

*Fr Roderick O'Brien\**

The funeral for Emeritus Professor Ivan Anthony Shearer was held at Saint Lawrence's Church, North Adelaide. Anticipating his death, Professor Shearer planned the liturgy for the funeral Mass, and incorporated two eulogies: the first, to focus on his family life, by his nieces Annabel Mugford and Rebecca Tilly, and the second, to focus on his legal career, by his former student Fr Roderick O'Brien. It is the second eulogy that we reproduce here.

A few years ago, the Permanent Court of Arbitration at the Hague delivered its decision in the case *Bangladesh v India*.<sup>1</sup> Ivan was one of the arbitrators. At an age when many people are thinking only of their next cruise, Ivan brought his formidable intellect to maritime boundaries.

It is a lawyer's case, of course. The award fills 181 pages, and doubtless a small forest has suffered from the printing. But, especially when compared to India's ongoing conflict with its other neighbour, Pakistan, no blood has been shed, no ships sunk, no civilians fleeing bombed villages, no window for foreign intervention.

This reflects many of Ivan's admirable traits as a lawyer. At the top of my list, Ivan was a man of peace, and he ably contributed to institutions that might serve peace. Ivan worked in an imperfect international world order, but this rule-based order is better than the roar of guns and the shattering of human hopes. He never forgot the ordinary victims of armed conflict, both combatants and civilians. I am sure that you recognise that Ivan wrote his own prayers of intercession which we prayed earlier — he included a prayer for the promotion of international humanitarian law, the legal system which protects the victims.

Ivan valued tradition. He could not wear 'the black armband' of history, because he looked for the good in the past. Of course, he was never a Pollyanna — he was rigorously realist about the woes we have accumulated.

As his grateful student, I know that Ivan flourished as a teacher as he was thorough, methodical, and caring. I won't list his professorships, his civil and military decorations, his fellowships. But I will quote his colleague Horst Lücke, who wanted to be with you but at 90 cannot travel. Horst recalls Ivan's brilliant scholarship, and writes that Ivan was the kindest man he had ever met.

Ivan was a consummate scholar: first assisting DP O'Connell, and then later in his own writings including his doctoral work on extradition. He published widely on the

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<sup>1</sup> *Bay of Bengal Maritime Boundary (Bangladesh v India) (Award)* (UNCLOS Arbitral Tribunal, 7 July 2014).

law of the sea. Among his peers, he was trusted, collegial, and supportive. For about forty years, Ivan served Queen and country first in the Royal Australian Air Force, and then in the Royal Australian Navy. His rules of engagement for the Gulf War are still valued today.

Locally and internationally, Ivan served as an advocate, as adviser to governments, and as a judge on a variety of tribunals. His membership of the arbitral tribunal with which I began this account was just one of a long list of quiet service. He also served two terms on the United Nations Commission on Human Rights. As my classmate James Crawford described the effect of Ivan's work:

[O]ne is left with the impression of thorough good sense, of an often intuitive understanding of legal structure associated with a robust realism, but at the same time an unobtrusive sense of law as the pursuit of an ideal of order.<sup>2</sup>

Of course it is good to have an international lawyer at the highest echelons. But it can be useful for family and friends too. Ben Coles recalls that, when he was about 10 or 11 years old, his family was with Ivan on a trip which included the French Riviera. With authority and aplomb, Ivan assured Ben that it was perfectly legal to walk along the private beachfronts provided they did not stray above the high tide mark. This taught an impressionable youth the importance of the international law of the sea.

If you look at the portrait of Ivan in the University of South Australia, you will see a serious face — perhaps appropriate for a man who had a serious sense of duty to serve others. But we will remember Ivan as someone with a smile, with a deep sense of humour, with a gentle chuckle at the richness of law and life.

Ivan had a favourite prayer, the peace prayer. He asked you to pray it with him today. It is printed in your booklet, and I invite you to join with me, and with Ivan, now.

Lord, Make me an instrument of your peace  
 Where there is hatred, let me sow love,  
 Where there is injury, pardon,  
 Where there is doubt, faith,  
 Where there is despair, hope,  
 Where there is darkness, light,  
 Where there is sadness, joy.  
 O Divine Master grant that I may not so much seek to be consoled as to console,  
 To be understood as to understand,  
 To be loved as to love.  
 For it is in giving that we receive,  
 It is in pardoning that we are pardoned,  
 And it is in dying that we are born to eternal life.

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<sup>2</sup> James Crawford, 'Ivan Shearer: International Lawyer and Teacher' (2005) 24 *Australian Yearbook of International Law* 1, 6.