

PART I **BACKGROUND**

A. INTRODUCTION

1. By an Order in Council issued by the Government of Alberta on July 4, 2019 I was appointed Commissioner to inquire into the role of foreign funding, if any, in anti-Alberta energy campaigns.
2. Since it was unknown at the time of my appointment what, if anything, this Inquiry may discover I was to provide an interim report to the Minister on January 31, 2020. I did provide such a report, with the recommendation that, based on my preliminary research, this Inquiry should continue.
3. Since January 31, 2020 the terms of reference under which I serve have been amended on five separate occasions (taken together, the “**Terms of Reference**”).¹ One amendment was to address the role which the term “dissemination of misleading or false information” would play in this Inquiry. The other four amendments extended the time and budget available to this Inquiry.
4. Public hearings associated with public inquiries are both costly and lengthy. That would undoubtedly be so in the present case given the multitude of complex issues arising over an elongated period of time. Certainly well beyond the resources afforded to this Inquiry.
5. To address these concerns I adopted what could be described as a “hearing by correspondence” process. After an initial period where the Inquiry invited submissions from the public, further engagement was pursued with those thought to have an important perspective to share with the Inquiry (known as the “**Submissions for Commentary**” stage).
6. Separately, I created a process known as “**Submissions for Response**” that would afford parties that were potentially the subject of an adverse finding made by the Inquiry an opportunity to respond to such findings. This was an important step to ensure that principles of procedural fairness were observed and parties had an opportunity to respond to potential findings the Inquiry may make.
7. In addition to the receipt of submissions, this Inquiry also conducted significant research, including: (a) open-source research; (b) over 100 interviews; and (c) commissioned a number of reports. While the Inquiry also had the right to subpoena people and records, the Inquiry has not pursued that avenue – in large part due to the time and cost involved in such pursuit.

¹ To see the Terms of Reference in their entirety, please see Appendix A

8. The Terms of Reference call for me to file my report by July 30, 2021. This is that Report.

PART II
ANTI-ALBERTA ENERGY CAMPAIGNS

A. INTRODUCTION AND DEFINITION OF ANTI-ALBERTA ENERGY CAMPAIGN

9. The Terms of Reference (“**ToR**”) provide that I am to inquire into the role of foreign funding, if any, in anti-Alberta energy campaigns. As such, a threshold issue is to define an “anti-Alberta energy campaign” and determine whether I am able to identify any campaigns that meet this definition.
10. “Anti-Alberta energy campaign” is a defined term in the ToR:

 ““anti-Alberta energy campaign’ means attempts to directly or indirectly delay or frustrate the timely, economic, efficient and responsible development of Alberta’s oil and gas resources and the transportation of those resources to commercial markets, by any means, which may include, by the dissemination of misleading or false information”
11. I issued a Ruling on Interpretation of the ToR wherein I interpreted the term “anti-Alberta energy campaign”. As set out in the Ruling on Interpretation of the ToR, I find that an anti-Alberta energy campaign is a campaign that involves attempts to frustrate the development of Alberta’s oil and gas resources in a broad and general sense. I find that attempts at frustration of the development of Alberta’s oil and gas resources in a broad and general sense may be a stated objective of a party, or may manifest itself through repeated opposition to attempts to develop Alberta’s oil and gas resources or opposition to a particular project in furtherance of an intention of opposing development of Alberta’s oil and gas resources in a broad and general sense. I find that the term “anti-Alberta” refers to Alberta as a geographic modifier, and should not import any connotation that opposition to oil and gas development in Alberta is “against Alberta” or its interests in any sense.
12. Having defined an “anti-Alberta energy campaign” I wish to be clear that I do not find that participation in an anti-Alberta energy campaign is in any way improper or constitutes conduct that should be in any way impugned.
13. In keeping with the ToR, I have examined work completed by other investigations in other jurisdictions into similar activities. In addition to those reports specifically cited in the ToR, I have reviewed the works of a number of researchers (including Ms. Vivian Kraus), publicly available material, government reports, conducted over 100 interviews, and commissioned three reports.²

² The three commissioned Reports were the subject of comment in the Participation for Commentary phase of this Inquiry and included: (a) “Background Report on Changes in the Organization and Ideology of Philanthropic Foundations with a