

Hello, and another warm welcome to a Climate Crisis Conversation, the podcast series that we're giving the subtitle Catastrophe or Transformation? Because this is a place where we're sharing thoughts about how we're feeling and how we're coping mentally, as we live through this immense age, increasingly defined by the climate and biodiversity crisis, but we also offer you these conversations as a way of illustrating that even in what can seem like very bleak times, there is so much positivity that we can all bring with our skills and our strengths, and our love of this planet. And this episode illustrates that so well, because we're going to be talking about Polly Higgins.

Now I'm hoping the name Polly Higgins and the word, 'ecocide', will ring a bell with some of you, but in case you haven't come across Polly's work let me just bring you up to speed. Polly was a barrister, who presumably could have made a lot of money at the bar doing what barristers do. But, instead, about 15 years ago, she decided that there was just one client that she wanted to fight for. And that client was planet Earth. She wanted the word ecocide, meaning crimes against the earth, to become a recognised legal term, and for it to be brought against companies and individuals who've been contributing - and still are knowingly contributing- to the devastating breakdown of our planet's life support systems. So that became Polly Higgins' sole endeavour. She worked tirelessly for it, gave numerous talks and presentations to galvanise people into taking action and become what she termed 'Earth protectors'. But then, at the beginning of this year, in what seems like a pretty cruel twist of fate, although, to be honest, I'm not sure cruel is a word that Polly would have used. She was *incredibly* strong and philosophical. But, she was diagnosed with cancer and given six weeks to live. So we wanted this episode to be about her incredible work, but also, as I say, we wanted to use her life as inspiration for us all to take part in what she believed was 'The Great Turning'.

This conversation was between the Climate Psychology Alliance's Caroline Hickman and a great friend of Polly's called Tree Staunton, who's also Director of the Bath Centre for Counselling and Psychotherapy. So the two of them sat on sofas, in Tree's wonderful living space, with walls clad in wood, and natural light flooding in through large windows, overlooking the town of Stroud. And it's that town that Polly Higgins also came to call home.

Caroline

Hello, Tree, thank you for agreeing to meet to do this podcast about Polly ,and her work. I was really keen that we did this podcast with you and Polly. And I know, I'm aware whenever I've talked to you about it, I've said 'Polly' as if she was still with us. And in a sense, it feels that she is, so anyway, thank you. I wanted her to be one of the first we talked with. So I really appreciate you doing this. Tell me a little bit about Polly Higgins. And tell me a little bit about ecocide.

Tree

Yeah, I mean, this was Polly's big idea. And obviously, she tells the story of how, in around 2009 she was standing in court, she was waiting for the judges to come in with the verdict. She had been defending somebody who had been very badly damaged at work. And she looked out the window and saw a tree and thought the earth has been very badly damaged. The earth needs a good lawyer was the next thought that came. And she says that thought changed her life- because she then decided the earth was her only client and that she would work just for it. She sold her house. She put all her energy, money, everything into researching this ,and bringing it out into into the world. I mean, she travelled everywhere talking about this.

So her big idea was that, when she did her research and she looked into international law, she found there were crimes against humanity, genocide and war crimes. These were put in place after World War Two. And there were also crimes of aggression that was added in 2010. And that meant that in The Hague, the International Criminal Court could hear crimes like that - as you know, we've had them from World War Two, haven't we?

And if a country couldn't deal with, or wouldn't deal with, a crime that was seen as something breaking international law, genocide, for example, or crimes of war, that could be heard in the Hague in the international courts.

And so when Polly researched this, and she talks about the Rome Statute where that was that was set in law, she felt there was a missing law, that ecocide was also a crime that needed to be in international law - it needed to be considered a crime against against humanity and against the Earth. So the official definition of ecocide is, "the extensive destruction, damage to or loss of our ecosystems of a given territory, whether by human agency, or by other cause to such an extent that peaceful enjoyment by the inhabitants of that territory had been seriously diminished."

And her point was *inhabitants*, not just humans, all the *inhabitants* of the earth. And when she worded it that way, it's, it's in legal language. And every word means something, because as you know, in a court of law, everything is based on previous law and precedents, and so on. So this wording was very important. It sounds a little bit officious, but it's quite important.

Caroline

What I really like about what you're saying there is - she was completely inspired. I love the idea of her standing in court and looking out the window and seeing a tree and getting inspired. So, you know, that's creative, inspirational. But also, that legal brain, and that very grounded, practical approach to it, which was right, we're going to actually, not just get inspired, but we're going to do something about this, that I'm really interested in..

Tree

I think that's right. So that's the legal proposal that Polly put into the United Nations in 2009. But you are absolutely right about her. What I said earlier, as you know, she's a dual national, because she's actually a lawyer with this very, very incisive brain and capacity to argue and, and be an advocate. But on the other hand, she's also incredibly heartfelt, and has a wider view of things, you know, has a fairly spiritual view.

Caroline

That reminds me a little bit of some of what we're trying to do in CPA, the Climate Psychology Alliance with psychotherapy and psychology and the arts, in relation to deepening and widening the view around climate change in the climate crisis. Does that make sense? So this sort of fits with that, but from a legal perspective?

Tree

I think so, from a legal perspective, but I think the shift really is that she's talking about the difference between, as we know, in property law, we buy and sell the earth -we own the earth. And there is a legal framework around buying and selling property. And she talks about that, that way that we think about the earth as belonging to us. And the shift that's needed is -that we are trustees of the earth, that we don't own it. We are here to be guardians and caretakers.

Caroline

Yeah. I really liked that leaflet. The 'Stop Ecocide, Change the Law' leaflet. One of the things I love about that, is that *holistic* approach that you're talking about -artists against ecocide, lawyers against ecocide, bus drivers against ecocide, but then you've got robins against ecocide, squirrels against ecocide, whales against ecocide, butterflies, ladybirds.. and then it all comes together with earth protectors against ecocide. I just love that- because it ,well, it makes me smile. It makes me feel as if I belong in that list. You know I can be there. If ladybirds are there, I can be there, you know. So there's the clear law, but it also is inclusive and it's humanising. Tell me a bit about the earth protectors, how this developed into that. So we've got the law, but how did that develop into this idea of becoming an earth protector?

Tree

So I think that is about supporting the the law going forward. So I think her idea is that if if you can get thousands of people endorsing this it's going to have more power. They also needed funds to keep the campaign going. So having a system where people could sign up and pay five pounds to be an Earth Protector was a pretty good business idea, I think. But I think the thing about it is, is it's not sentimental, even though Polly was a nature lover. It's not a sentimental thing. You know, it's very solidly based in law, and it basically refers back to law where people could become Conscientious Objectors. During the war, first of all, they were imprisoned. And then it became possible to say that your conscience would not allow you to go to war. So there's a sort of legal precedent about being an objector. And she put it into the term 'protector' rather than 'objector' because she was saying that this is a positive, it's not just I'm objecting to that, which I don't like. It's also I am protecting that which I love.

Caroline

She had an amazing way of thinking about this. Quite an amazing mind, and spirit and soul that you've described. But I also from what I hear- and I never met her- I also hear she was also fun..

Tree

Great fun. Yeah. I mean, you know, she had the most crazy parties, where we all had to dress up, you know, there were themes, and you had to dress up. And in fact, she's left instructions that her birthday this year, in

June, end of June, will be celebrated by the Mad Hatter's Tea Party. So yeah, she was absolutely a fun lover. And I think that also actually helped her to be a community builder. Because she gathered people around her. People would just gravitate towards her. And she could just create events in, you know, happenings and conversations wherever she went. So I think she did have a huge talent for networking.

Caroline

Well I hear there was organic whisky involved..?

Tree

Often, yes. That was there at the at the funeral as well.

Caroline

Yeah, do you mind if I ask you just for a minute about the funeral. You don't have to talk about it more than you want to, but the pictures are very moving. And they show this real mixture of people coming together. They show lots of life and colour and love and beauty. It looks a lovely experience to be part of?

Tree

Well, it's not only that -

So, immediately, when she got the diagnosis, she wanted everyone to know, she wanted everybody to be told. And we were asked to have to create an intention experiment that she would be free of cancer, that her immune system would be strong and healthy. And that we were going to envision this. And this was something that went worldwide, you know, actually thousands of people doing it. When I first heard that that was being asked, I have to say my sort of medical brain thought this is really not possible. You know, Polly was diagnosed with cancer everywhere. It doesn't happen. And then my next thought was, 'this is the way Polly think. This is how Polly says "we don't know that it can't happen. It hasn't happened yet."'

So, that got me on board and I was doing it at six o'clock every evening. The intention experiment. You know, what I did was I simply kept in mind the phrases, "it's our intention that Polly Higgins will be free from cancer, that her immune system will be strong and healthy, and that she will be healthy in every way."

Caroline

And you repeated that every evening at six o'clock. Because, I also tuned in at six o'clock. And what's interesting is I used different language. But we were both parts of the same intention. So, I tuned in and pretty much talked to the trees every day at six o'clock and said, 'can you help Polly?'

Tree

That's lovely.

Caroline

Yeah. It's interesting. I get geeky here. But a lot of the research evidence has shown that regardless of the modality being used, it's the faith and the intention behind the modality that's being used, which produces the outcome. And they've compared Western medicine with faith healing and shamanic healing, and the outcomes are the same. So for me what Polly was also offering us there, was an opportunity to *really* expand our consciousness and really learn more about healing. Does that make sense?

Tree

Yes, absolutely. And I think it is just the kind of a further example of how she had this way to have a foot in both camps, you know. She was an incredibly strong, evidence based kind of thinker. But at the same time, she could expand into the universe, to the possibilities endlessly.

Caroline

So again, that's about her imagination, and her big heart, but also her willingness to step into the unknown. Because in taking on the ecocide project, she really is trying to change the world, she's trying to change something on a grand scale, which I imagined lots of people would say, 'Well that's too big, you can't do it, be reasonable, do something smaller first', but she didn't do that did she? She went global.

Tree

She went global. And she particularly brought in these small island states that were going to go underwater. And she was adding in another part to the law that she was trying to push through -that there would be responsibility on other nations to take care of those people who were made homeless because of climate change.

Caroline

Yeah, I read in the newspaper about Vanuatu and other, low lying island states, sort of., asking or demanding, quite rightly, that we help them because they've not contributed to the carbon emissions, which are causing the climate crisis and the sea level rises, but they are the people that are paying the price. So I think it's very, very important that she extended this to them and work closely with them. Have you had contact with them recently about how that works going to be carried forwards now?

Tree

I think that they are just re-gathering after and taking things forward. As you know, the head of state came from the island to the funeral, he brought a burial mat. And that was placed in the grave before Polly was lowered into it. And that was very, very moving.

So you mentioned the funeral. It was a huge community, absolutely huge. There were people outside- they had to put speakers outside the church. It was standing room only. And, you know, everybody was just present and I don't know if St. Lawrence's has ever had such an incredible gathering of community. I think 500 people was the estimate. And when Ian, Polly's husband, spoke about their relationship, his loving feelings towards her, and his support of her work, there was a standing ovation and we did not want to stop. We were clapping and stood up for I think five minutes and I felt like.. I've never been to a funeral where I didn't want it to end. It was as though we were, you know, together in that moment with her. You're talking about love, aren't you? I think that Polly drew love to her and she extended love to others.

So then we walked behind the green hearse carrying her, we all walked and Ian walked as well. He didn't go in the hearse. He was chatting to people on the way. It's two miles up the Stroud Valley. There were cars coming down and we asked them, 'Could they switch their engines off? And obviously, we looked as though we might have been a demonstration because we all had 'Stop Ecocide' banners and posters. I had mine- 'Polly Higgins is Everywhere'. We looked like we were demonstrators. But obviously, there was a hearse in front. So people had to take in, 'this isn't just a demonstration'. And then when we got to the churchyard, the burial ground is actually all the way up a winding path, all the way up from the church. So she had to be carried up there. And then we all were gathered round. And I have to say that the vicar was very tolerant, shall we say, because we had to call in the Four Directions (laughs). And, you know, shaking things and singing a little bit and doing those sorts of things. And then at the end, he said, the Almighty God part? So I think she would have loved it.

Caroline

Did you get the sense that the Earth was present? Given that she's the lawyer for the earth? Did you get that sense that the Earth was sending representation I know, that might sound silly, but I like to imagine that there were butterflies and robins..

Tree

..and it's a beautiful wild nature kind of a place. It is not a trimmed, looked after cemetery. It looks like a field with hedges and grass growing, you know, wild grass, wild flowers.

Caroline

It absolutely got me when you described the the prayer mat from Vanuatu, it just touched me so deeply, that they came here, and that they were part of that - that there's something about her work that really talks about that global sensibility and that need for us to connect, if we're going to do the work we need to do to address this climate and biodiversity crisis. And that that somehow was shown in that moment?

Tree

Yes, absolutely. In crossing all boundaries, and, and that's why she believed so strongly, it had to be an international law. You know, it's not one country. You know, all of us are involved in this.

Caroline

What do you think Polly would be saying to us now? You *might* be hearing from her. So what would she say?

Tree

Well, JoJo has talked about Polly's downloads, you know, Polly would come in after the night and say, 'I've had a download. This is what we've got to do.' And she had her Earth diaries, you know, that she wrote in, and I suppose, that there's definitely in the community, the feeling that Polly is still offering. She's telling us how to how to go forward, she's still present. And she did say I will just be working from somewhere else.

That hence, Polly Higgins is everywhere.

Caroline

I know, which is beautiful. Do you mind if I ask you about to talk about your dream?

Tree

Mmm..Yes, ermm, last night I had a dream in which I kind of got that Polly hadn't really died, that this had been staged to protect her from the oil giants that she had taken on. Bear in mind that, in December, she went to the Hague and she named the CEO of Shell, and she began preliminary proceedings against two people, a director and a CEO. So that they would be so they are named as having superior responsibility. So therefore, even though they are not intending to commit ecocide, they are not intending for there to be mass destruction, their actions are creating that. And furthermore, they've known about it. You t know this hashtag 'Shell knew' because their scientists were telling them what was happening. And they continued. So I think that was her way into saying we are going to be bringing the law to bear on individuals who have this responsibility. So it's not on a company. It is on, representative individuals.

Caroline

And that reflects, I think, some of the sort of urgency that a lot of people are feeling -the Greta Thunberg sort of argument that 'Your House is on Fire', you know, and we've got to the Extinction Rebellion argument, 'You've got to act now',that actually, we can't keep talking about this, we need to take that decisive action now. It's really interesting to hear what she was doing recently. Who's taking that work forwards?

Tree

Well ,there are her team, JoJo It was her right hand woman, she's going to be taking it forward, they worked very closely together. So they would kind of know each other's thinking. So she is going to be taking it forward,but with a strong team. There's also a legal team who'd been briefed to continue with the case.

So that that case that she was bringing, and announcing in The Hague, obviously, some people felt that she is putting herself at risk. Because as we know, when you challenge big money, big companies like that, you are likely to fall foul.

And so going back to my dream, in my dream, there was a sort of idea that Polly actually wasn't really dead, that the whole thing had been staged, in order to protect her from the repercussions of what she was doing, and that she would still be working behind the scenes, which, in a way she is, as people are saying, but in my dream it felt very real. You know, she's still here, really, it's all,this whole thing that happened has just been a show. I wish it was.

Caroline

I share that wish. Absolutely. The intention experiment, perhaps didn't work in some ways, but perhaps did work in other ways, I wonder? Because that is very powerful. There were a *lot* of people joining in that experiment.

Tree

Yeah. So I don't know if you knew that there was a Facebook page set up? Were you part of that extra conversation?

Caroline

Yeah

Tree

So you will have seen the incredible messages of love. And, you know, that were pouring in on that Facebook page. And Polly, early on, Polly responded and wrote on it and said, how grateful she was for all the support. But we do know that she didn't necessarily see the outcome being that she would live- that that would mean success. She was completely okay with whatever would happen. And you know, she did die very, very peacefully. And Anita was going every day and she said, she wasn't really in pain. I was concerned about that, because if somebody has bone cancer, that can be very painful. But I heard she said she wasn't.

Caroline

That fits really, with what you said to me earlier about Polly's reaction. When she was first given the news, the diagnosis. That was very powerful so remind me, what did she say?

Tree

She said, Well, this is the next challenge. And I think according to Ian, she also said, well, I've got a lot of work to do if I've only got six weeks.

Caroline

Amazing woman...absolutely amazing.

Tree

Really. You can't kill the spirit.

Caroline

No, exactly. It's just so clear. So back to 'Polly Higgins is Everywhere'. It just makes perfect sense, doesn't it?

Tree

Yeah.

Caroline

She's in our dreams.

Tree

Yeah.

Caroline

She's in the intention experiment. She's in The Hague. She's in nature. She's in the air.

Tree

Yeah, and this way that she could inhabit these very different experiential worlds because let's face it, law, being out there. It's a very kind of different thing from being someone who starts an intention experiment, let's just do this, Let's put positive energy. And Polly was renowned for starting an idea, doing the next thing and saying the money will come. And of course it always did.

Caroline

And also, as you said, she said about the intention experiment, about not knowing those limits and about being willing to not know those limits and I understand what you mean, when you say your medical brain kind of kicks in and went, well, this can't work. But you do it anyway. So you're engaged with that, and let yourself hope and not know, and trust and be touched by that be part of that, and not know what would come out of it.

Tree

Yes, I think that's right. And I don't even know if it was a hope, hoping she will live, it was wanting all to be well. But she was very clear it that doesn't necessarily mean continuing in this realm. But if you're somebody who exists with one foot in the other realm, perhaps it doesn't matter terribly much. I know she had a lot more to give and to achieve. And I'm very sad that obviously hugely sad that she's died, but also that she, the law has, I would have liked to see the law in place. When Polly was with us.

Caroline

Well, somehow, I suspect she will know when it is. I suspect she will be leading the celebration on that. And there's a party to come in June.

Tree

Yes, and I think Polly, inspirational woman that she was, she will go on inspiring us. You know, she will be one of those figures that we talk about in time to come that we draw on her work, we draw on her inspiration, her ideas, and just her energy and who she was. She created the most incredible community around her. And, you know, our Labour counsellor, he's talking about her all the time. It's no mistake, that extinction rebellion started in Stroud- Gail Bradbrook, one of the cofounders of Extinction Rebellion, talks about how Polly was instantly receptive and supportive about the idea when she said, 'I think we need mass civil disobedience'. Gail said she'd said it to a lot of people and lots of people had you know, backed off. She said Polly instantly embraced it. directed her towards legal advice, was incredibly helpful, and said 'Sometimes to make a law you have to break a law.'

Caroline

That is the perfect, perfect point.

Tree

Perfect, yeah.

Presenter

Caroline Hickman and Tree Staunton remembering Polly Higgins. Polly gave many interviews and talks, lots of TED Talks, you can find them online. And do please consider becoming an Earth Protector yourself so that you can contribute towards the goal of making ecocide a crime. It will make you a Trustee of the Earth, which is actually something that will stand up in court as evidence that you're acting to protect our planet, What a positive and such a simple thing to do. The website address is [stop ecocide. Earth](https://stop-ecocide.org) and we will put a link in our show notes too. Thanks for listening for really listening. Climate Crisis Conversations is hosted by the Climate Psychology Alliance and produced by Parity Audio. I'm Verity Sharp, and I hope you'll join us again soon.

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