

# Fairplay

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Achieving the heights of academic and legal excellence. Saddam Hussein's invasion of Kuwait. A rewrite of a country's entire commercial and shipping law. It's all in a lifetime's work for Turkey's Fermi Ülgener

# The action man of Turkish maritime law

# ÜLGENER

**"I was never a maritime lawyer who simply read books and attended disputes"**



By Jim Wilson  
Staff Reporter

**I** felt that I would be the first maritime lawyer to die in service!" Fermi Ülgener tells *Fairplay*. He had been summoned by a client to Reykjavik, Iceland. He rushed to the fully loaded, 40,000dwt bulker – balanced amidships on a protruding rock. There were no other ships around and Ülgener was standing on the bridge.

"I am a maritime lawyer. I have no knowledge about ship stability, so I wasn't feeling bad – until the owner ordered that the lifeboats be lowered. Then it came home to me that this is the point at which I am going to die," he laughs.

Happily for Ülgener, professor of maritime law at Istanbul University and head of Ülgener Legal Consultants, he survived; work is interesting but not life-threatening just now. That's because Turkey, in its desire to modernise and join the EU, has decided to rewrite

its *entire* legal code. That obviously includes shipping law, which is something that heavily involves Ülgener, in his capacity as legal adviser to the Turkish Chamber of Shipping.

"It is a difficult job. The draft was prepared over a three-year period, and we were asked to provide an opinion in two months," he says. About four chapters of the draft have been evaluated so far.

Ülgener earned a general law degree at the University of Istanbul from 1979 to 1983. After graduating, he worked for shipping company Koctug. He was a correspondent with a P&I club and did lots of administration.

"I didn't like it much," he remembers. "During that time I understood that I should follow my father's work – he was a professor of economics and sociology. I joined the department of shipping law at Istanbul University. I am now head of that department."

Becoming professor in 1999 was one of his proudest moments. "I was feeling a burden to my father – maybe I was feeling an obligation to him. He died in 1983 when I was participating in the

final examinations before the maritime law examination. I couldn't attend [the funeral]," he recalls. "My room at the university was used by my father until he retired. So now our names appear on the same door. I am proud to reach the same title, the same degree. I feel proud to follow in the footsteps of my father."

On his long academic route, there were many middling stages and years of research. He started working on his professorship in 1994. For five years he wrote his book *Vol I: Charterparties*. "Of course, now I have the burden, and it's a real burden, to publish *Vol II: Timecharters*," Ülgener groans.

After he received his doctorate in the late 1980s, Ülgener finally had to face up to something that his studies had delayed: military service. That was a bit hairy because Saddam Hussein had just invaded Kuwait. Ülgener recalls his armed patrol at the gates of the naval academy. "It's a funny thing to remember now," he chuckles.

He also had to go running with heavy gear, practise shooting and take lessons in naval administration. "I was one of



Photo: Jim Whelan

**NAME:** Fehmi Ülgener

**NATIONALITY:** Turkish

**CAREER:**

- 1983 – Receives law degree from University of Istanbul
- 1984 – Worked as a lawyer for shipping company Koctug
- 1985 – Joined shipping law department at Istanbul University
- 1987 – Received master's degree
- 1989 – Received doctorate for thesis on demurrage and laytime
- 1992 – Institute for Advanced Legal Studies, London
- 1993 – Received assistant-associate professorship, University of Istanbul
- 1994 – Becomes a partner in a law firm
- 1999 – Takes professorship at department of shipping law, University of Istanbul
- 2000 – Ends partnership in law firm

**MARRIED:** To Arzu, a lawyer with Serbetci Bozok & Uglier

**CHILDREN:** Kaan (15) and Emre "six or seven"

**POSTS HELD:** Founder and head of Ülgener Legal Consultants  
 Vice-chairman of Turkish Maritime Law Association  
 Legal adviser to the Turkish Chamber of Shipping  
 Turkish representative of the Bimco documentary committee

**HOBBIES:** Photography, ship modeling and watching football – "Beşiktaş of course! My second son, he's now six or seven years old, is a Beşiktaş fanatic. I take him five or six times for the atmosphere"

**MUSIC:** "It's on all the time – mostly chill-out and lounge music, Claude Challe or Buddha Bar"

the oldest in the platoon and I had to carry the same equipment as everyone else. I felt that, at 30, I was too old for this. Most of my army-mates were 21-22," Ülgener recalls. "My personal recommendation to anyone is this: don't delay. Do it as soon as you can."

But it wasn't as bad as that might sound. After three months he transferred to the naval academy to teach maritime law. And rank has its privileges: living conditions for university graduates were just three to a room, while other soldiers had to sleep hundreds to a dormitory.

That perhaps led to another development: "My first son was born while I was an officer," he remembers. "My time in the armed forces was very happy."

Ülgener could also concentrate on his legal studies: he had five articles published during his service.

After leaving the military, Ülgener headed back to the faculty, then studied at the Institute for Advanced Legal Studies in London. He rented a study-booth overlooking Russell Square's particularly beautiful park.

"I really love London, especially restaurants and, of course, the shopping. I had very happy days there," he recalls.

Upon return home, he continued with his studies and became a partner in a maritime law firm. When he was made a professor, he had a small revelation: "I had two hats – as an academic and as a lawyer. I realised it was complete."

Ülgener believes that the two roles are complementary because he can tell students about real-life cases such as the *Nassia/Shipbroker* disaster in the Bosphorus, in which 29 people were killed in March 1994. The collision caused a fire that lasted more than four days, and 20,000 tonnes of crude fouled the Bosphorus (*Fairplay*, 4 August 2005).

Also, the suffocation of four men aboard a 12,000dwt bulker retains a strong grip on his memory. The crew entered a hold that contained hot coals and toxic air. "I was serving as an in-house lawyer," he says, "and I received a phone call that four people had died. The ship was unloading in port. When I arrived the bodies were lying where the men had died in the cargo space.

"That moment was very sad and frustrating. The bad thing was that it was like a chain. The first went in. The second understood the first was in difficulty and followed him. And then the next. The master was imprisoned."

Casualty is a big part of maritime practice, and Ülgener's firm is no exception. "As a lawyer I frequently travel all over the world because of casualties – lots of grounded and burning vessels," he recalls. That also enables him to indulge in his latest hobby: ship photography. "Lots of opportunities to take good pictures," he says brightly. He recently bought a Nikon D2X, which he happily describes as "my latest toy".

Ülgener also works at ship modelling, so it's clear that shipping is key to his identity. "I was never a maritime lawyer who simply read books and attended disputes," he confirms. "I love ships, and that gave me the ability to work sometimes 20 hours a day. I tell my students that the road to success starts with the condition that you have to be in love with your job." He pauses, puffs his pipe, then smiles: "and I am in love." ■

'I wasn't feeling bad – until the owner ordered that the lifeboats be lowered'