
“The most private public inquiry I have ever seen”: Alberta non-profit leaders concerned about the fall-out from Jason Kenney’s “anti-Alberta” probe

When Jason Kenney strode to the podium to announce his inquiry into “anti-Alberta” activities by environmental advocates who receive foreign funding, he had the inquiry’s answer in his prepared remarks.

“For over a decade, a well-funded foreign campaign has defamed Alberta’s energy industry and sought to land-lock our oil,” the Alberta premier said.

“The reputational harm to the province’s energy sector has limited provincial and industry revenue and cost thousands of jobs.”

With that mandate neatly tucked in his pocket, the inquiry’s commissioner, Steve Allan, embarked on a mission in which he accepted submissions – without revealing who submitted them or what they said – and burrowed away at research while being protected from freedom of information requests and refusing to speak to the media.

He oversees a \$2.5 million inquiry that asked for submissions before it published any rules, a so-called “public” inquiry operating in private in a manner that has puzzled many long-time observers of Alberta politics.

He did not meet with any of the major non-profit players who have been the target of the Kenney government – the Muttart Foundation, the Pembina Institute, or Ecojustice. Leaders at all these organizations had offered to tell their stories.

“There is no public record of any submission,” says Barry Robinson, a lawyer for the environmental law firm Ecojustice. “It is the most private public inquiry I have ever seen.”

Allan is due to submit a written report by the end of the month, phase one of his probe, shortly before another potential battle looms, with the federal decision due on Vancouver-based Teck Resources Limited’s oil sands mine in northern Alberta. That mine, if approved, would be responsible for almost 20% of the country’s emissions under its modest 2030 targets, according to a [new report](#) from the Global Gas and Oil Network.

As Allan’s interim report is being prepared, there is a chill among leaders at civil society organizations in Alberta and beyond who fear reputational damage and a dip in donors if they are publicly maligned.

Some of the vitriol aimed at these organizations from the government has spooked those working there – Pembina’s offices in Edmonton and Calgary locked their doors to the public for the first time ever and a bucket of rusty nails was dumped in the parking lot in front of their Calgary office.

The inquiry's aim is to stigmatize certain groups and their views, says Martin Olszynski, an associate professor in the University of Calgary faculty of law. "It has the potential to affect people's livelihoods. This could lead to fewer donors, a reduction of staff, or even some NGOs shuttering. This inquiry aims to claim criticism of the tar sands is 'not Canadian.' It smacks of making critics enemies of the state."

Ecojustice has challenged the legitimacy of the probe in court, arguing it does not conform to the province's Public Inquiries Act, infringes on federal jurisdiction, and is biased, as evidenced by Kenney's statements.

But Bob Wyatt, the CEO of Edmonton's 67-year-old Muttart Foundation, which works to strengthen the sector across the country, particularly in Alberta and Saskatchewan, gave voice to deeper anxieties that go beyond a pre-cooked smear of environmental organizations. If this inquiry releases findings that the public feels besmirch all charities, donations could dip and ultimately hurt delivery of programs which benefit those most in need, he said.

And yet another fear: The Kenney government can use the inquiry findings to review the charitable status of various organizations. The Stephen Harper government (which included Kenney as a senior minister) had already [taken that path](#) in the last years of its mandate, spending \$13.4 million auditing charities. Many of those audits focused on charities opposing the oil and gas industry, which allegedly received US funding. It led to a "charity chill," as the organizations spent hundreds of thousands of dollars defending themselves.

Charitable status is a federal responsibility and Kenney can hardly count on a sympathetic hearing from the Liberal government in Ottawa, but Allan also has a mandate to report on "additional eligibility criteria" for government grants to organizations.

Wyatt believes that is code meaning grant recipients must toe a government line to receive funds. That criterion would be an impossible bar for national charities, which cannot conform to differing policies across the country. But more importantly, it runs counter to the principle that organizations should receive grants based on their merits and the services they provide, Wyatt says, noting this potentially moves the sector into the dangerous terrain of government-controlled charities.

The Pembina Institute has already been [shut out](#) of provincial grants by the Kenney government, even though the organization – which receives more funding from the oil and gas industry than grant-giving foundations – is justly proud of the work it has done in prodding the industry into more responsible practices over many years.

Simon Dyer, Pembina's executive director, says his biggest fear is that the inquiry, along with Kenney's "energy war room," will halt the clean energy transformation underway in the province, end an era of bridge-building between the industry and the environmental movement, and make Alberta an outlier on climate change.

"This is hurting our province's credibility and hurts the oil and gas industry," Dyer says. "It is backfiring."

Kenney's United Conservative government should be wary of putting climate action on trial in 2020, Dyer says, noting that the province's economic future depends on the environmentally

responsible growth of the energy sector.

There is nothing illegal or nefarious about foreign donations, and all available public information shows such funding to be negligible. A Muttart study [found that](#), of the \$33.9 billion of all revenue reported by Alberta charities in 2016, just 0.26% came from foreign sources.

This movement of funds cuts both ways – no one questions Canadians contributing to organizations providing relief for those suffering from the Australia bush fires, to cite one high-profile example.

The alarm bells about this inquiry have been sounded beyond Alberta, with Democracy Watch and Amnesty International raising concerns.

Coupled with Alberta's quasi-comic \$30 million "energy war room," which can't find a unique logo, is staffed by employees misrepresenting themselves as reporters, and which chose as one of its first targets an activist who spoke about climate change at an Airdrie, Alta., high school, these two election promises have become gum on Kenney's shoe, not a feather in his cap.

Regardless, the trepidation in the non-profit sector is real.

"The term 'anti-Alberta' is not a term leaders should be using," says Wyatt. "It is a horrible charge to make against someone who is legitimately concerned about the environment at a time when we have international bodies telling us the time to do something is running out.

"That concern does not make them an enemy of Alberta."

Meanwhile, Dyer says Kenney should realize that he cannot resurrect the oil and gas industry by demonizing environmental non-profits, and he must know this struggle is not being waged solely within provincial borders, but is part of an international shift, and one that is happening quickly.

Muttart provided its exhaustive critique of the inquiry to Allan, complete with foreign donor levels to charities across the country, using public sources of information that would be readily available to the commissioner and the Kenney government.

"As the current government made clear in its party platform, civil-society organizations are an essential component of a healthy and strong Alberta," it wrote in its submission. "Seeking to denigrate them because they disagree with a government position is not the way to ensure their health and their success."

The Muttart study, using Canada Revenue Agency data, found that 284 Alberta charities reported receiving foreign funding during their fiscal year ending in 2016, totaling \$88.5 million. That represented 2.7% of the total revenues of those charities.

More than 80% of the foreign contributions went to 10 charities, topped by the University of Calgary, which received 42.5% of all foreign revenue.

Wyatt called his foundation's submission a plea for a return to common sense.

“Both sides have to stop the finger-pointing and calm down. We have a problem here,” he said. “This idea that there is a foreign conspiracy against Alberta . . . no one has ever shown me evidence to indicate that is more than a talking point.”

Clearly, there is conflict between resource demand and environmental concern, Wyatt said. “So some smart people need to get into a room and figure this out.”

Ecojustice publicly disclosed its donor base in late 2019, showing that about 15% of the total donations made to the charity came from US groups. Over the past three decades, it says it has received \$1.3 million from US donors to be used specifically for work on the Alberta tar sands, about 1.6% of all donations to Ecojustice for that purpose.

The *Philanthropist* sought comment from Alberta’s justice and energy ministries but was referred to the inquiry. The inquiry referred this reporter to its website.

There are those in the charitable sector who are holding out hope that Kenney will accept the interim report (a final report is due July 2), satisfy himself that he has made his point, check off an election promise box, and move on.

Others are not as optimistic. Some fear the sector did not aggressively step up to defend itself, but, as Dyer says, some thought the allegations were absurd, and they believed this would also be readily apparent to the electorate.

In recent weeks, Kenney has dialled down the “anti-Alberta” rhetoric, but if he continues to push it, those “smart people” Wyatt wants to convene may never meet.