

## **POLLY HIGGINS 1968-2019**

TRIBUTES/EULOGIES, 3rd May 2019:

Moni Wylie (pages 1-2)  
Jojo Mehta (pages 2-4)  
Ian Lawrie QC (pages 5-11)

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### **Moni Wylie: Tribute to Polly**

Myself and my brother Nick would like to say a few words about our older sister Polly.

We were brought up in a modernist house in Strathblane, a small village just outside Glasgow set in a naturalistic garden, with a bubbling stream and pheasants and deer as regular visitors. At the end of the garden, past the wild orchids and blaeberrries and over the style you were on the moor with views to The Campsies, Loch Lomond and the Trossachs beyond. Nature, the rhythm of the seasons, great architecture and magical views, made for a wonderful environment for a young mind.

Our early childhood was filled with adventure; swimming in the loch, collecting gooseberries from the end of the garden and building bonfires with our father. Prayers in the car on the way to school, mass on a Sunday followed by ice cream. Even at this stage Polly was bookish and, out of the three of us, got the most use out of the Encyclopedia Britannica. She could be wilful too. I remember she had a habit of hiding things she didn't like. Mum would find her shoes and spectacles in the garden.

We had a lot of freedom as teenagers, certainly in comparison to today. There were great adventures, swimming in the loch beside our house and diving off the jetty.

I remember most our happy childhood holidays in Argyll. We would decamp there for the school holidays and liked nothing better than heading to the beach with our lilos, collecting periwinkles and knocking limpets off the rocks for our fishing bait. The magic and mystery of the early Christian stones in Kilmory and the standing stones of the Kilmartin Valley appealed to Polly's spiritual heart and that is where she liked to go when she returned to Scotland. When we looked at some photos of Argyll together the other week she whispered 'Paradise' to me.

My fondest memories with Polly are those of sisterhood. We shared an appreciation of art, walks in nature, buying fresh food at farmer's markets and cooking together with our purchases. The thrill of a find in a charity or bric-a-brac shop. Sharing clothes. Simply being together. Even though I didn't see much of Polly over the last few years I looked forward to time ahead with her. She had a love of the good life, knew how to be happy and she made and lived a good life. I love her and we will miss her.

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### Jojo Mehta: **Working with Polly**

Unless you live round here, or you're an anti-fracking activist, you probably don't know me, but I worked closely with Polly behind the scenes for 4 years and we became something beyond friends - she described us as "partners in crime" - or "partners in making a crime"... which maybe gives a flavour of the deep sense of shared purpose that we had. We launched the Earth Protectors Trust Fund together which forms the basis of the public campaign around ecocide law now known as *Stop Ecocide: Change the Law*.

My daughter once asked me "is Polly your best friend?". I didn't quite know what to answer because the term simply didn't cover the depth and breadth of the relationship.

I've jumped out of a plane, and it wasn't all it's cracked up to be. But working with Polly - that was exhilarating. It was dealing with deadly serious legal material and enormously fun fancy dress parties; it was fast, unpredictable and full of heart and soul. It was challenging and it was working with the big picture, in service to something greater than ourselves, because it was about protecting the Earth in a way that brooked no compromise.

It was certainly living on the edge - we both worked pro-bono until autumn last year, simply because until then there was never enough money to do anything that wasn't absolutely core to the work. Quite often we didn't have a fiver to buy lunch, but if we needed to arrange a meeting with a Pacific ambassador we would somehow materialise the means. Over the years that included Polly selling her house. (I didn't have a house in the first place but I did borrow the equivalent of a small mortgage.) We operated below zero all the time - savings accounts were something mysterious and incomprehensible that other people seemed to have.

We flew by the seat of our pants on so many occasions I lost count... like the time shortly after the campaign launch in 2017 when Polly took a crack team of lawyers to the International Criminal Court's assembly at the United Nations in New York and they had nowhere to stay - everything we tried to book fell through at the last minute.

As she was changing flights on the way there, an offer pinged in from someone she'd met once at a festival offering them her studio for the night. Polly gratefully accepted, thinking that for one night the team could sleep on a living room floor... and then the studio turned out to be a vast photographic studio in a converted warehouse with several spare bedrooms, a mere 20 minute walk from the UN! It was literally perfect... and they stayed there for 2 weeks and entertained diplomats for dinner.

Polly believed that seizing the moment and taking action was always better than waiting for either permission or funds to arrive. In fact today's celebration is a perfect example - rather than worry about what might fit Polly's available finances (which is to say virtually none), Ian & I went ahead and arranged what we knew Polly would have wanted - a community celebration, eco-style... and on the way out of the church afterwards you'll pass a collection basket where you can contribute to the costs of Polly's burial - so please do so or we'll be paying it off for months!

Perhaps above all, working with Polly was a constantly renewed act of faith... that one day the proposition of making ecocide a crime would become the no-brainer to everyone else that it always was to us - and had been to Polly for years before we met, of course. When Leonardo di Caprio spoke at the signing of the Paris agreement, saying essentially "this is all great, but it's not enough" we felt like the kids at the back of the classroom shooting up our hands saying "Over here! Over here!"

It seems that now at last the time is coming when the world may be ready to understand the power of this law and to demand it... and Polly was so thrilled to see this beginning to happen on the streets during the week of the Rebellion.

And you should know that Polly's work continues. Polly & I founded a non-profit called Ecological Defence Integrity or EDI to run the campaign, and EDI is this year working with our expert legal and evidence research team to take forward a test prosecution case. This is to see whether it is legally possible to prosecute the CEOs of Shell for climate ecocide under one of the existing provisions of Crimes Against Humanity. If it is, then we have a powerful legal tool. If it is not, then we have a powerful argument for a standalone crime of ecocide.

Either way, it's a powerful and necessary step, and EDI already has a new legal director taking this forward. His name is Fidel Jaramillo Paz y Miño and he is based in the Madrid office of renowned former supreme court judge Baltasar Garzon, whose firm FIBGAR focuses particularly on corporate and state crime. Fidel and Baltasar are not able to be with us today but they are committed to carrying on what Polly has begun, as are rest of the team. As am I. It's what I'm here for, and what I believe all those who stand with Polly are here for - to re-align law with a higher moral code.

I use the present tense because I actually don't feel like Polly is somewhere else. I don't mean she's tied here like some kind of ghost which can't depart, I simply mean

that, more than most, she is still very much engaged in the destiny of those of us who remain, and in the fate of our beautiful Earth. Our dear friend and close colleague Anita asked me in those last days with Polly whether I had said goodbye, and I can honestly say it hadn't occurred to me, because it didn't, and still doesn't, feel like goodbye.

Of course I know she wanted to live, and of course it seemed crazy for her to move on so fast, and of course I'll miss so many things, like the way she would always say "allo allo!" And "lovely to see you!" even when we'd only seen each other the day before.

But Polly approached everything in life - and I believe in death too - as an adventure unfolding... and I have a suspicion that for her, as indeed for us, this is simply the next chapter.

Speaking of chapters, you probably know that Polly wrote 3 books. What you may not know is that she also compiled a book of what she called Earth Notes - short pieces that she wrote, often in the middle of the night, pieces she described as "downloads". She would wake, write them down and go back to sleep, sometimes not looking back on them for months or years - but when she did, she always found they were perfectly relevant.

This is a note from April 2016, 3 years ago, and it's in your order of ceremony. It's called Heaven in Earth.

*Choosing to experience heaven in Earth can happen not only in this lifetime but also in many others and for many others should you so choose. Or, it can be the journey that matters. Or, it can be both. Or, not. Always it comes down to choice. What makes it a simple choice in the wider scheme of things, in service to something greater than the self, is whether it's for the best. If it's for the best, and that's the route you choose, treat whatever happens next as your doorway to take. Letting go of the consequence allows the emergence of something far greater - exceeding any sense of what that might be. Trust in the unknown and know that there is greater purpose behind everything that happens. The more you can step into the unknown without fear, the more what you experience becomes shaped by your intent. Each time you feel fear rising, let it. That way your fears can be released. And then you have space for trust and fearlessness. Which brings you closer to heaven in Earth.*

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## Ian Lawrie QC: **Adieu to my darling Polly**

I suspect you are wondering why am I dressed in a rather colourful 80 year old Uzbek shepherd's coat.

It is because it was Polly's last Christmas present to me. Luckily for me Polly loved a big man with a beard... and mischievously she therefore thought I best suited the eastern potentate look.

As you are about to hear Polly used the last 4 weeks of her life to issue numerous instructions to Jojo, Katy and myself, including many features of this celebration. An example was what she wanted me to wear.

She told me with a smile '**Do not wear your Tory boy tweed jacket, no matter how impeccably cut it might be. I want some colour on you**'.

My darling, as I am sure you are watching, colour is what you have.

### **Introduction.**

Good Morning to you all. [As you can see Polly knew how to fill a big space]

Many of you will know me but even more of you will not. For those that don't, my name is Ian Lawrie and **Polly was my soulmate and my wife for 18 blissful yrs.**

If confused about the different names I can explain. Once we married Polly never took my surname, as she thought that Polly Lawrie sounded a bit silly and so she remained Polly Higgins.

Her family can and should be rightly proud that she has done so. By doing that she has conferred distinction on the Higgins family name.

### **Thanks.**

Firstly my heartfelt thanks to you all for attending, our collective farewell to Polly as she takes, at least physically, her leave from us.

Emotionally and spiritually our collective soul has embraced Polly and she ours. She will never leave us, as is echoed in the words of the beautiful Rumi poem read by Arushka.

### **Let me speak about my darling Polly.**

A few weeks ago Polly and I were sharing a joke about the coverage in the local papers that detailed her illness and the fact she had a short time to live.

No matter how grim the news Polly never lost her ability to raise a smile. Ever practical she thought the coverage would be helpful because it gave her campaign some welcome publicity.

Although she did comment “**it is bit of a bugger you have got to snuff it to get noticed.**”

So I can only imagine her laughing even louder when this week two eloquently written obituaries came out in both The Guardian and The Times. [you have a copy] **It is now blindingly obvious she has become very much noticed .**

Both obituaries tell you all you need to know about Polly’s many achievements, which are truly impressive and varied. They have rendered part of my role today redundant.

Although to get a truly compelling picture of the extraordinary way in which Polly touched the lives of so many and did so in **a consistently positive and fun loving way**, look at her Facebook page ‘Extrapollydocious’ and you will see that her inspirational reach, was quite literally across the globe.

**What I want to focus on, in the short time that I have, is the essence of the Polly that I knew and loved and share that with you.**

#### **Force of nature.**

It is not an exaggeration to describe Polly as truly, and appropriately, **a force of nature.** For nearly 18 years I was more than happy to follow in her constantly exciting slip stream.

That true force of nature was shown in three magnificent personal qualities that hallmarked her life and which stand out in her obituaries as **she strove to change the law to help our earth.**

#### **Qualities.**

- Her extraordinary courage & singular sense of purpose.
- her speedy and vibrant intelligence and
- her reassuring and unalloyed integrity.

That trio of lofty qualities were happily leavened with compassion, humility, good humour and importantly a lot of love.

Love not just for the earth but also her fellow human beings, whether friend or foe, in her struggle to change the law. She was described as an earth lawyer; the earth could not have had a doughtier warrior.

In addition to the Guardian and The Times I am going to give you 2 short and very personal vignettes which show those qualities in action but at opposite ends of the 18 yrs of me knowing Polly and under differing circumstances.

What the examples will demonstrate is that Polly was never a slave to a fear of status or power, or the magnitude of a difficult task, or (latterly) adversity.

### **Let me start about 19 years ago when I first met Polly.**

In 2000 I was a barrister of about 15 yrs call. Some of you here today are barristers and a number are also former barristers so you will obviously know about pupillage. But many of you will not appreciate the Victorian dynamics of a pupillage in a barristers chambers even in the year 2000.

I tell you this to set the context of my first meeting with Polly. For 6 months as a pupil you were at the beck and call of a senior barrister who oversaw your work and burgeoning practice. [in this instance me] If you wanted to succeed as a pupil the general approach was as follows: you kept your head down, did as you were told, you made the tea/coffee and you did not complain.

You had to grin and bear it all, so you could achieve that much sought after but hard to achieve admission to chambers membership and secure your future practice.

### **My first meeting with Polly**

Polly turned up and introduced herself. I would not have been human if I failed to notice her breath-taking beauty, dazzling blue eyes and the fact she smiled a lot. I also noticed she was impeccably and stylishly dressed which was not the norm amongst financially impoverished pupils. I was impressed but that was about to change.

I introduced myself and explained I would be talking to her about my expectations as her pupil master and the ground rules of her pupillage. However before I did that I told her, **note I did not ask**, I needed a cup of tea. I told her the kitchen was in the basement 4 floors down.

Polly's response was a **curt 'no'**. When I looked up surprised at her impertinent refusal she added '**with respect I am your pupil not your skivvy**'.

Whilst I was trying work out how to deal with her answer, Polly showed her idea of a concession, which was to make it clear she would on this one occasion make me a cup of tea but she did so under protest.

Interestingly I never asked her to make me a cup of tea again - she did though sometimes volunteer. A boundary had been clearly marked. I was irritated but importantly I was also impressed by her courage and feisty approach. I thought here is somebody who won't take any prisoners and she will be a damn good barrister. She was clearly fearless.

It did not harm her career because she was subsequently selected for tenancy. This was because she had exceptional talent, both as an advocate and as a lawyer.

### **Our relationship.**

Despite or perhaps because of her non tea making protest and her feistiness we subsequently fell in love and **we married in 2002.**

In **2004 Polly left her flourishing practice.** She told me she was doing this. I hasten to add: not to ask for my view. She had opted to fight for the earth, she felt it was in need **of a good lawyer and it needed a voice and it now certainly has that voice.**

Hence, she started her journey to bring into place a crime of ecocide at the international criminal court in The Hague. You could not fault her ambition. I raised an eyebrow and, in my ignorance, asked whether that was feasible she said, **'yes of course but it will take time'. That was an understatement.**

Once Polly embarked on that journey she was to **match courage with certainty of purpose** as to the justice of the idea and to pursue it with unwavering tenacity. She met many a setback on the way but she never deviated from her goal or compromised to make life easier.

Until recent times funding was a constant nightmare. Her path was littered with broken promises, indifference from NGO's or more often open hostility from all quarters but still she ploughed on **undeterred and unbroken.**

Polly was not afraid to confront the many challenges presented by the powerful vested interests of the world, **both corporate and institutional**, that will be challenged by a new law of Ecocide.

Whether it was the major oil companies or states both of whom put profits over the **essential duty of care namely first do no harm to the earth which** was at the very heart of the crime of ecocide. **She took them all on and with a smile.**

Such vested interests clearly opposed such a law and **they would bully and cajole** Polly by one means or another in an effort to deter and stop her. They failed as she was never deterred even up to her death.

As an example Polly was organising a test case in the Hague - as if ecocide was indeed the law - against senior Shell oil executives. That test case will continue, she took the view that should there be threats they are of little concern or impact when you are told you have 6 weeks to live.

**The protection of our world for Polly was far too valuable to accede to fear and intimidation.**

**She believed in the power of her love for the earth, her spirit of fortitude and persistence and her utter confidence in her team.**

Her view was as simple as this, **you can try to intimidate a person but you cannot intimidate an idea.**

**Polly was never concerned at these bullying antics.**

She in fact told me she was pleased when vested interests challenged or tried to pressure her. **Why? She said it meant they clearly viewed her as a threat. And that meant they took her seriously and that meant she was doing something right.**

That stubborn approach received its due recognition on **10<sup>th</sup> September** last year when **The Scottish Royal Geographical Society** awarded Polly the Sir Ernest Shackleton medal.

Whilst attending the award event at Glasgow University, I enquired, out of curiosity, why Polly got a medal that was named after a heroic arctic explorer. I could not see the link.

I was told they give it to those who show **‘sheer bloody mindedness’ in the pursuit of something worthwhile.**

There can be no better tribute to Polly for her efforts over the last 10 years.

#### **At the Other end of the 18 years.**

Let me go to the other end of the 18 years plus of my time with Polly , 6 weeks ago and **how she dealt with adversity.**

She moved beyond battling oil companies and errant states. Sadly she had to do battle with her cancer.

Again her courage came to the fore, and of course this time it was deeply personal.

On 20<sup>th</sup> March I was with Polly in Cheltenham when an oncologist and other doctors informed her the tests that day had come back confirming she had lung cancer, it was well established and it was as on the move. The final body blow was that she had about 6 weeks to live.

I embarrassed her by becoming upset as did an attending young doctor .

Polly reassured me and the young doctor. She made it clear **‘she was not afraid, if that is my fate, let’s get on with it’.**

She turned to the oncologist and said '**6 weeks is a bit tight. I have a lot of work to do, I better get a move on**'.

We left half an hour later and went straight home. Polly got onto to her laptop to sort things out. I noted despite the **news she never shed a tear then or later**, she told me I could do the crying for her. **I did, I have and I will.**

Over the next 4 weeks she gave numerous instructions, and told her legal team to keep working on the preparation for the Shell prosecution case study: her death was not going change anything.

She said **she had not spent 10 yrs getting to this stage just to stumble now due to what she described as 'the inconvenience of death'**.

She took the view the '**king might be about to die but long live the king**'... **over to you Jojo & Katy and her team.**

#### **Pragmatism.**

Ever the pragmatist Polly was always able to turn a disaster to her advantage, she said there were some positives to her diagnosis.

She told Jojo '**milk it for what it is worth** - it will give much welcome publicity and emphasis to the next stage of my campaign... and it certainly has. **Book sales will rocket.**

As usual her timing was impeccable, as Extinction Rebellion were making their peaceful but effective impact in London and elsewhere. She was excited to see the coverage and the greater recognition that we do indeed have a climate problem.

She will be cheered to read the news that on Wednesday all political parties have now declared a **formal climate and environment emergency**, the first country to do so. This has enhanced the prospect that **ecocide will now play a part in that process.**

I am hoping that Polly will move from being a heart and her name sprayed on the Shell HQ in London to a **change in the law.**

Her death does coincide with a far greater public awareness of how the law needs to change and she has an answer, and it is moving from **the radical to the normative as an answer to a serious problem.**

#### **Her Courage in face of her illness.**

In those 4 weeks, during the many hours we spent talking to Polly she never complained about the injustice of fate, **never a comment 'why her'**. `She took it all on the chin and her only regret was that her work was unfinished but she trusted

her team and the greater awareness of the urgent need for action to complete the change in the law.

It was appropriate that when Polly died on Easter Sunday at 5.05 they sang songs about her on Waterloo Bridge and at Marble Arch.

**I thought that in an age short on heroes or heroines, my brilliant, beautiful, spirited, cheeky, smiling wife was indeed on any view a heroine. It is clear she was and is an inspiration to many.**

**Finally this.**

**Late last night I was sent this extract from Polly's niece, Katie Higgins, It is lifted from the opening page of Polly's book 'Dare to be great'.**

To all who care  
My book is written for you  
It is my explanation of what it is to dare to be great  
And it is not over yet  
You have in your hands some keys  
Some tools and some alchemy  
Discovered along the route of my quest  
To help you as you set out on yours

When you leave this church today, whatever might be your purpose or station in life, whatever your age, whatever your view of the world in which we live, whatever your politics, **please, please do not forget what my darling Polly has fought for and started.**

**Honour her memory and honour her spirit and honour her efforts to make the earth a better place for all of you and future generations.**

Become earth protectors and, you too, dare to be great. Please encourage and support those who are marching after Polly to make ecocide a legal reality.