensation for transit within the TRTC is removed and that such payment shall only apply if a vessel is subject to a confirmed attack;

WHEREAS, manning associations, seafarers union and international shipowners associations consulted by the POEA fully support the new agreement above-mentioned;

WHEREAS, adoption of circulars and advisories on high risk /zones/ areas which are issued from time to time by international shipping organizations and agreements by social partners require the issuance of POEA Governing Board Resolutions;

NOW THEREFORE, the POEA Governing Board, in a meeting duly convened, hereby RESOLVES to adopt the following guidelines on the limits of the high risk areas and the benefits due to seafarers:

1. Seafarers on board ships transiting the coordinates provided below shall no longer be covered by the High Risk Area bonus/ additional compensation:

East Bound Lane:

Start position at 045° East and runs between 11° 48' N and 11° 53'N. The lane then runs straight, at a course of 72°

The termination of the lane is at 053° East, between 14° 18' N and 14° 23' N

West Bound Lane:

Start position begins at 053° East, between 14° 25'N and 14° 30'N The lane runs straight through a course of 252°

The termination of the lane is at 045° East, between 11° 55'N and 12° 00'N





However, where a ship sailing/ operating within the said coordinates is attacked, the high risk area bonus/ additional compensation shall be paid. The attack shall be recorded in the ship's logbook and shall be confirmed in writing and submitted to the employer/ manning agency to ensure that proper compensation is provided to seafarers.

2. On the other hand, seafarers who are onboard ships transiting the following high risk areas shall be entitled to High Risk Area bonus/ additional compensation and benefits, pursuant to Governing Board Resolution Nos. 12 and 13, both Series of 2012, and Memorandum Circular No. 09, Series of 2012:

- **IBF Warlike Operations Area-12 nautical miles off Somali North Coast**  
Territorial waters extending up to the 12 nautical miles limit from due north of the north-western border of Somalia with Ethiopia to due north of Cape Guardafui.
- **IBF High Risk Area- Gulf of Aden+ 400 nautical miles off Somali East Coast**  
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 El Mandeb Straits. The Eastern Border runs from Rhiy di-Irisal on Suqutra Island to position 14 18 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 Kenyan border in the South.
- **IBF Extended Risk Zone- West Indian Ocean**  
The western border of the Extended Risk Zone runs from the coastline at the border of Djibouti and Somalia to position 1148 N, 45 E; from 12 00 N, 45 E to Mayyun Island in the Bab El 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.

- **IBF High Risk Area- Gulf of Guinea**  
The territorial waters of Bertin and Nigeria, including ports, terminals and roads anchorages, the delta of the Niger river, other inland waterways and port facilities, except only when the vessel is attached securely to a berth or SBM facility in a guarded port area.

3. The POEA, in coordination with the manning associations, seafarers union and international shipowners, shall conduct an extensive information dissemination campaign to ensure the widest circulation of this Resolution.

The provisions herein provided shall apply to all Filipino seafarers effective 01 October 2014.

Done in the City of Manila this 22nd day of September 2014.

