

# VOLUNTEER SPOTLIGHT: ROBERT MANSELL



**BY ROBERT MANSELL** - I have just returned from Ulaan Bataar, in the Republic of Mongolia working as an ISLP volunteer. My work was helping a small NGO, the Centre for Human rights and Development (CHRD), deal with the environmental consequences of the mining boom going on in the country. It was a truly great experience both personally and

as a lawyer - putting the legal skills I have acquired over 25 years of practice to a very practical and worthwhile use and giving me an opportunity to experience a fascinating culture from the inside, as a friend and colleague, not as a tourist.

This all started with a call from a friend of ISLP, as part of a search for an environmental lawyer with experience in the mining industry. The opportunity was to go to Mongolia for 3 months. While I was polite enough to say I would consider the possibility, my reaction was the only sensible one - there was just no way. I have an active practice as a sole practitioner in Toronto, the timing was wrong, maybe in a few years... Luckily, my even more sensible wife asked "If not now, when?" This kind of work had always been a goal for retirement, but having such a project land in my lap was too good to pass up. I was soon on my way.

The focus of the work at CHRD is on the local mining companies who are doing significant damage to water supply, watershed runoff and local grazing lands. One significant case we worked on had pulled about \$15 million in gold out of a site over 3-4 years and then abandoned it without any rehabilitation. Their own estimate of rehabilitation costs (part of the license requirements) is about \$150,000 but they were fighting doing this every step of the way. So we were off to court. As an English-speaking, common law lawyer in a Mongolian civil law system, I wondered how I could help, but soon found a way. The lawyers I was working with are very smart and committed but lack court room experience. I provided advocacy training on the cases, talked strategy, and hosted a "mock trial" in the CHRD boardroom. Happily, the preparation paid off, as the court found in the CHRD client's favor and ordered the mining company to remediate the site.

I also trained the group on developing community benefit agreements, to try to bring the benefits of mining to the local people. Again a challenge. There are local companies that want to do the right thing but find it hard with the lack of local organization, the level of corruption in government and lack of understanding by local officials. Figuring out how to deal with impacts on local grazing rights that have been hereditary in family groups for generations is also a humbling challenge.

Finally, I worked a lot on proposals to change the environmental assessment regime to make it more transparent and to deal with social impacts, as well as draft mine closure standards for the small

operations. Being a visiting foreigner gave me an entrée into some government offices that would have been more difficult for CHRD on its own.

A highlight came after my wife Liz joined me for the last few weeks. CHRD has a case where the claimants are herders from a remote area six hours drive northwest, so we went off to meet with our clients in their homes. We did the usual Mongolian bumpy ride over endless jeep tracks. Our driver turned out to be a great singer so there were many requests for Mongolian folk songs and even Liz and I got into the act with Canadian folk songs. The mountain passes we went through were stunning; then we had our first encounter with the havoc being wreaked by local mining. Almost no attempt is being made to rehabilitate these beautiful landscapes -so much unnecessary destruction.



Robert Mansell and friends

Visiting the herders was its own adventure. We would drive around asking directions to wherever the family was staying - they move 6-8 times a year. Every time we arrived, completely unexpected, we were greeted with food and drink: tea or *airaig* (fermented mare's milk), yogurt cheese, mystery meat (stewed), candies and very warm hospitality. We kept up these visits for two days, in between meetings with officials. Sometimes we sat outside, but mostly on the floor of their tented homes, called *ger*. During evening visits we were often surrounded by huge herds, brought close at night for fear of wolves. An absolutely amazing, intimate experience of the nomad lifestyle exactly as lived, not set up for a tourist visit. We were welcomed as people who had come to help, not to gawk, and were always given the seat of honour facing the door.

All too soon, we left amid much laughter and warm goodbyes. My adventure had to end, but my work will continue from Canada, with the joys of modern communication technology.

Everyone at home asks "so how was it?" My now standard answer is that this was one of the best things I have ever done. It renewed my pride in being a lawyer - ISLP gave me the opportunity to do work that was just unadulterated good. My only mandate was to help these people anyway I could. I had a wonderful adventure. And I now have dear friends on the other side of the world.

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