

10 Years of ISM Code Birthday Wishes for the International Safety Management (ISM) Code

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The tenth anniversary of the first mandatory implementation date for the ISM Code has prompted much retrospection and not a little introspection. Arbitrary though such landmarks may be, the urge to pause and reflect on these occasions seems to be almost universal. Rather like a middle-aged man approaching yet another “significant” birthday, we seem driven to ask, with urgency not to be found at other times, “How did it go?” “Was it worth it?” and “Where do we go from here?”

Our inclination to focus on questions like this at particular intervals may appear irrational, but the questions themselves are no less worthy of our attention because of it. Let us take the first two questions together.

For the Kelvinists among us, the answers must lie in measurement and numerical analysis. There just has to be a definitive statistical indicator out there somewhere that will prove beyond all doubt the success or otherwise of the ISM Code. It is simply a matter of knowing where to look. Unfortunately, the quest for such a number is futile.

It was apparent from the outset that, if the Code was to have the impact that was anticipated, a fundamental change in attitudes and culture would be required throughout the industry, and that this would take time; several years, if not a generation or two. There was no point in attempting to measure its effects too soon. But the longer we leave it, the more those effects are masked by the impacts of other regulatory changes, technological advances, improvements in working practices, changes in the way that data are defined, gathered and analyzed and so on.

But, does it matter? There is a great deal of qualitative evidence available that is at least as reliable and informative as any statistic. Those who carry out audit and certification work every day in hundreds of companies and on thousands of ships have a very clear impression of the Code’s impact. They will tell you that the results have been mixed. Some companies have embraced the Code and benefited greatly. Some already good operators have surprised themselves and done even better. Others rub along, not altogether convinced. And the rest we all know about.

This analysis could be applied to every regulation ever enacted but, in the case of the ISM Code, it is often presented as a cause for condemnation. Since the ISM Code was introduced, collisions, groundings and other incidents have been quickly followed by articles, speeches and papers insisting that it has all been a waste of time and effort, and that the Code should be torn up. “There you are,” they say, “we told you so.” The underlying assumption appears to be that the ISM Code was intended to eliminate all risk and provide a guarantee that there would never again be another accident.

In a recent article, the author asserted that the Code had failed and should be withdrawn because there was evidence that some ISM certificates were fraudulent. This is all very strange. There is ample evidence of fake certificates of competence, but no one proposes that we stop training seafarers. Deficiencies are often found in areas covered by other statutory certificates, but no one suggests withdrawing SOLAS or MARPOL. It is not clear why, of all the rules and regulations governing shipping, only the ISM Code is expected to deliver perfection.

So, has the ISM Code worked or not, and was it worth it? In a very important sense, these are the wrong questions. The implementation of the Code was not a single event to be evaluated like the introduction of a technical fix that either worked or did not. It is a process. The question we should be asking is not, “Has it worked?” but “Is it working?” The answer is that it has begun to work. Is it worth continuing the effort? Most certainly it is.

So, where do we go from here? There is no doubt that things could be improved. The process began badly and is still struggling. But it can be made to work better. To achieve this, we need to understand why the Code had such a difficult birth and why it continues to be controversial.

To begin with, it was oversold. For a variety of reasons, the impression was allowed to take hold that it was a panacea and, as a consequence, expectations were too high. The results were always going to disappoint. The Code was to be the single, all-embracing remedy for all that messy, ill-defined and difficult stuff that lurks wherever people are to be found. Unfortunately, and to everyone’s consternation, people persist in being complicated, unpredictable and wilful.

It was oversold to an industry that was underprepared for it. Before the Code’s introduction, shipping regulation had consisted almost entirely of very detailed, very prescriptive, technical rules. For the first time, ship operators were confronted by a set of requirements that were anything but detailed, were deliberately non-prescriptive and contained not a single technical term. Achieving compliance would require a completely different approach.

The qualifications of those whose job it was to make it all work—ashore and on board—were also mostly technical. People with no management qualifications, no training in systems thinking and no understanding of organisational design and culture were left to develop, implement and maintain their own management systems and create a safety culture. No attempt was made to inform and educate the people upon whose understanding, acceptance and effort the whole enterprise depended. Even now, the ISM Code features in seafarer training courses as just another piece of regulation to be complied with.

There are many other reasons for the Code’s difficulties. It still prompts the usual human response to anything new and different; not all organisational cultures are amenable to more formal, systematic ways of working; the Code’s introduction in more deferential and strongly hierarchical societies continues to be difficult; old attitudes persist; myths and misunderstandings abound.

Not everyone holds views of the Code as negative as those described above, but even among those who support it in principle, there is widespread unease about just how effective it has been. They worry that momentum has been lost and wonder what can be done to revive it.

Unfortunately, as so often happens when a set of requirements appears not to have had the intended effect, the response has been to tinker with the regulation itself. There are constant demands for changes to the Code and piecemeal amendments to the associated guidelines. Some want additional requirements, while others want to make existing requirements more prescriptive. There have even been attempts to introduce more prescription disguised as guidance.

Many industry organisations lack confidence in the Code. Nervous about the lack of prescription and seeking precise measures of an operator's ability to reach an acceptable standard according to their own preferred criteria, they have developed checklists and inspection processes of their own. Each one is presented as the "successor" to the ISM Code or is described as "going beyond" it; in other words, the next magic bullet.

I think we are missing the point. There are useful ways in which the Code could be amended and the wording could be clarified, but if we are to bring about the significant improvement that so many would like to see, we need to step back and take a much broader view. We must create the conditions in which the objectives of the ISM Code are more likely to be achieved. The following steps would be a beginning:

1. A fundamental re-appraisal of training from the point of view of management, systems and organisational design to promote understanding and acceptance of the principles that underpin the Code and provide the skills necessary to improve implementation.
2. A thorough revision of the guidelines to administrations to produce a coherent document based on the many lessons learned since the Code's introduction.
3. Enhancement of the Code, not by simply adding to the list of operational requirements, but by incorporating provisions that embed within it genuine systems and human factors concepts.
4. An examination of the audit and certification process in the light of experience during the past decade.
5. A coordinated, industry-wide initiative to rationalise the plethora of audits, inspections, surveys and assessments that impose excessive demands on ships' crews, create pointless repetition, cause people to see the ISM Code as just one more in a long list of rules and bring the whole regulatory process into disrepute.

Many will view this as an idealistic wish list, but the ISM Code has long-term implications for the regulation of shipping that go far beyond its significance as a piece of regulation per se, and it is important to realise that what has been created is a foundation, not an edifice. Many more elements need to be brought together, in a systematic way, before the building is complete. Endlessly chipping away at the cornerstone will not get the job done.