

# Foreign Funding Targeting Canada's Energy Sector



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## Executive Summary

In February 2020, activists opposed to the Coastal Gaslink pipeline created blockades across Canada, disrupting road traffic and shutting down some rail lines entirely. The blockades were not just inconvenient to commuters and travelers; they resulted in layoffs and increased food prices due to delayed shipping and the inability for rail companies to operate normally.<sup>1,2</sup> While the Coastal Gaslink project had received approval from all Wet'suwet'en elected band councils, it drew opposition from some hereditary chiefs.

Outside groups like Extinction Rebellion joined the protests, making it more difficult for additional negotiations to resolve the dispute. Extinction Rebellion, a British nonprofit backed by British hedge fund manager Christopher Hohn and wealthy Americans like Rory Kennedy and Aileen Getty, coordinated the presence of activists who said they were "fighting against the Alberta oilsands," even though the pipeline would have benefitted natural gas production in British Columbia.<sup>3</sup>

These protests followed a playbook that has unfolded over decades: an energy project with local and national support draws ire from environmental activists, bolstered by money from foreign funders. They are designed to appear as an organic grassroots resistance, but they are in fact funded and coordinated by wealthy philanthropies, many of which are located outside of Canada.

The uptick in environmental activism in Canada and across North America has resulted in significant delays and even the cancellation of important infrastructure projects, often to the detriment of local communities that are supportive of the projects.

Energy In Depth, a project of the Independent Petroleum Association of America, has been at the forefront of providing rapid response and a research platform on numerous oil and gas issues, including uncovering funding networks for campaigns against energy development in Canada and elsewhere. Hundreds of millions of dollars have been spent to shut down traditional energy in North America in recent years, and the groups leading those efforts often go to great lengths to conceal their funding and support networks.

Whether by blocking access to markets, blocking investments, forcing public officials to disassociate themselves with and denounce the industry, or imposing prohibitive costs on companies via litigation, the overriding motive behind these campaigns is to silence the energy industry and force producers to stop producing fossil fuels. By hook or by crook, they wish to "Keep It In the Ground."

### Key Findings

- a. Wealthy foundations outside of Canada have been the driving source of funding behind these campaigns. Key among these funders are Rockefeller philanthropies.
- b. The campaigns have included fossil fuel divestment, anti-pipeline campaigns, climate litigation and opposition to oil sands development.
- c. These efforts have attempted to influence the Canadian oil and gas sector and public policy for nearly two decades.
- d. Despite the money spent, the consequences of these campaigns are difficult to quantify. Infrastructure projects have stalled or been cancelled, and the industry reports chilled investment. A follow-up report quantifying the economic impact of these campaigns is recommended.

This report on anti-energy campaigns—both in Canada and affecting Canadian energy production—responds to a 2019 mandate from the Alberta government to investigate these campaigns, the foreign influence of these efforts and the veracity of information they spread.

## Introduction

Though energy plays a crucial role in the Canadian economy, recent efforts to build the infrastructure needed to move the country's energy resources to international markets have been stymied by aggressive environmental activist campaigns whose roots are distinctly un-Canadian. These campaigns are designed to appear as local grassroots resistance, but they are in fact supported by large donations, often from foreign foundations and donors.

The influence of these efforts, and concerns over the veracity of information being spread by the campaigns, prompted the Alberta government in 2019 to launch a public inquiry into foreign-funded anti-energy activism. The public inquiry included a specific mandate to investigate anti-energy efforts to establish if foreign groups are funding campaigns to spread misleading information about the oil and gas industry:

***"The commissioner shall inquire into the role of foreign funding, if any, in anti-Alberta energy campaigns, and in doing so shall inquire into matters including, but not limited to, the following:***

***(a) whether any foreign organization that has evinced an intent harmful or injurious to the Alberta oil and gas industry has provided financial assistance to a Canadian organization, which may include any Canadian organization that has disseminated misleading or false information about the Alberta oil and gas industry"***<sup>4</sup>

This report is intended to respond to this mandate. It was assembled from publicly accessible materials including news coverage, tax filings and other materials in the public domain, including those produced by groups associated with these campaigns. It traces the influence of foreign money and outside groups from the funders, through protest leaders to the anti-energy and anti-infrastructure campaigns themselves. It also serves as a resource to lawmakers and others seeking to understand the role these outside groups have played.

Because this report relies on publicly available information, it represents just one piece of the full scope regarding foreign funding and its impacts on these campaigns. Much of the foreign influence over energy policy and politics in Alberta and Canada remains hidden as funders and recipients often wait until information is uncovered by Energy In Depth or others before acknowledging it. Additional actions and disclosures will be necessary to achieve a full understanding of these campaigns and their benefactors.

The majority of funders discussed in this report are based in the United States. As a result, all monetary amounts discussed are in United States Dollars, unless another currency is noted.

## **Main Funders: Rockefeller Brothers Fund and Rockefeller Family Fund**

The Rockefeller family is the 23rd richest family in the United States, with a net worth of \$11 billion.<sup>5</sup> Their wealth was built by John D. Rockefeller, the founder of Standard Oil (later split into several smaller companies, the descendants of which include Chevron and ExxonMobil) and America's first billionaire.<sup>6</sup>

In recent years the Rockefellers, whose wealth, influence, stature and power are ironically derived from oil, have marshalled their significant resources to build a vast coalition seeking to dismantle the very source of their wealth, attacking the energy industry on multiple fronts simultaneously. Through their various New York-based philanthropies—in particular the Rockefeller Family Fund (RFF), Rockefeller Brothers Fund (RBF), and Rockefeller Philanthropy Advisors—the family has funneled millions of dollars into the campaigns examined for this report.

Some of these campaigns can appear to be at cross purposes, but their end goal is the same. For example, the divestment campaign urges institutional shareholders to sell their shares of energy companies, while an "engagement" campaign pushes shareholders to use their influence over companies to advocate for moving away from traditional energy models. Though these campaigns may ostensibly conflict with one another, in reality, they both seek to ultimately decrease the production of fossil fuels.<sup>7,8</sup>

The same is true of the anti-pipeline campaigns the Rockefellers support. By making it more difficult and expensive to transport fuels to market, they seek to make it uneconomical to produce oil and gas. An archived copy of an *Inside Philanthropy* article notes that the RBF "is not afraid of a fight, and it has been a supporter lately of efforts to block the Keystone XL pipeline."<sup>9</sup>

***"For instance, it gave \$50,000 to the League of Conservation Voters in 2013 to educate voters on the issues around Keystone and has addressed the broader threat posed by tar sands oil through a half-million-dollar grant to the Sierra Club Foundation. In the past few years, RBF also has been a major funder of 350.org—a group at the forefront of the Keystone fight and other activist efforts to raise awareness about climate change."***

Perhaps nowhere is the Rockefellers' all-encompassing support for anti-energy campaigns clearer than in the climate litigation realm. A leaked memo from a secret RFF meeting in 2016 reveals the goals of their campaign, their influence on different NGOs and even other funders, the high degree of coordination between these groups and their ability to manufacture a supportive echo chamber out of whole cloth.<sup>10</sup>

The leaked memo shows that the strategy meeting took place on January 8, 2016 at the shared offices of the RBF and RFF in New York City.<sup>11</sup> The meeting served as a regroup following a series of investigative reports, funded by the Rockefellers, that ultimately led to the New York Attorney General opening an investigation into ExxonMobil's climate research.<sup>12,13</sup> Correspondence logs would later show that the RFF had been in talks with the attorney general's office for nearly a year prior to the agency announcing its investigation.<sup>14</sup> Shortly before these logs were published in response to litigation, the RFF published an op-ed admitting it had lobbied the attorney general to sue the company.<sup>15</sup>

The 2016 strategy meeting included many of the key players who had already played and would go on to play leading roles in the climate litigation campaign, including RFF Director Lee Wasserman, Bill McKibben and Jamie Henn of 350.org, plaintiffs' attorneys Matt Pawa and Sharon Eubanks and representatives of Greenpeace and the Energy Foundation, among others.<sup>16</sup>

The goals of the campaign included establishing in the "public's mind that Exxon is a corrupt institution," "to delegitimize them as a political actor," "to call into question climate advantages of fracking, compared to coal" and "to drive divestment from Exxon." The avenues for achieving these goals included "AGs," "Torts" and "International." Considerations included:<sup>17</sup>

***"Which of these has the best prospects for successful action? For getting discovery? For creating scandal? Shortest time line? Do we know which offices may already be considering action and how we can best engage to convince them to proceed?"***

After a lunch, they discussed how they would coordinate the sprawling operation:<sup>18</sup>

***"Does this group want to establish a rapid response and coordination structure to react to new research, revelations and legal developments as they happen? A higher level of coordination with a war room, joint social media, and coordinated organizing and media pushes? Who else should be asked to participate?"***

The Rockefellers took a "total war" approach to the litigation campaign. They provided funding to the lawyers and NGOs that are directly suing energy companies.<sup>19</sup> Those lawsuits required studies and academic research to assess the alleged climate damages and link those impacts back to individual producers, and the Rockefellers funded those studies as well.<sup>20,21</sup>

As the architects of this litigation campaign have noted themselves, winning in the court of public opinion is equally important, and perhaps more so, than winning in the courtroom.<sup>22</sup> One lawyer involved in the campaign said a climate lawsuit that "points the finger and says 'you violated the law,' is a way of conveying that message to people, getting attention of course from the press, and in some ways we suspect that that outcome, that aspect of it might be more important even than winning the case."<sup>23</sup>

The Rockefellers have funded a variety of groups and public relations firms to maintain a constant hum of noise and activity to make support for these lawsuits appear widespread.<sup>24,25</sup> They have even taken the extraordinary measure of paying investigative reporters and other media outlets to investigate energy companies and report on anti-energy campaigns.<sup>26</sup>

In doing all of this, the Rockefellers have manufactured their own echo chamber to produce and amplify content that serves their purposes. In many cases, the funding connections are either not disclosed or only disclosed after questions have been raised and scrutiny applied.

*The average consumer might have no idea that they are reading a Rockefeller-funded article reporting on a Rockefeller-funded lawsuit supported by Rockefeller-funded research, shared by a Rockefeller-funded activist on Twitter.*

According to American tax records dating back seven years, the RBF has donated more than \$500,000 to Stand.earth since 2013.<sup>27</sup> (Formerly ForestEthics, Stand.earth is a San Francisco-based group active in the protests against the Trans Mountain pipeline that has opened offices in Canada to handle these activities.) RBF donated \$125,000 to Stand.earth in 2017, the most recent year for which American tax records are publicly available.<sup>28</sup> This donation followed \$100,000 donations in 2016 and 2015, and a \$150,000 donation in 2014.<sup>29,30,31</sup>

With the Keystone XL pipeline, the RBF gave \$50,000 to the League of Conservation Voters in 2013 to educate voters on the issues around Keystone. The RBF also gave \$500,000 to the Sierra Club Foundation to publish figures that sensationalize potential threats posed by oil sands bitumen.<sup>32</sup>

The RBF is a proprietary funder of nonprofits filing suits against Canadian government agencies. A number of lawsuits, filed by the Oregon-based nonprofit Our Children's Trust, vaguely allege the government failed to maintain a stable climate. RBF granted Our Children's Trust at least \$180,000 since 2014 to help finance these legal cases.<sup>33</sup>

In terms of supporting fossil fuel divestment campaigns, the RBF finances various nonprofits to support their fossil fuel divestment initiatives. Since 2012, the RBF has granted 350.org—a leader in the divestment movement—more than \$1.5 million.<sup>34</sup> Additionally, over the course of two years, RBF gave the Better Future Project, Inc. \$25,000 to support its Divest Harvard campaign along with its national campus divestment organizing program.<sup>35</sup>

The RBF granted the nonprofit sustainable shareholder advocacy group As You Sow \$160,000 over the course of several years to support its work in divestment.<sup>36</sup> RBF also granted hundreds of thousands of dollars to the Greenpeace subsidiary, Greenpeace Fund Inc. In 2018, RBF gave it \$70,000 to support the fund's Swedish divestment project. One year later in 2019 RBF gave another \$325,000 to Greenpeace Fund for the purpose of "international climate work."<sup>37</sup>

Other grants made by RBF include \$200,000 to the main advocacy group campaigning for divestment from the Catholic Church, \$15,000 to the Climate Institute (Australia) for divestment-related support and \$40,000 to C40 Cities Climate Leadership Group for divestment-related support.<sup>38,39,40</sup>

In 2008, RBF granted \$50,000 through Tides Canada (or Sage Foundation at the time) to create a website run by Greenpeace to smear Alberta's tourism.<sup>41,42</sup> The website "travelingalberta.com" shared a similar address to Alberta's official tourism page "travelalberta.com," misrepresenting the province and purposefully targeting Alberta's oil sands' reputation. The names of RBF and Tides Canada, however, were nowhere to be found on the website.

## **Activists in Their Own Words**

For more than a decade, funders such as the Rockefellers have slowly acknowledged their role in anti-Canadian energy campaigns and the money spent. This has largely been in response to investigative reporting and some media outlets' willingness to take a deeper look.

Transparency in funding has not always been the case with environmental activists. For example, U.S. activist and founder of 350.org Bill McKibben, a New England-based leader of the anti-pipeline, divestment and litigation campaigns, has been opaque on his funding sources. In a 2014 interview with Climate Challenge host Karyn Strickler, McKibben claimed ignorance on his group's funders:<sup>43</sup>

Strickler: How is 350.org funded?

McKibben: Well, not very well.

Strickler: Who are your funders?

McKibben: To the degree that we have any money at all it's come from a few foundations in Europe and the U.S.

Strickler: Which ones?

McKibben: Uh, the uh. Let's see, I'm trying to think who the biggest funders are. There's a foundation in, uh, based in Sweden. I think it's called the Rasmussen Foundation, that I think's been the biggest funder.<sup>44</sup>

Strickler: So you don't get money from Pew or Rockefeller or any of those big foundations?

McKibben: No, we did. Rockefeller Brothers Fund gave us some money right when we were starting out that's been useful too.

Strickler: But they no longer fund you?

McKibben: Uhh I don't know. I don't have that sort of...funders sitting in front of me.

Strickler: Really? That's usually something that people know.

McKibben: Rockefellers is one of our...is a great ally in this fight.

Now 15 years into these efforts, the largest funders and their beneficiaries have been forced to become increasingly transparent about their role in targeting energy production:

**“ From the very beginning, the campaign strategy was to land-lock the tar sands so their crude could not reach the international market where it could fetch a high price per barrel”**

— **Michael Marx**, Executive Director, Corporate Ethics<sup>45</sup>

**“ With help from other public charities and foundations, including the Rockefeller Brothers Fund (RBF), we paid for a team of independent reporters from Columbia University's Graduate School of Journalism to try to determine what Exxon and other US oil companies had really known about climate science, and when.”**

— **David Kaiser**, Former President, Rockefeller Family Fund and Lee Wasserman, Director, Rockefeller Family Fund<sup>46</sup>

**“ Stopping the northern half of [the Keystone XL] pipeline from being built certainly won't halt global warming by itself. It will, however, slow the expansion of the extraction of tar sands, though the Koch brothers et al. are busy trying to find other pipeline routes and rail lines that would get the dirtiest of dirty energy out of Canada and into the U.S. via destinations from Michigan to Maine. These pipelines and rail corridors will need to be fought as well — indeed the fights are underway, though sometimes obscured by the focus on Keystone.”**

— **Bill McKibben**, Founder 350.org<sup>47</sup>

**“ The theory has always been delay, delay, delay. We know the key to expanding the tar sands is getting the oil to market. So our strategy is to block the infrastructure.”**

— **Michael Marx**, Director, Sierra Club Beyond Oil campaign.<sup>48</sup>

Along with leading American activists, they are increasingly clear about their strategy of targeting energy infrastructure projects like the Keystone XL pipeline in order to delay or cancel development more broadly:

**“ We need to find high-profile, extreme sources of energy and turn away from them, as a way to begin and lead a transition away from dirty fuels. So when you look at North America, those extreme energy sources are the tar sands, first and foremost...We picked the tar sands because it's among the most high- profile and highly destructive.”**

— **Michael Brune**, Executive Director, Sierra Club <sup>49</sup>

**“ The goal is as much about organizing young people around a thing. But you have to have a thing.”**

— **Kate Gordon**, Advisor to Tom Steyer.<sup>50</sup>

These activists specifically targeted Canadian oil sands production—which they dubbed “tar sands”—to be the starting point of their anti-fossil fuel campaign:

**“ [T]here's also a powerfully important symbolic reason to block Keystone, one the Washington insiders seem simply not to understand but that most people who think about the subject grasp intuitively: If we ever want to get out of the climate hole we're in, we've got to stop digging.”**

—**Bill McKibben**, Founder 350.org.<sup>51</sup>

## Primary Campaigns Against Canadian Energy

### Keystone XL Campaign

More than a decade after the launch of the opposition campaign against the Keystone XL pipeline, the origins of the attack have become clear thanks in large part to those taking credit for the ongoing delay of the project. Wealthy anti-fossil fuel foundations were looking for ways to pressure then-President Barack Obama to act on climate change after a federal cap-and-trade proposal failed in the Democratic-controlled U.S. Senate. The project, a series of pipelines carrying crude oil from Alberta to Texas became the biggest flashpoint in this effort. The foundations attacking the project, led by the Rockefeller philanthropies, have funded groups like 350.org, while American billionaire Tom Steyer has also provided significant support—after a meeting with McKibben, Steyer personally lobbied Obama on blocking the project.<sup>52,53,54,55</sup>

Along with the Rockefellers, other wealthy foundations have launched anti-energy campaigns in Canada, including “The Big Five” that consists of the Gordon & Betty Moore Foundation the William & Flora Hewlett Foundation, the David & Lucile Packard Foundation, and the Pew Charitable Trusts, as first reported by Vivian Krause.<sup>56</sup> As Krause

explained to Ron Arnold, the Rockefeller involvement wasn't secret, but it was quiet. "The grants have been disclosed in online databases for years. But nobody bothered to add them up and connect the dots," Krause said.<sup>57</sup>

Later, a leaked PowerPoint presentation emerged showing that during a "July 2008 meeting, the \$789 million Rockefeller Brothers Fund proposed to coordinate and fund a dozen environmental and anti-corporate activist groups' efforts to scuttle pipelines carrying tar sands oil from Canada to the United States."<sup>58</sup> *The Daily Caller* reported that:

**"The 2008 meeting consisted of presentations from Rockefeller Brothers Fund program officer Michael Northrop, Corporate Ethics International Executive Director Michael Marx, Natural Resources Defense Council attorney Susan Casey-Lefkowitz and the director of a Canadian activist group called the Pembina Institute."<sup>59</sup>**

*Inside Philanthropy* later documented:

**"RBF is not afraid of a fight, and it has been a supporter lately of efforts to block the Keystone XL pipeline. For instance, it gave \$50,000 to the League of Conservation Voters in 2013 to educate voters on the issues around Keystone and has addressed the broader threat posed by tar sands oil through a half-million-dollar grant to the Sierra Club Foundation. In the past few years, RBF also has been a major funder of 350.org — a group at the forefront of the Keystone fight and other activist efforts to raise awareness about climate change."<sup>60</sup>**

It was also at this time that Northrop "provided the seed grant that got *InsideClimate News* started in 2007."<sup>61</sup> *InsideClimate News* is now a donor-funded website focusing exclusively on energy and environmental issues, with a clear bias against traditional forms of energy.

The Rockefellers' campaign received a significant boost when Steyer engaged with McKibben. As the *Washington Post* and *New Yorker* both report, McKibben's work caught the attention of the San Francisco billionaire, and a hike taken by the pair cemented their partnership.<sup>62,63</sup>

Following that hike, the *New Yorker* reported in 2013 that, "After leaving Farallon, [Steyer] convened a two-day 'Big Think Climate Meeting' to plot his future in politics. He held the retreat at the TomKat Ranch. Two dozen top environmentalists attended, among them McKibben, Hal Harvey, and Tara McGuinness, who now works at the White House. Also present were Steyer's closest political advisers, including [Chris] Lehane and [John] Podesta, and some friends from the venture-capital and high-tech worlds, among them some young executives from Twitter."<sup>64</sup>

With the financial support of the Rockefellers and with Steyer as an ally, 350.org has made stopping the Keystone XL pipeline one of its top objectives, which included rallies in Washington, D.C.<sup>65,66,67</sup>

As a result of this partnership between wealthy funders, efforts against the pipeline included direct political pressure on President Obama at Democratic fundraisers, million-dollar television ad buys, dedicated "news" outlets reporting on the project and large donations to "Keep It In the Ground" groups.<sup>68,69,70</sup>

Despite this ongoing and well-coordinated campaign, the pipeline has enjoyed support from both Democrats and Republicans, especially along the route.<sup>71,72</sup> National news outlets from the *Wall Street Journal* to the *Washington Post* endorsed the pipeline.<sup>73,74</sup> Votes in the U.S. Senate included overwhelming bipartisan support.<sup>75</sup> The Keystone XL campaign was just the beginning of this massive, well-financed campaign against the Canadian energy industry.

## Tom Steyer's Role in Keystone XL

Billionaire activist and former U.S. presidential candidate Tom Steyer has mainly targeted Canadian energy infrastructure projects from his California home through his campaign against the Keystone XL pipeline, a strategy which was informed by 350.org's McKibben.<sup>76</sup> In 2014, Steyer wrote an op-ed critical of the project, saying that it would "unlock the Alberta tar sands, spur investment in and production of dirty fossil fuels at an irreversible rate and undermine the President's global efforts to reduce carbon emissions."<sup>77</sup> Steyer also sought to have TransCanada executives subpoenaed to testify before the U.S. Senate.<sup>78,79</sup>

Steyer's activities against the Keystone XL pipeline extended to an advertisement campaign, particularly in the United States, to block the pipeline, targeting members of Congress who supported the project. The funding for these ads came through Steyer's Political Action Committee, NextGen Climate.<sup>80</sup>

Advertisements, like those that ran during the President Obama's 2014 State of the Union Address, claimed:

***"Keystone means more profit for investors like China, more power for their economy, and more carbon pollution for the world. They're counting on the U.S. to approve Trans Canada's pipeline to ship oil through America's heartland and out to foreign countries like theirs."<sup>81</sup>***

One set of four advertisements that aired during Sunday American political talk shows reportedly cost Steyer's PAC about \$1 million.<sup>82</sup>

The *Washington Post* called the advertisements "over-the-top" and awarded them four Pinocchios under the publication's fact-checking system—the maximum allowed—for making "insinuations and assertions not justified by the reality."<sup>83</sup> Meanwhile, *The New Yorker* described the ads as "political theatre. But, as a lesson in global-oil economics, the ad lacked context."<sup>84</sup>

## Litigation

In the past year, climate change litigation has gained momentum around the world as a tool to influence policy outcomes and corporate behavior. Cases have been filed in at least 33 countries, with the vast majority in the United States, followed by Australia, United Kingdom, European Union, New Zealand and Canada.<sup>85</sup> As of July 2020, approximately 1,590 cases have been filed around the world.<sup>86</sup>

In North America, Canada is emerging as the latest jurisdiction for actions that seek to challenge environmental policies in court. Behind these lawsuits in Canada, like the ones that have come before them in the United States and around the world, are special interest organizations backed by wealthy American and European donors.

### Litigation Against Governments

In 2019, a lawsuit against the federal government was filed on behalf of more than a dozen children and teenagers from across Canada in the Federal Court of Canada.<sup>87</sup> The plaintiffs claimed the government failed to maintain a stable climate system to sustain human life, thereby violating the Canadian Charter of Rights and Freedoms.<sup>88</sup> These plaintiffs are supported by various NGOs, including the American nonprofit Our Children's Trust, the David Suzuki Foundation and the Pacific Centre for Environmental Law and Litigation.<sup>89</sup>

Oregon-based Our Children's Trust has filed several lawsuits on behalf of children and young adult plaintiffs against governments. The organization deploys a similar lawsuit formula in courts around the world. Our Children's Trust has allied itself with Greenpeace and other environmental groups and individuals involved in the climate litigation campaign.

Our Children's Trust is funded by many U.S.-based institutional funders, including the RBF, Wallace Global Foundation and Bauman Foundation.<sup>90</sup> It bases its cases on the legal theory known as "atmospheric trust litigation," first developed by Mary Christina Wood, a law professor at the University of Oregon. A 2012 report published by the Massachusetts-based Union of Concerned Scientists and Colorado-based Climate Accountability Institute explores Wood's thinking behind this litigation in depth, as activists and legal scholars strategized ways to replicate successful litigation against tobacco companies.<sup>91</sup>

The RBF has given Our Children's Trust at least \$180,000 since 2014.<sup>92</sup> The Beverly Hills, California-based Leonardo DiCaprio Foundation gave \$1.3 million to five climate-focused organizations in 2017, including Our Children's Trust, but did not reveal exactly how much was given to the litigation-focused group.<sup>93</sup>

The litigation against the Canadian government is still in the early stages and will likely stretch on for many years at taxpayers' expense, even as Our Children's Trust's case against the U.S. government was dismissed after five years without going to trial.<sup>94</sup>

### *Litigation Against Companies*

Activists are also seeking to hold oil and gas companies responsible for climate-related damages, and even lobbied local municipalities to join in their effort. British Columbia municipalities, lobbied by Greenpeace Canada and the Georgia Strait Alliance, joined West Coast Environmental Law's (WCEL) years-long campaign pressuring energy companies to pay for the alleged damages and threatening class-action lawsuits against them.<sup>95,96</sup> Records released by Vancouver in response to a Freedom of Information and Protection of Privacy Act request show representatives of WCEL and Georgia Strait Alliance arranging meetings with city officials to discuss their support for these lawsuits.<sup>97</sup>

For several years the Vancouver-based WCEL has run a campaign to urge Canadian communities to sue energy producers to hold them "accountable" for the impacts of climate change. The campaign calls on cities to first send a letter to "20 of the world's largest fossil fuel companies asking that these companies pay a fair share of local costs."<sup>98</sup> The letter campaign is then to be followed by class action litigation before the final step of determining the impact of climate change on the litigious communities.<sup>99</sup>

As the leading organization promoting litigation against energy producers specifically in Canada, WCEL receives substantial funding from the Geneva-based Oak Foundation and the San Francisco-based Tides Foundation.<sup>100</sup> Investigative reporter Kevin Mooney reported in 2019 that the Oak Foundation gave WCEL a \$100,000 grant in 2015 "to support the emergence of a public and legal narrative that fossil fuel companies and other large-scale greenhouse gas producers in the U.S. should pay compensation for the damage caused by their production and operations."<sup>101</sup> The grant has subsequently been removed from the Oak Foundation's database, though Oak Foundation is still listed as a financial supporter on WCEL's website.<sup>102</sup>

Though initially focused on targeting U.S.-based energy companies, the campaign shifted to targeting Canadian energy as well. The resort town of Whistler, British Columbia, joined the letter-writing campaign in late 2018 and included Alberta-based Canadian Natural Resources among its targets.<sup>103</sup>

The backlash was swift. The Canadian Imperial Bank of Commerce's annual Western Institutional Investor Conference had been held in Whistler for the prior 22 years, but organizers pulled the oil and gas portion of the conference following the letter, telling companies, "In recognition of your collective and justified frustration, we do not want to put you in a position of choosing between our conference and doing what is right."<sup>104</sup> The following year's entire conference was relocated to Banff, Alberta.<sup>105</sup>

Whistler Mayor Jack Crompton later apologized for the letter, saying, "We recognize that there are hundreds of thousands of Canadians that work directly and indirectly in the oil and gas sector and they are very proud of the work they do. We know that you are facing challenging times. As so many people have said to me over the

last several days, we are a user of Canada's energy. Whistler acknowledges as a community that we depend on fossil fuels."<sup>106</sup>

More than 1,500 people joined a rally in Grande Prairie-Wapiti, Alberta, to protest Whistler's letter. Then-Member of the Legislative Assembly of Alberta for Grande Prairie-Wapiti Wayne Drysdale told the crowd "I hope they can hear us in Ottawa...families in this region depend on oil and gas industries and lots of them work in it. If they don't work in it, they depend on it."<sup>107</sup>

Other cities, including Vancouver, Victoria, Toronto and Port Moody, are all considering filing claims against energy companies. A motion by Toronto City Councillor Mike Layton to consider litigation resulted in Alberta Premier Jason Kenney, then a candidate, to say the motion was "injurious to national unity, is divisive, and would be damaging to Canada's economy." Then-Alberta Premier Rachel Notley also criticized the motion, saying "It's clear that Mike Layton is out of touch with Canada's economic reality and doesn't see Alberta's contributions because he has tunnel vision."<sup>108</sup>

Reporting from The Climate Docket revealed in 2019 that WCEL and Greenpeace Canada had been working together "in a bid to bring Toronto" into the litigation campaign, adding that Greenpeace Canada had directly lobbied Toronto's city council.<sup>109</sup>

Victoria proposed a resolution in 2019 for the Union of British Columbia Municipalities (UBCM) annual convention calling on the organization to explore filing a class action lawsuit.<sup>110</sup> The Greater Victoria Chamber of Commerce and Hotel Association of Greater Victoria criticized the move, with the Chamber writing that "the confrontational approach alienates the very Canadians we need to help create a low carbon society."<sup>111</sup>

But after Victoria Mayor Lisa Helps toured Alberta's oil sands at the invitation of Calgary Councillor Ward Sutherland, Helps reconsidered her support for the resolution.<sup>112</sup> Fort St. John proposed an opposing resolution, with Mayor Lori Ackerman explaining, "These lawsuits are the embodiment of a divisive approach that pits energy companies against municipalities and hardens age-old divides: rural versus urban, province versus province, right versus left."<sup>113</sup>

Victoria ultimately withdrew its motion, prompting the Georgia Strait Alliance to urge their supporters to reach out to the city.<sup>114</sup> The City of Port Moody's related motion was defeated at the UBCM annual convention, while the resolution offered by Fort St. John opposing climate litigation passed.<sup>115</sup>

In 2018, Greenpeace Canada and WCEL assisted with drafting a bill in the Ontario legislature that would pave a way for plaintiffs to sue energy companies without needing to prove that the defendant's actions have caused or materially contributed to the harms of climate change.<sup>116</sup>

A letter supporting a similar bill sent to the British Columbia Premier was signed by foreign-funded activist groups including 350.org Canada, Georgia Strait Alliance, Greenpeace Canada, Stand.earth, and WCEL, among others.<sup>117</sup> The bill was introduced in the Legislative Assembly of Ontario but was not enacted.

Our Children's Trust, the David Suzuki Foundation, WCEL, Georgia Strait Alliance and Greenpeace, demonstrate the extent of foreign influence on governments and companies in Canada. Money from the United States and Europe flows into these groups, who can then influence local governments to consider litigation against energy producers. They can also support litigants that are suing the Canadian government, forcing the government to spend taxpayer funds to defend itself against a legal theory that has been repeatedly dismissed.

There is also a new development in the United States and potentially elsewhere of activists infiltrating government offices and wielding the power of the state for the benefit of their private donors. Michael Bloomberg, an environmentalist mega-donor and former U.S. presidential candidate, has provided at least \$6 million to New York University School of Law to create the State Energy and Environmental Impact Center (SEEIC).<sup>118</sup>

The program hires seasoned environmental attorneys and places them in the offices of state attorneys general, who must commit to "advancing progressive clean energy, climate change, and environmental legal positions." The Bloomberg program, in exchange, pays the salaries and benefits of the attorneys, and the attorneys must provide the program with regular reports on their work in the states' top law enforcement offices.<sup>119</sup>

Both of the attorneys placed in the New York attorney general's office worked on the state's lawsuit against Exxon-Mobil over how it accounted for climate change, and one of them also assisted in New York City's public nuisance climate lawsuit by signing an amicus brief in support of the case.<sup>120</sup> The Bloomberg fellows placed in the Minnesota attorney general's office "have basically been working on [its climate lawsuit against energy producers] full-time over the last few months."<sup>121</sup>

Some in the United States are pushing back against the program. Virginia legislators passed a budget amendment that blocked their attorney general from joining the program altogether.<sup>122</sup> Two attorneys that have sued the Maryland attorney general for withholding public records related to the Bloomberg initiative published a column in the *Wall Street Journal*:

***"State legal officers taking money from private funders to pursue policy outcomes desired by those funders is inherently suspect. It also raises questions about the laws governing gifts, campaign contributions and bribes. To the extent these Bloomberg-funded lawyers are involved in prosecutions, it raises serious due-process concerns as well."***<sup>123</sup>

"What's problematic is the arrangement through which a private organization or individual can promote an overtly political agenda by paying the salaries of government employees," Indiana Attorney General Curtis Hill said of the program, adding, "This whole scenario raises obvious ethical and legal concerns."<sup>124</sup>

## Divestment Campaigns

The current fossil fuel divestment movement can trace its origins back to the campus of Swarthmore College near Philadelphia, where students began pressuring their Board of Trustees to divest during the 2010-2011 academic year after a school trip to the Appalachian Mountains where a group witnessed the impact of mining in the region.<sup>125</sup> Shortly thereafter, the newly formed activist group 350.org and its founder, prominent American environmentalist Bill McKibben, took on the national mantle for the campaign, creating the subset activist organization Fossil Free. In the years that followed, 350.org expanded its presence on college campuses, creating a network across the United States where students were equipped with resources, training and toolkits to assist them with their respective divestment campaigns to varying degrees of success.<sup>126</sup>

Today, Fossil Free acts as a global "decentralized" resource for those who are interested in calling for their colleges and universities to divest their endowments from companies involved in or adjacent to the production of fossil fuels. Fossil Free provides lists of foundational values and beliefs which serve to carry out its overall agenda.

Those values and beliefs were quickly adopted by Canadian counterparts as more Canadian universities began introducing policies to address fossil fuel divestment. The movement is now global, with considerable activity at Canadian universities like McGill University, Concordia and the University of Ottawa, among others.<sup>127,128,129</sup>

In June 2014, McGill University's Board of Governors amended its endowment policies to include "grave environmental degradation" as criteria for divestiture.<sup>130</sup> Months later, in December 2014, Concordia University announced it would create a \$5 million CAD sustainable investment fund, separate from its \$120 million CAD endowment, to support divestment and to focus on "ethical" investing.<sup>131,132</sup> Following Concordia's announcement of the new sustainable fund, Divest Concordia released a press release denouncing the initiative, calling the fund a "simple greenwashing tactic."<sup>133</sup>

Other Canadian institutions introduced measures similar to Concordia. In 2016, the University of British Columbia announced it would create a separate fund that focuses on investments that are low carbon and that meet the best practices for environmental, social and governance (ESG) factors, calling it the Sustainable Future Fund. The University of British Columbia allocated \$10 million CAD for the fund, stating that the fund serves as an "alternative" option to which university donors could contribute.<sup>134</sup>

The first three Canadian universities to respond to the divestment campaign set an emerging trend and tactic of evolving investment strategies rather than complete fossil fuel divestment. In April 2016, the University of Ottawa committed to reduce the carbon footprint of its investment portfolio by a minimum of 30 percent by 2030.<sup>135</sup> University of Ottawa Board of Governors Chairman Robert Giroux issued a statement defending the university's decision to not fully divest from fossil fuels. "This will reduce far more greenhouse gases than divesting from fossil fuel companies," Giroux said. "Solving this problem will require reducing carbon emissions across the whole economy."<sup>136</sup>

At the same time, several Canadian institutions rejected fossil fuel divestment. In March 2015, the University of Calgary preemptively stated it would not divest from fossil fuels, should a student-led fossil fuel divestment campaign emerge on its campus.<sup>137</sup> In March 2016, the University of Toronto rejected recommendations to divest from fossil fuels.<sup>138</sup> University of Toronto President Meric Gertler stated the university feels combating climate change is more effective by collaborating with other institutions to increase transparency about carbon use and encourage companies to emit less.<sup>139</sup>

Though the campaign itself began with a focus on college endowments, targets now include local governments, state pension funds, sovereign wealth funds, religious organizations, asset managers, institutional investors, insurance companies, banks and even museums.

In 2014, to much fanfare and media attention, RBF announced its plans to divest its endowments from fossil fuel holdings during the opening of the United Nations climate change summit meeting in New York City.<sup>140</sup> Immediately preceding and ever since, RBF has poured millions of dollars into the effort. Meanwhile it has taken years for RBF to fulfil its initial divestment pledge, and the foundation is still estimated to hold about one percent of its investments in the sector.<sup>141,142</sup>

RBF's President Stephen Heintz recently admitted that the decision to make the announcement during Climate Week was a media play focused more on sending a message than any tangible financial impact when speaking with a pro-divestment student group. "It had really very little to do with the size of our financial assets and withdrawing them from the fossil fuel industry. It was really about the symbolism of marrying the Rockefeller name with a statement that we can no longer be associated with fossil fuels," Heintz said.<sup>143</sup>

RBF's funding does not just cover basic student activism and organization but extends into economic reports promoting the merits of divestment, media efforts to shame others into following its lead and groups representing the echo chamber to spread the message of divestment far and wide.

### **Activism & Echo Chamber**

As mentioned, 350.org is the key group in organizing and promoting the divestment campaign. Its project, Fossil Free, runs workshops for those interested in starting their own local chapter and provides videos, graphics, online organizing "skill-ups" and tips for better climate change storytelling.<sup>144</sup> McKibben is a frequent writer on divestment and staunch advocate in the media and on Twitter.<sup>145,146,147</sup> RBF is one of the initial major funders of the group, first through 350.org's fiscal sponsor, the Sustainable Markets Foundation, and later by directly giving 350.org significant donations. RBF's total contributions to 350.org today now exceed more than 1.5 million.<sup>148,149</sup>

As previously mentioned, when asked about RBF's support during an interview with a friendly news outlet in 2012, McKibben attempted to dodge the question, presenting 350.org as "not very well" funded and a small group of volunteers. "To the degree that [350 had] any money at all" McKibben said it came from a "few foundations in Europe

and the U.S.” When asked which ones, McKibben pointed to a foundation in Sweden as the biggest supporter and only when prompted admitted that RBF gave “some money when we started out” which had been “useful,” and when pushed further simply said they were a “great ally in this fight.”<sup>150</sup> It appeared that McKibben wanted to shun the idea that he was affiliated with “Big Green” and characterized his group as a scrappy upstart organization.

RBF’s divestment advocacy efforts go beyond its relationship with 350.org. In addition to granting 350.org more than \$1.5 million since 2012, RBF has supported divestment campaigns through groups like As You Sow, Greenpeace Fund Inc. and the Global Catholic Climate Movement, among others.<sup>151</sup>

Rockefeller Brothers Fund Divestment-Related Grant Recipients	Grant Amount (USD)
Climate Institute (Australia) <sup>152</sup>	\$15,000
Better Future Project, Inc. <sup>153</sup>	\$25,000
C40 Cities Climate Leadership Group <sup>154</sup>	\$40,000
As You Sow <sup>155</sup>	\$160,000
Global Catholic Climate Movement <sup>156</sup>	\$200,000
Greenpeace Fund Inc. <sup>157</sup>	\$395,000

### Economic Reports

Divestment advocates have not had an easy road in convincing the world to ban fossil fuel investments from portfolios. There are questions about what risks may lie in eliminating an entire sector of the economy from an investment portfolio, especially one that tends to act as a hedge against the broader market.<sup>158</sup> For the most part, pension funds and universities have rejected divestment based on the fact that it would cost a substantial amount of money in possible missed returns and management fees.

To counter that narrative, RBF has given more than \$1.2 million to the Ohio-based Institute for Energy Economics and Financial Analysis (IEEFA).<sup>159</sup> In 2015, IEEFA issued a report that aimed to lay out the “financial” case for divesting in a clear attempt to debunk some of the most commonly vocalized concerns with divestment.<sup>160</sup> The group’s director of finance Tom Sanzillo is a frequent advocate of divestment in newspaper opinion pieces.<sup>161</sup>

Arabella Advisors is another key element of the divestment campaign. Nearly every year, the Washington, D.C. nonprofit releases a similar report, claiming more and more assets have been divested to give the sense that the movement is growing and to present it as large and global in scale. When the Rockefellers announced their divest plan, Arabella was cited in several reports thanks to its analysis that “groups have pledged to divest assets worth more than \$50 billion from portfolios.”<sup>162</sup>

Every year, that calculation has grown, and with every new Arabella report, 350.org issues a press release highlighting the updated number.<sup>163</sup>

By 2019, Arabella’s analysis showed that \$11 trillion had been divested. These claims are promoted by divestment supporters and the RBF-funded echo chamber, despite it being a misleading calculation that has been debunked by American news outlets ranging from *MSNBC* to *Mother Jones*.<sup>164,165</sup>

RBF is a major funder of the New Venture Fund (NVF), which is closely aligned with Arabella. In fact, NVF notes on its website that it “is managed under an administrative agreement with Arabella Advisors, a leading national philanthropy services firm that helps philanthropists and investors find innovative ways to achieve greater good with their resources. NVF has collaborated with Arabella on successful projects for many of philanthropy’s leading players and institutions, and the two organizations share a commitment to evaluation and measuring impact.”<sup>166</sup>

Since 2014, RBF granted NVF a total of \$6,268,000 to support various initiatives.<sup>167</sup> Many of the NVF initiatives specifically target the reduction of fossil fuels and supporting "green" investments.

Recent investigations into left-leaning causes, including those relating to environmental issues, have revealed Arabella's role managing what one investigation labeled a "Half-billion-dollar 'Dark Money' Network."<sup>168,169</sup> Four funds managed by Arabella, including NVF, received \$1.6 billion from donors between 2013 and 2017 "to advance its donors' agendas through dozens of 'pop-up' groups and 'astroturf' initiatives."<sup>170</sup>

At its onset, the fossil fuel divestment campaign had the fundamental qualities of a grassroots movement. Almost immediately, well-funded activists like Bill McKibben leveraged existing environmental activist groups such as 350.org to amplify and continue building momentum for fossil fuel divestment. In doing so, these activists and their affiliated groups strategized to create a single campaign to speak on behalf of, and represent, the fossil fuel divestment movement at-large. With the financial support of RBF, activist groups like 350.org, the Greenpeace Fund and others continue to push and campaign for fossil fuel divestment at prominent universities, public pension programs, financial institutions and more.

## Other Top Funders

The financing for many of the campaigns targeting Canadian energy development often has its origins in foreign currency. The sources of this funding include pass-through funders that funnel money from high profile groups to purportedly grassroots operations and nonprofit foundations focused on halting fossil fuel use. Over the past decade, each has played an increasing role in underwriting activism targeting Canadian and Albertan energy production.

### Pass-Through Funders

#### **MakeWay, Formerly Tides Canada**

Tides Canada, later rebranded as MakeWay, was created by Tides Foundation founder Drummond Pike in 2000. Though the charity is based in Vancouver and operates in Canada, it is an IRS-designated 501(c)(3) public charity and files annual Form 990 reports in the United States while being registered as a private charity in Canada. The Tides Canada Foundation is closely tied to the Tides Canada Initiatives Society, the same organization that received \$20,000 in 2009 from the RBF for DeSmog Blog, an anti-fossil fuel website.<sup>171</sup>

Tides Canada is one of several foundations controlled by the Tides Nexus, a separate nonprofit organization. This opaque structure obfuscates the source of Tides Canada's funding and makes it more difficult to track how money passes from foundations to campaigns.

The group — and the broader Tides Nexus of foundations — has been flagged as a major source of dark money donations.<sup>172</sup> It accepts donations from a range of sources and uses these funds to finance grants and support, allowing supporters to indirectly bankroll chosen causes.

In 2008, Tides Canada paid two First Nations \$27.3 million in a single grant aiming "to fund conservation planning projects and conservation initiatives."<sup>173</sup>

In 2009 and 2010, Tides Canada funded activists opposing the Keystone XL pipeline, donating \$8.4 million to stop the project.<sup>174</sup>

The group has also been a longtime supporter of the Canadian green group Dogwood, to which it has provided funding since at least 2008.<sup>175</sup>

As written earlier in this report, in 2008, RBF donated \$50,000 through Tides Canada (or Sage Foundation at the time) to create a website run by Greenpeace to smear Alberta's tourism.<sup>176,177</sup> It wasn't a coincidence that the website came at the same time that U.S. mayors and presidential candidates focused their attention on Alberta's environmental record. The names of RBF and Tides Canada, however, were nowhere to be found on the website.

Tides Canada received \$100,000 from the David and Lucille Packard Foundation in 2015.<sup>178</sup> The Tides Canada donation was one of only two donations the foundation made that year to groups in Canada.

Tides Canada has used these funds to support anti-pipeline activity, primarily in British Columbia. Tax records show that Tides Canada has generously supported First Nations in western Canada, including some of the same First Nations that vehemently resisted the construction of the Enbridge Northern Gateway pipeline in British Columbia. In 2010, the Wilburforce Foundation granted \$50,000 to the Tides Canada Initiative Society, a branch of Tides Canada, "to support and organize First Nations communities impacted by potential tanker traffic associated with the Enbridge pipeline project in the Great Bear Rainforest."<sup>179</sup>

These efforts culminated in the North Coast Integrated Management Area (PNCIMA) Initiative, which sought to include a broad range of stakeholders to create a blueprint to implement Canada's Oceans Act for all of British Columbia's coastal waters. The Canadian government originally agreed to use an \$8.3 million CAD grant from the Gordon and Betty Moore Foundation that passed through Tides Canada to support a marine-planning initiative but returned the funds after criticism that green groups had hijacked the process.<sup>180</sup>

Tides Canada served as an intermediary for many Canadian organizations, including the David Suzuki Foundation, to receive funding from U.S. organizations. Since 2000, Tides Canada has received more than \$100 million from American charitable foundations; between 2007 and 2008 alone, Tides Canada received \$34 million and ranked 14th in the world in terms of funding from U.S. foundations.<sup>181</sup> Between 2002 and 2014, the Hewlett Foundation awarded Tides Canada with \$14 million.<sup>182</sup> The Packard Foundation donated over \$20 million between 2001 and 2007 and Palo Alto-based Gordon and Betty Moore Foundation has made 50 grants since 2003, totaling over \$73 million.<sup>183</sup> Tides Canada has been a grantee at Seattle-based Brainerd Foundation since 2012, receiving \$385,000 to date.<sup>184</sup>

In June 2020, Tides Canada rebranded itself as MakeWay to distance itself from the American Tides Foundation in response to the campaign launched by Alberta Premier Jason Kenney regarding the "Tar Sands campaign."<sup>185</sup> The lack of transparency in the relationship between the Tides Foundation and MakeWay is a case study that shows how U.S. donors get away with funding anti-oil sands and anti-energy groups in Canada. Both groups receive funding from donors, then pass the money on to various organizations. Since neither group is required to disclose donors behind each specific grant—or in many cases, regrant—their relationship helps to conceal the donors' names and the causes they support.<sup>186</sup>

One of MakeWay's projects, Organizing for Change, aims to make climate policies a political priority in British Columbia, even as far as to influence the leadership nominations of both the Liberal and the NDP parties. Tides Canada Foundation paid Georgia Strait Alliance \$90,125 CAD over the course of 2008-2009 for the work with Organizing for Change.<sup>187,188</sup> Environmental groups involved in Organizing for Change also include WCEL, Stand.earth, Dogwood, Ecojustice, Pembina Institute, Sierra Club BC and Wildsight, among others.<sup>189</sup>

Although MakeWay and Tides Foundation have severed legal and governance ties, MakeWay continues to receive grants from the Tides Foundation through donor-advised funds held at the Tides Foundation.<sup>190</sup>

## Sustainable Markets Foundation

Unlike most other environmental groups, the New York-based Sustainable Markets Foundation has no website or social media presence. This makes it more difficult to track the group's activities, donors, and the causes it supports. In the United States, the Sustainable Markets Foundation has been criticized for being a pass-through group to fund climate reporting.<sup>191</sup> It has received support from the Energy Foundation, RBF, RFF, the Park Foundation and the Swift Foundation.<sup>192</sup>

A report published by the U.S. Senate Committee on Environment and Public Works in 2014 concluded that "since SMF only serves as a pass through to funnel money into these organizations, it is apparent that they are merely a tool for the Billionaire's Club to facilitate the transfer of money to fringe startups."<sup>193</sup>

According to tax records, the Sustainable Markets Foundation has supported 350.org and anti-fracking initiatives.<sup>194</sup> Other records suggest the Sustainable Markets Foundation funneled money through Our Next Economy to the Climate Investigations Center, which has released and publicized internal documents from Canadian energy companies in an attempt to discredit their work.<sup>195,196</sup> The Sustainable Markets Foundation also served as a pass-through for funding for plaintiffs' attorney Matt Pawa and his Global Warming Legal Action Project, which attempted to kickstart the climate litigation campaign.<sup>197</sup>

## New Venture Fund

The New Venture Fund is the largest of four nonprofits created and managed by Arabella Advisors, a consulting company based in Washington, D.C. that has become known as a "dark money" group, setting up affiliated 501(c)(3) groups to provide seed donations to dozens of left-leaning causes. By using these groups, donors can support projects anonymously.<sup>198</sup>

Like other Arabella Advisors projects, NVF has been criticized as a "pass through" organization that allows donors to fund political campaigns and advocacy positions anonymously.<sup>199</sup> The group states that it is "dedicated to supporting innovative and effective public interest projects" through fiscal sponsorship and grants. In practice, the fund accepts donations from other major nonprofits and issues grants to smaller organizations to fund campaigns or specific advocacy projects.

Between 2013 and 2018, NVF donated \$300 million to environmental programs.<sup>200</sup> Though the fund supports hundreds of projects, it releases little information about the types of advocacy work its funding supports. Among the grants it funded were a series of donations to the anti-pipeline group Stand.earth.<sup>201,202</sup>

## Climate Breakthrough Project

The Climate Breakthrough Project, formerly known as Climate Strategies Accelerator, was launched in 2015 as an initiative of the David and Lucile Packard Foundation, the Oak Foundation and Good Energies Foundation.<sup>203</sup> Since its inception, the organization has received significant funding, with at least \$13.3 million coming from the Packard Foundation and another \$3.3 million SwF from the Oak Foundation.<sup>204</sup>

In 2019, the San Francisco-based Climate Breakthrough Project selected environmental activist Tzeporah Berman of Stand.earth as the recipient of its annual \$2 million award "to engineer a large reduction in new oil and gas development that will ensure huge amounts of carbon stay uncombusted and out of the atmosphere."<sup>205</sup> Berman, who lives in Vancouver, has a history of leading environmental campaigns in British Columbia. A co-founder of the protest group Stand, she was a creator of the Great Bear rainforest agreement that halted logging and stopped the development of the Gateway pipeline in British Columbia.<sup>206</sup>

Licia Corbella at the *Calgary Herald* raised the concern that this award "should have stirred up a tidal wave of controversy." Announcing the award, the Climate Breakthrough Project alluded to potential future activism, writing that it was "excited to help a leader like Tzeporah get the time and resources she needs to develop a bold global strategy" and hinting at a project to come in 2020 under the Stand umbrella.<sup>207</sup> Based on the Climate Breakthrough

Project's funders, Corbella wrote, it's safe to assume that it's "just an arm of U.S. foundations that have been working to 'landlock the tar sands.'"<sup>208</sup>

## Energy Foundation

The Energy Foundation is a San Francisco-based charitable organization with the goal of building a clean energy economy. It operates as a pass-through group, accepting donations from a network of left-of-center foundations and using them to support specific projects. It was founded in 1991 as a collaboration between the Pew Charitable Trusts, the Rockefeller Foundation, and John D. and Catherine T. MacArthur Foundation.<sup>209</sup>

In Canada, the Energy Foundation has supported groups resisting pipeline construction, including the Dogwood Initiative and its "No Tankers" campaign. The Energy Foundation has also given \$135,000 to Climate Action Network Canada since 2015.<sup>210,211</sup>

## Nonprofit Foundations

### Oak Foundation

The Oak Foundation is headquartered in Geneva and led by British businessman Alan Parker. Tracking the foundation further has proven difficult for investigators. According to Swiss tax records, there are no entities named "Oak Foundation" or "Oak Philanthropy" registered in the country.

Investigative reporting by Kevin Mooney has revealed that the foundation's 2018 annual report states that Oak Philanthropy Limited is wholly owned by Oak Holdings Limited, a group that shares an address in the U.K. dependency of Jersey with Oak Philanthropy Limited.<sup>212</sup> Oak Holdings Limited is co-owned by RBC Trust Company Jersey Limited, an incorporation and offshore services entity affiliated with the Royal Bank of Canada Wealth Management, and Oak Fiduciary Services Limited. The structure of these organizations is convoluted and may be related to Jersey's reputation as a tax haven.<sup>213</sup>

According to online records, the Oak Foundation has committed \$100 million for its "climate justice initiative," which also funds grants for climate litigation in the United States.<sup>214</sup> A large portion of this money went to Canada, where the Oak Foundation is a generous donor to green groups fighting oil production and pipeline construction.

In 2015, the Oak Foundation donated \$100,000 to West Coast Environmental Law to promote a narrative that major energy companies should pay compensation for harms caused by global warming.<sup>215</sup> They have also given \$2.7 million to the New Venture fund and \$2.2 million to the Energy Foundation.<sup>216</sup>

All told, the Oak Foundation granted at least \$20 million to environmental organizations active in Canada between 2005 and 2018.<sup>217</sup> Among the groups that have acknowledged receiving funding from the Oak Foundation are the Pembina Institute, West Coast Environmental Law, Environmental Defence Canada, Equiterre, Georgia Strait Alliance, RAVEN Trust, Sierra Club of BC, Living Oceans Society, Ecology Action Centre and the Manitoba Energy Justice Coalition—all groups that campaign against pipeline construction.

Some of these donations are large amounts of money. The Oak Foundation gave Tides Canada \$1 million from 2016-2019 and \$450,000 to the Dogwood Initiative between 2017 and 2020. Both organizations are involved in the "Tar Sands Campaign," covered later in this report, which aims to prevent Canadian oil from reaching international markets.<sup>218</sup>

In partnership with the David and Lucile Packard Foundation, the Oak Foundation launched Climate Breakthrough in 2015, which has received more than \$16 million in donations since 2016, including \$3.3 million from the Oak Foundation.<sup>219</sup>

It has also donated repeatedly to anti-pipeline groups. The Oak Foundation donated \$299,879 to Stand.earth in 2010, following this with smaller donations in later years.<sup>220</sup> Though it did not specify the amount of the donation, the

British Columbian environmental group Dogwood thanked the Oak Foundation for its support in annual newsletters published in 2019.<sup>221</sup> (Though Dogwood does not always list the names of institutional donors in its annual reports, between half and a third of its financial support has come from institutional donors for the past seven years.)<sup>222</sup>

### **William and Flora Hewlett Foundation**

One of the largest foreign funders of environmental activism in Canada, the California-based William and Flora Hewlett Foundation has donated more than \$150 million to environmentalist causes. Founded in 1966 with a broad mandate of "promoting the well-being of mankind" through science, education, and the arts, it created an environmental program in the 1970s which has developed into a major source of funding for green groups.

A key campaign for the Hewlett Foundation is to preserve "landscapes and waterways in Western United States and Canada for the health and wellbeing of people and wildlife."<sup>223</sup> In furthering this goal, the foundation has worked to prevent the development of fossil fuels in sections of western Canada and has supported groups seeking to stop Canadian pipeline construction.

To achieve these goals, the Hewlett Foundation has often worked with Tides Canada. In 2004, the Hewlett Foundation paid Tides Canada \$70,000 for "the development of a strategic plan to address the oil and gas industry in British Columbia." This was followed by a \$50,000 donation in 2009 to develop a business plan for the organization and then, most tellingly, a \$400,000 grant for "efforts to reduce fossil fuel development" in 2010.<sup>224,225</sup>

The Hewlett Foundation also donated nearly \$3 million to Tides Canada to assist its Rainforest Solutions Project, an initiative aimed at stopping logging and pipeline construction in the Great Bear rainforest in British Columbia.<sup>226,227</sup>

To achieve a similar end, the foundation donated a total of \$275,000 to the Ecojustice Canada Society in 2007 and 2008 to fund multi-year efforts to "reduce the environmental impacts of oil and gas development in Northern Canada."<sup>228,229</sup>

The foundation is also a founding member of the "Tar Sands Campaign," an initiative launched by international groups to stop the development of Canadian energy resources.

### **David and Lucille Packard Foundation**

The David and Lucille Packard Foundation in California supports leaders and institutions working to provide health-care and early learning, as well as groups protecting the environment and fighting climate change.<sup>230</sup> The foundation has donated more than \$930 million to groups working to slow climate change since 1998.<sup>231</sup>

In Canada, the David and Lucille Packard Foundation has partnered with other leading American organizations to support First Nations resisting pipeline construction in British Columbia. One tribal leader, Guujaaw, former president of the Haida Nation, said he was "proud" to accept the money since without it the tribe would "have no financial means to...go to court to establish legitimate rights" over land use.<sup>232</sup> The foundation also provided more than \$100 million for the creation of the Great Bear Rainforest to protect the habitat of the Kermode bear. Protection of this habitat has been used to halt pipeline construction and oil tanker traffic off the coast of British Columbia.<sup>233</sup>

In addition, donations from the David and Lucille Packard Foundation help to fund the Canadian Parks and Wilderness Society, a group that has publicly testified against oil sands development in Alberta as recently as 2018.<sup>234</sup> American tax records show that the foundation has supported the group since at least 2011 and has given the society more than \$550,000.<sup>235,236</sup>

### **Wallace Global Fund**

The Wallace Global Fund—a Washington, D.C.-based nonprofit named for the late U.S. politician Henry A. Wallace—combines advocacy on behalf of NGOs and democracy with efforts to prevent what it calls "ecological col-

lapse." The fund states openly that its goal is to "break the Fossil Fuel Cartel," and it advocates for divestment and investment in climate solutions.<sup>237</sup>

In Canada, the Wallace Global Fund has supported numerous campaigns to halt energy infrastructure construction and energy development, particularly oil sands production. The fund has supported Stand.earth since at least 2013, the earliest point for which American tax records are available.

In that year, it donated \$60,000 to the group, a sum that grew in subsequent years.<sup>238</sup> The fund donated \$100,000 to the group twice—in 2015 and 2017.<sup>239,240</sup>

In addition to these donations, the Wallace Global Fund has provided support to Canadian organizations. While the size of these donations has not been released, the Wallace Global Fund has been publicly thanked repeatedly in end-of-year reports published by Dogwood, an environmental group in British Columbia—discussed later in this report—that has long resisted pipeline construction.

### **Overbrook Foundation**

The Overbrook Foundation is a New York-based foundation originally established in 1948 by Helen and Frank Altschul with a particular commitment to Jewish causes, the arts, human and civil rights, and public health.<sup>241</sup> When leadership of the foundation passed to Helen and Frank's children in the 1980s, the Overbrook Foundation began to expand its mission to support a broader range of causes, including developing a focus on environmental issues.<sup>242</sup>

To advance that end, the foundation launched a program in 2014 focusing on environmental movement building. It has since committed to supporting "specific climate change initiatives and organizations using media to increase public awareness of environmental issues."<sup>243</sup> The Environment Program is led by David R. Katz, former president of the Rainforest Alliance, a group based in New York and the Netherlands that he helped to found in 1986.<sup>244</sup>

Unlike some other foundations, the Overbrook Foundation "does not accept unsolicited requests for support from organizations not currently funded by the Foundation."<sup>245</sup> This commits it more strongly to supporting groups it has worked with before.

Among the initiatives it has repeatedly supported are Stand.earth, which has a Vancouver office and has led oil sands-focused protests, 350.org and CorpEthics. According to available American tax documents, the Overbrook Foundation has donated to the environmental group since at least 2013. These grants include \$50,000 gifts in 2016 and 2017, a larger grant of \$65,000 in 2014 and a grant of \$30,000 in 2013.<sup>246,247,248,249</sup>

### **Nathan Cummings Foundation**

Based in New York City, the Nathan Cummings Foundation is a private foundation funding cultural and social justice issues, with a focus on environmentalism. Founded in 1949 by Nathan Cummings, founder of Consolidated Foods (later Sara Lee Corp.), the foundation originally focused on Jewish life, hospitals, the arts, and education.<sup>250</sup> The goals of the organization shifted as the foundation passed to Cummings' descendants after his death. In 2013, its Board of Directors announced a "new strategic plan" that did away with the "four core programs that have long defined the Foundation"—health care, Jewish causes, the arts and environmentalism, replacing them with a new focus on left-wing environmental activism and income inequality.<sup>251</sup>

Since adopting this new strategic plan, the Nathan Cummings Foundation has used donations to help green groups operating in Canada including CorpEthics.

### **The Weeden Foundation**

The New York-based Weeden Foundation has repeatedly donated tens of thousands of dollars to Stand.earth. These donations started in 2013, when the group — then ForestEthics — primarily focused on boreal forest pres-

ervation. Donations from the Weeden Foundation to Stand.earth occurred annually but remained around \$20,000 from 2013 through 2016.<sup>252,253,254,255</sup> In 2017, the Weeden Foundation increased its donation to \$30,000.<sup>256</sup>

### **Marisla Foundation**

Created in 1986 by the heirs to the Getty oil fortune, the Marisla Foundation is based in Laguna Beach, California. It primarily invests in environmental causes and is one of more than a dozen American foundations supporting the "Tar Sands Campaign." It has also partnered with other American nonprofits to fund the "Re-Think Alberta" campaign launched by the San Francisco-based nonprofit Corporate Ethics. The Marisla Foundation gave \$150,000 to the campaign, which attacked the Province of Alberta for permitting oil sands development.<sup>257</sup>

The foundation has supported Stand.earth since 2013, when it donated \$95,000 to the group.<sup>258</sup> This donation has been followed by repeated \$75,000 donations in 2014, 2015, and 2016, and a \$100,000 donation in 2017.<sup>259,260</sup>



## **Activist Protest Leaders**

The recipients of support from the above funders include Canadian-based groups that have led protests against energy production and related infrastructure, as well as international organizations with Canadian chapters.

### **Greenpeace Canada**

Greenpeace was formed between 1969 – 1972 in Vancouver as a nuclear war protest movement and made famous by its anti-whaling industry campaigns. In 1989, Greenpeace lost its Canadian charitable status as Revenue Canada auditors concluded that Greenpeace was a political pressure group and its overly politicized agenda no longer served any public interest.<sup>261</sup> In response, Greenpeace set up Greenpeace Canada Charitable Foundation to distinguish itself from Greenpeace.<sup>262</sup> The financial links between Greenpeace International and Greenpeace Canada remained a concern. Hundreds of thousands of dollars were transferred between the organizations, which may have violated Canadian law on charitable activities.<sup>263</sup>

Revenue Canada auditors revoked the charity status again in 1995 and 1998. Finally, in 1999 Greenpeace International moved to the Netherlands.<sup>264</sup> Today Greenpeace is one of the largest environmental organization with a budget of over €90 million, and offices in over 40 countries.<sup>265</sup> It has escaped public censure and received U.S. tax exemption by hiding behind its "nonprofit" mask status.

Greenpeace Canada is one of the key drivers for anti-Alberta energy campaigns. Greenpeace Canada is listed as a supporter of the highly controversial "Tar Sands Campaign" strategy, authored by RBF's Michael Northrop in 2008.<sup>266</sup> Greenpeace is also a vocal voice on campaigns against the Keystone XL pipeline and vowed to "end the expansion of the tar sands."<sup>267,268</sup> In 2018, Greenpeace Canada called on Ottawa to prohibit Export Development Canada (EDC) from "supporting fossil fuel companies and projects."<sup>269</sup>

### **Misleading and False Information**

In 2016 Resolute Forest Products, headquartered in Montreal, sued Greenpeace for defamation and false claims about the company's logging and paper production operations.<sup>270</sup> Resolute's President and CEO Richard Garneau explained the attack against them in the *National Review*:<sup>271</sup>

***"They compiled a litany of outlandish assertions: We were 'forest destroyers,' for example, aggravating climate change, and causing a 'caribou death spiral and extinction' in Canada's boreal habitat. Greenpeace harassed companies we do business with, threatening them with the same sort of smear campaign that they launched against us and even instigating cyber-attacks on their websites. And they bragged about the damage — \$100 million, in Canadian dollars — that they claimed to have inflicted on our business."***

When forced to defend its claims in court, Greenpeace claimed it couldn't be held responsible for its misrepresentations, which "do not hew to strict literalism or scientific precision," Greenpeace conceded. "Their accusations against Resolute were instead 'hyperbole,' 'heated rhetoric,' and 'non-verifiable statements of subjective opinion' that should not be taken 'literally' or expose them to any legal liability," Garneau wrote. "These are sober admissions after years of irresponsible attacks."

### **Funding**

Greenpeace has a multilayer funding model, described by *Forbes* as a "skillfully managed business."<sup>272</sup> Though it portrays itself as a scrappy environmentalist organization against wealthy corporations, in reality, Greenpeace's operation is larger than many of the world's biggest multi-national corporations. Greenpeace also claims to receive no corporate, political or government funding. However, one of its largest sources of income is from the Dutch Lottery, and it has also received direct financial support from the European Union, benefitted from various Green Party political sources in Europe, and regularly accepts donations from corporate philanthropic arms and sales percentage allocations from "socially responsible" businesses.<sup>273</sup>

The organization received 18 percent of its funding from the Stichting Greenpeace Council, an advisory group in Amsterdam that facilitates long-term global planning for Greenpeace. Greenpeace also receives funding through Greenpeace Fund and the Environmental Support Fund (ESF), which are registered with the same address in Washington, D.C. as the Greenpeace office.

Among the donors to Greenpeace are major foundations, such as the Tides Foundation, which has donated at least \$250,000 to the group.<sup>274</sup> The RBF donated \$325,000 in 2019 for Greenpeace Fund's general "international climate work."<sup>275</sup> Wallace Fund also awarded Greenpeace with \$50,000 in 2016 supporting the organization's climate litigation work and \$75,000 in 2015 for a campaign against Shell Oil in the Arctic.<sup>276</sup>

Donald Ross, a former Chair of the Greenpeace Board of Directors, has also served as the director of the RFF.<sup>277</sup>

### **CorpEthics**

CorpEthics, formerly Corporate Ethics International, was founded in 2003 in California by Michael Marx, Ph.D. Marx was also the author of the original "Tar Sands Campaign" strategy document, which stated that the goal of the campaign was to "land-lock the tar sands so their crude could not reach international markets where it could fetch a high price per barrel."<sup>278</sup>

In January 2019, just days after Wendy Mesley at *CBC* reported that campaign donations came from "deep-pocketed Americans," CorpEthics deleted that sentence and rewrote its website.<sup>279,280</sup> According to Mesley, the RBF donated \$1.4 million in 2007 to CorpEthics to kickstart the "Tar Sands Campaign" and the Hewlett Foundation funneled millions of U.S. dollars through Tides Foundation and Tides Canada, which, in turn, donated to grassroots organizations involved in the campaign, including CorpEthics.

Mesley's reporting answered the key question, "What did all those U.S. dollars actually accomplish?":

*"The campaign successfully land-locked the Canadian tar sands industry by blocking the approval of all major proposed pipelines in Canada and the U.S. The controversy from this campaign contributed to political victories at the provincial and national levels in Canada in 2015."*

RBF and the Tides Foundation continued to donate to CorpEthics for both the "Tar Sands Campaign" and "Rethink Alberta" campaign through 2010.<sup>281</sup> However, since 2012, RBF has instead funded campaigns to demarket Alberta's oil sands through the New Venture Fund, not CorpEthics, under the description "Fossil Fuel Reduction Project."<sup>282</sup>

Along with RBF, CorpEthics lists under its "Clients" other big funders in the climate movement, including the Oak Foundation, Pew Charitable Trusts, Rockefeller Family Fund, and Tides Foundation, which awarded CorpEthics an approximately \$1.5 million grant in 2010.<sup>283,284</sup>

CorpEthics' 2007 annual report, which is no longer accessible to the public, lists Nathan Cummings Foundation, Overbrook Foundation, RBF, Wallace Global Fund and Weeden Foundation as its funders.<sup>285</sup>

### **Extinction Rebellion**

Extinction Rebellion, or XR for short, was established in the U.K. in May 2018, by a group called Rising Up! The group quickly gained popularity and now operates with chapters around the world, including eight in Canada.<sup>286</sup> It is best known for climate protests that block infrastructure and make it difficult for people during their work commutes. The group uses mass arrest and publicity as a tactic to try to achieve its goals.

In April 2019, protesters repeatedly blocked a railroad track transporting Canadian oil sands to Portland, Oregon, where Zenith Energy, Ltd. operates a marine export terminal.<sup>287</sup> In 2020, the group staged weeks-long protests against Teck Frontier's Coastal GasLink Pipeline, a proposed project that would transport natural gas from northern Alberta and British Columbia to an LNG facility on the West Coast. The protests expanded to several Canadian cities, blocking traffic, passenger trains and key rail lines, essentially cutting off rail links across Canada.<sup>288</sup> As a consequence, Via Rail suspended service between Montreal-Toronto and Toronto-Ottawa.<sup>289</sup> These blockades didn't just disrupt commuters' schedules, they broke the supply chain for manufacturers and caused a drain on Canada's economy, bearing responsibility for layoffs and rising food prices.<sup>290,291</sup>

While the group claims to stand in solidarity with First Nations and aligns itself with many similar goals from the environmental movement, such as urging governments to declare a climate emergency and achieve net-zero carbon emissions by 2025, its approach to demanding them often faces backlash and criticism.<sup>292,293</sup> Sc'ianew First Nation accused XR of trespassing on Indigenous territory during a gas pipeline protest.<sup>294</sup> Multiple First Nations members and elected officials have called into question who is participating in XR's protests and whether the group has appropriate claims to represent First Nations. They have also been clear that activists should not misrepresent their views.<sup>295</sup>

XR's website says it raises money from crowdfunding, major donors, NGOs, trusts and foundations. The group was promised £500,000 in funding from the Climate Emergency Fund (CEF), a fundraising organization established by three wealthy American donors, Trevor Neilson, Rory Kennedy and Getty Oil fortune heiress Aileen Getty, which funnels money to environmental activist groups and pushes for the global phasing out of fossil fuel infrastructure.<sup>296</sup>

As the group staged more protests in dozens of cities in Europe and the United States in 2019, XR saw a surge in donations from British and American celebrities and financiers, including big names like Sir Christopher Hohn, one of the UK's wealthiest men and founder of the Children's Investment Fund Foundation, which donated £151,561.80 to XR.<sup>297,298</sup> For the period between October 2018 to March 2020, XR raised £1,615,773.98.<sup>299</sup> Among other large

donors are Greenpeace (£20,000), Bertha Foundation (£25,000), CEF (£323,835,78), and Stitching European Climate Foundation (£136,100.00).<sup>300</sup>

### **350.org**

350.org was founded in 2008 by Middlebury College professor, author and activist Bill McKibben and now has presence in 188 countries.<sup>301</sup> As written previously, the group received funding from RBF. Donations from RBF to 350.org have totaled \$1,550,000 since 2012.<sup>302</sup>

With RBF's funding, 350.org has organized protests and pressure campaigns against the Keystone XL pipeline.<sup>303,304</sup> The group also activated members to oppose a Kinder Morgan pipeline in Canada and protested political campaign events.<sup>305</sup>

350.org supported the New York attorney general's failed lawsuit against ExxonMobil which included a focus on the company's Imperial Oil holdings and carbon pricing in Alberta.<sup>306,307</sup>

Overbrook Foundation has donated to 350.org, and in a post applauding the "End Polluter Welfare Act," has tagged Keystone XL pipeline.<sup>308</sup>

### **West Coast Environmental Law**

West Coast Environmental Law (WCEL) is an environmental law and public advocacy organization registered as a charitable organization and based in Vancouver, B.C. It's most well-known for its letter-writing campaign which pressured British Columbia municipalities to demand companies like Canadian Natural Resources Limited and other large oil and gas companies pay for alleged climate-related damage. To support this campaign, WCEL received funding from the Tides Foundation (U.S.), Oak Foundation (Switzerland), 444S Foundation (U.S.), Bullitt Foundation (U.S.), Glasswaters Foundation (CA), and Swift Foundation (U.S.).

WCEL provides grants through its Environmental Dispute Resolution Fund (EDRF) to individuals or groups to cover legal fees in environmental disputes. Every year the EDRF distributes \$150,000 CAD in grants to individuals, community groups, nonprofit organizations and First Nations across British Columbia.<sup>309</sup>

According to a summary from B.C. Liberals that shows funding from U.S. organizations to Canadian groups up to 2017, WCEL received \$2,678,460 from Tides Foundation, Bullitt Foundation, Gordon and Betty Moore Foundation, Wilburforce Foundation and Wallace Global Fund.<sup>310</sup> The Gordon and Betty Moore Foundation's database alone shows that WCEL has received six grants since 2014, amounting to over \$3.7 million.<sup>311</sup> In 2014, WCEL received a \$480,000 NOK grant—approximately \$80,000 CAD—from a Norwegian Foundation called The Minor Foundation for Major Challenges.

### **Georgia Strait Alliance**

Founded in 1990 and headquartered in Ottawa, Georgia Strait Alliance's campaigns are primarily focused on protecting the Strait of Georgia's ecosystem. GSA's approach to solving climate change, according to its Climate Action Centre website, is to "halt the expansion of fossil fuel infrastructure" and "demand climate accountability from corporations."<sup>312</sup> GSA is part of the larger network with WCEL that pursues legal challenges by B.C. municipalities against Canadian energy companies.

GSA supported WCEL's letter-writing campaign by pressuring cities across Canada to get on board and submit letters to oil and gas companies, demanding that they pay for alleged climate-related damages.

As the key voice against the expansion of Trans Mountain Pipeline, GSA supports lawsuits and organizes protests and fundraisers.<sup>313</sup> In 2015, GSA received \$15,000 (CAD) from the Tides Foundation "for research, education, and organizing on dirty fuels and pipelines."<sup>314</sup> The same year, the organization received \$15,000 from Seattle-based

Bullitt Foundation to support its constituent database management.<sup>315</sup> GSA also received \$300,000 from the California-based Hewlett Foundation's environmental program in 2001.<sup>316</sup>

GSA was a Brainerd Foundation grantee from 2006 to 2015. Brainerd Foundation is based in Seattle and has provided grants for many Canadian organizations, including Tides Canada, Sierra Club of BC Foundation, Dogwood Initiative, Ecojustice Canada, among others. Brainerd is the same organization that has granted \$558,000 to Ecojustice Canada since 2002 to push for tighter regulations around oil and gas development in British Columbia. In 2019, the Oil Tanker Moratorium Act became law in British Columbia.<sup>317</sup>

In 2013, Brainerd Foundation awarded GSA with \$3,000 to simulate an oil spill in Salish Sea as a direct response to the Kinder Morgan proposal for an expanded pipeline.<sup>318,319</sup> The project was developed by GSA, Raincoast Conservation Foundation, Friends of the San Juans, an environmental advocacy nonprofit based in Friday Harbor, Washington, and the City of Vancouver.<sup>320</sup>

### **Stand.earth**

Formerly ForestEthics, Stand.earth was founded in 2000 as a grassroots environmental organization. Based in San Francisco, Stand.earth has been campaigning to stigmatize the Alberta oil industry and stop Canadian energy development for over a decade. Stand.earth often utilizes legal groups and different political tactics to create roadblocks and drive up costs for oil and natural gas development in Canada.<sup>321</sup>

Stand.earth is widely known for its staged protests to stop Alberta oil sands development and delay expansion of the Trans Mountain Pipeline. The group's latest efforts tried to block the Canadian oil and gas industry from the COVID-19 stimulus package. STAND.earth and Sustainabiliteens, among others, hosted an online forum to collect signatures and send a petition to the federal government, seeking to separate oil and gas workers from their companies in terms of who receives financial support from federal aid.<sup>322</sup>

According to a summary from B.C. Liberals that shows funding from U.S. organizations to Canadian groups up to 2017, Stand.earth received \$316,795 from the Tides Foundation and the Gordon and Betty Moore Foundation.<sup>323</sup> The group also received \$375,000 from the RBF between 2016-2018, and \$175,000 from Marisla Foundation in 2016-2017.<sup>324,325,326</sup>

Between 2009 and 2012, ForestEthics transferred \$3.3 million CAD to Canadian counterparts, according to tax returns. The recipients were not identified, except in 2012 when ForestEthics reported that it paid \$466,711 to sister organizations in British Columbia, ForestEthics Solutions Society and ForestEthics Advocacy Association, which split off from Tides Canada in 2012.<sup>327</sup>

To date, the group continues to refute any notion of foreign entities influencing the campaign against the Canadian oil industry.<sup>328</sup>

### **Dogwood Initiative**

The British Columbia-based Dogwood Initiative was conceived of in 1998 at a meeting of First Nations, environmentalists, labor leaders and community leaders who united to stop the privatization of hundreds of thousands of acres of land on Vancouver Island and to limit logging in the area. As energy became a higher priority for the Canadian government in the early 2000s, Dogwood changed its focus to energy issues, starting with resistance to coalbed methane production in Victoria in 2001.<sup>329</sup>

However, Dogwood is best known for its ongoing "No Tankers" campaign, aimed at stopping the expansion of oil tankers off British Columbia. For more than a decade, Dogwood has resisted the construction of pipelines in British Columbia and has run campaigns against Enbridge's Northern Gateway pipeline and oil tanker project, the Kinder-Morgan pipeline and the Trans Mountain pipeline.<sup>330</sup> As far back as 2009, it received funding from Tides Canada, the Oak Foundation, and other foreign groups.

Dogwood runs campaigns and get-out-the-vote efforts in municipal, provincial and federal elections to elect candidates and political parties who oppose pipelines, and it continues to collect signatures for petitions against pipeline construction, including most recently the Trans Mountain pipeline.

About 27 percent of Dogwood's revenue comes from American foundations, including names like the William and Flora Hewlett Foundation, Tides Canada, Tides Foundation USA, the Oak Foundation, and the Energy Foundation. Between 2008 and 2016, the Dogwood Initiative received more than \$2.7 million from these groups.<sup>331</sup>

Dogwood does not release the size of the donations it receives each year. From time to time, though, it has thanked institutional donors in its annual reports. Dogwood's 2009 report shows that the same year it began its No Tanker campaign, it received donations from a long list of foundations, including Tides Canada and its American counterpart, Tides Foundation USA.<sup>332</sup>

### **David Suzuki Foundation**

Co-founded in 1990 by academics David Suzuki and Tara Cullis, the David Suzuki Foundation (DSF) is a charity registered in Canada and the United States. DSF advocates for methane regulations, carbon pricing, sustainable transportation in cities and climate litigation.<sup>333</sup>

In 2019, DSF initiated its Get Out the Vote campaign to make climate change a top election issue in Canada. Members of the campaign sent more than 1,000 letters and 43,000 online messages to party leaders demanding action on climate change.<sup>334</sup> That same year, DSF also paid the legal costs of 15 young Canadians in a lawsuit against the federal government for violating their human rights by contributing to climate change.<sup>335</sup>

DSF reported total donations of \$12.1 million CAD in 2019. Notably in its annual report, the organization lists donors whose names are very familiar in the environmental community, such as the Hummingbird Foundation, David and Lucile Packard Foundation, Pew Charitable Trusts, Energy Foundation, Bullitt Foundation and many others.<sup>336</sup> Between 2016 and 2018, David Suzuki Foundation accepted \$1.4 million from The David and Lucile Packard Foundation.



## **Additional Campaigns Against Energy Industry**

In addition to the main campaigns supported by Rockefeller Philanthropies targeting the Canadian energy industry, other campaigns have made similar attacks against infrastructure projects as well as Alberta oil sands development projects. These campaigns share similar funders and tactics, funneling foreign money towards regional environmental activists.

### **Anti- Oil Sands Campaigns**

Multiple campaigns have been launched in opposition to Canada's oil sands, including the "Rethink Alberta" campaign also discussed in this report. ConocoPhillips' oil sands assets were directly targeted by the "Tar Sands Campaign," organized from 2009-2010 by the San Francisco-based Tides Foundation.

The name of the campaign, substituting "tar sands" for "oil sands" indicates how activists tried to portray a Canadian energy asset as dirty. A 2008 memo from Corporate Ethics referred to oil sands as "bottom of the barrel fuels."<sup>337</sup> This memo also provides a succinct explanation for why activists and wealthy nonprofits were targeting oil sands assets:

***"Our goal is to mitigate the harms associated with existing tar sands production, achieve a moratorium on new tar sands operations, and use this issue to speed the enactment of U.S. and Canadian federal energy legislation that pre-empts the demand for future tar sands oil and insures we meet and exceed the IPCC carbon targets for 2050."***

In 2009, the Tides Foundation distributed nearly \$2 million to other nonprofits to support the "Tar Sands Campaign." This included more than \$200,000 to the Sierra Club, \$750,000 to Corporate Ethics International, \$200,000 to the Natural Resources Defense Council and more than \$780,000 to ForestEthics, now Stand.earth.<sup>338</sup>

Funding for this project partially came from the Sea Change Foundation, another San-Francisco based organization which donated \$2 million to Tides in 2009 to promote opposition to oil sands development.<sup>339</sup> Similarly, the Switzerland-based Oak Foundation gave Tides \$490,000 that same year for the same purpose.<sup>340</sup> Tides also collected an additional \$100,000 from the New York Community Trust in 2009 to limit oil sands production.<sup>341</sup>

This money supported tactics that portrayed oil sands negatively, all of which were intended to "raise the costs of doing business" in terms of public relations and brand reputation, infrastructure, remediation, and capital costs in terms of uncertainty around government regulation. As Corporate Ethics wrote:

***"There are a number of ways to raise the negatives that this campaign will pursue. Research is being conducted on the huge volumes of water consumed, poisoned, and released into waterways. Reports are being released on the divergence between public opinion and government policy as well as the health and environmental impacts. Direct actions are being conducted to draw media attention to the government's complicity on environmental issues. Celebrity spokespersons, like Leonardo DiCaprio, are being recruited to lend their 'brand' to opponents of tar sands. Feature stories in high visibility media will also be critical for telling the negative story. Generating a high negative media profile for tar sands oil is a critical part of the change strategy."***<sup>342</sup>

## **Rethink Alberta**

In 2010, San Francisco-based Corporate Ethics International created an ad campaign targeting international tourists to Alberta. The campaign, called "Rethink Alberta," relied on sending thousands of postcards to American travel agents as well as purchasing billboards in the United Kingdom and the United States.

The messaging of this campaign insinuated that Alberta's natural beauty was marred by its oil sands, decreasing its attraction for tourists. Corporate Ethics International received funding from other nonprofits based in the United States to support this campaign, including a \$500,000 donation from RBF in 2009 and a \$150,000 donation from the Marisla Foundation in 2009.<sup>343,344</sup>

At the time of the campaign, then executive director of Corporate Ethics International Michael Marx described "Rethink Alberta" as an effort to educate Americans:

***"Americans ought to know that their future oil supply Canada is trying to sell to them is a disaster that's on par with the gulf oil disaster. We think if they know about that they're going to be less inclined to visit Alberta."***<sup>345</sup>

Billboards with phrases like "Alberta: The Other Oil Disaster," were placed around American cities to deter tourism to the province with the campaign also replicated in the United Kingdom.

## Wet'suwet'en Blockades

Although many involved in the blockades to protest the Coastal Gaslink pipeline were members of First Nations communities, the blockades soon attracted official protest actions from Extinction Rebellion, the British nonprofit backed by wealthy investors.<sup>346</sup> Sir Christopher Hohn, a British hedge fund manager worth £1.2 billion, gave the group £50,000 while the Children's Investment Fund Foundation — Hohn's charity — gave the group £150,000. Meanwhile, the group has also received funding from Rory Kennedy, daughter of the late U.S. Senator Robert Kennedy and Aileen Getty, heiress to the Getty Oil fortune.<sup>347,348,349</sup>

The Wet'suwet'en blockades showcase a playbook for how foreign environmental funders take advantage of and disrupt local issues. In a pattern that is increasingly familiar, a few local concerned citizens take issue with a project, and shortly thereafter larger green groups come in and take over the protest, spreading their own pre-cooked narrative regardless of whether it is accurate or even respects the wishes of the local communities they claim to be supporting. Soon enough, foreign funding and resources begin pouring in, turning a local dispute into a national or international scandal.

"There's a lot of people that aren't from these communities, that aren't Aboriginal, that are saying hereditary leadership has full authority, and they're not doing it based on any facts...It's a very irresponsible remark to make," said Ellis Ross, a Liberal MLA for Skeena, B.C and former chief councilor for the Haisla First Nation. Ross spent 14 years serving on one of the elected band councils that signed an agreement with Coastal GasLink. "I'm not sure they are aware of it, but they have the potential to tear these communities apart – right down to family and friends," Ross said of the activists from Extinction Rebellion.<sup>350</sup>

These protests blocked rail and auto traffic in Halifax, Toronto, Edmonton, Vancouver and Victoria. Additionally, the resulting traffic blocks caused widespread layoffs for train carriers and higher food prices due to blocked shipping.<sup>351,352</sup>

## Trans Mountain Protests

Kinder Morgan initially filed an application with the National Energy Board in June 2013 seeking approval to build a new pipeline along the route of a pre-existing line to better connect Canadian producers to markets in Asia. The proposal sparked intense protests from environmentalists and First Nations concerned about the environmental impact of the project and increased oil production.

Though the project obtained federal approval in November 2016, with support from British Columbia following shortly after, it was challenged by the municipalities of Vancouver and Burnaby, and the Tsleil-Waututh, Squamish, Kwantlen, and Coldwater First Nations, which filed seven suits in federal court.

In addition to legal challenges, the pipeline project sparked broader protests from environmentalist groups in both Canada and the United States. Organizations such as Dogwood Initiative and LeadNow staged protests initially centered around Kinder Morgan's surveying work, while First Nations members paddled canoes to the site of the planned terminal to protest its construction.<sup>353</sup>

Starting in January 2018, a protest camp later dubbed Camp Cloud sprang up in Burnaby. The camp grew in size and population as the year went on. That summer protesters clashed with pipeline supporters in the area, especially after the federal government announced that it would purchase the stalled project.<sup>354</sup> Eventually, in August, the camp was evicted by law enforcement.<sup>355</sup>

The 2018 decision by the federal government to buy the pipeline project sparked rallies across the country.<sup>356</sup>

The Federal Court of Appeal ruled against four challenges filed by First Nations in February 2020, finding that "reasonable and meaningful consultation had taken place protests led by indigenous groups continued until forced to stop by the outbreak of COVID-19."<sup>357</sup>

## Northern Gateway Pipeline

The Northern Gateway project would have built a twin pipeline from Bruderheim, Alberta to Kitimat, British Columbia. The project was harshly criticized by indigenous and environmental groups which organized to campaign against the project, creating groups like the Yina Dene Alliance and Save the Fraser. Other environmentalist groups involved in the protests included the Dogwood Initiative, ForestEthics (now Stand.earth), the International League of Conservation Photographers, and Greenpeace Canada.

In December 2010, 66 First Nations in British Columbia signed the Save The Fraser Declaration in opposition to the project, which they feared would harm the Fraser River.<sup>358</sup> Forty more groups later signed the declaration. West Coast Environmental Law later compiled a list of over 130 First Nations opposed to the Northern Gateway Pipeline.<sup>359</sup>

Eventually, the Northern Gateway pipeline project was approved by the federal government, subject to 209 conditions. However, when Prime Minister Justin Trudeau took office in 2015 and imposed a ban on oil tanker traffic off of British Columbia, the project was effectively quashed.<sup>360</sup> Trudeau officially rejected plans for the pipeline in November 2016.<sup>361</sup>

Enbridge confirmed in May 2019 that it had no plans to restart the project.<sup>362</sup>

## Energy East Pipeline

Considered one of the most ambitious infrastructure projects in Canadian history, the Energy East Pipeline would have converted a pre-existing natural gas pipeline to carry diluted bitumen from Alberta and Saskatchewan to New Brunswick and potentially Quebec. By the time TransCanada filed its application for the project in October 2014, opposition to the pipeline had already arisen from First Nations, ranchers, and communities all along the route.<sup>363</sup>

TransCanada met with 155 First Nations groups, signing letters of agreement with 60 of them.<sup>364</sup> However, the project failed to win popular support.

Activists pressured the government to consider the climate change impacts of the pipeline in its review process. The Pembina Institute released a report in 2014 urging the National Energy Board to consider the climate impacts of the pipeline's completion.<sup>365</sup> The governments of Ontario and Quebec supported this argument and pushed the National Energy Board to consider climate impacts as part of its review process.<sup>366</sup>

The David Suzuki Foundation, Nature Quebec, the Canadian Parks and Wilderness Society and the Quebec Centre for Environmental Law sued and won a temporary injunction on the project by arguing that the Quebec environmental ministry had not properly considered the impact a planned export terminal associated with the line would have on beluga whales.<sup>367</sup> Meanwhile, thousands of protesters marched against the project in October 2015 and polling showed that few Quebec residents supported the project.<sup>368,369</sup>

The National Energy Board decided in August 2017 to include upstream and downstream emissions associated with new oil production when it considered the environmental impact of the project. Following that decision, TransCanada put the project on hold in September before cancelling it in October 2017.<sup>370</sup>



## Conclusion

For nearly two decades, wealthy foundations outside of Canada have funneled money and resources to campaigns that attack the Canadian oil industry. Prominently among these funders are Rockefeller philanthropies, which have targeted the energy industry throughout North America with protests against infrastructure projects, a call for large institutions to divest from energy companies and litigation against energy companies for their activities producing and distributing legal products. Other funders have undertaken long-term campaigns to target particular resources, like Alberta's oil sands development.

The total amount of money going towards anti-fossil fuel efforts is staggering. One study from Northeastern University professor Matthew Nisbet analyzed \$556.7 million in "behind-the-scenes" grants provided by just 19 environmental foundations between 2011 and 2015, following a failed attempt to pass a cap-and-trade bill in the United States in 2010.<sup>371</sup>

"Far from being passive supporters of actions to address climate change, major U.S. foundations for several decades have played an active role in defining a common roadmap for their grantees and partners," Nisbet wrote. "By framing the challenges, defining the priorities, and promoting specific ideas, philanthropists have actively shaped common ways of thinking that have bound together otherwise disconnected organizations and leaders into shared approaches and strategies."<sup>372</sup>

Even still, when funding comes from donors in the United States, it can be difficult to track where money is spent. Some of this difficulty is due to the rules around IRS disclosures. American non-profits are not required to provide detailed accounts of how foreign beneficiaries may use their funds. Adding to this complexity is how beneficiaries may work with pass-through organizations, funneling donations through multiple layers until they reach their final designations to support protests, litigation or other efforts.

As a result, the impact of these donations can be difficult to quantify in terms of their detriment to Canada's economy and employment. An in-depth study published in 2018 by the U.S. Chamber of Commerce's Global Energy Institute found that the "Keep It In the Ground" movement "helped prevent at least \$91.9 billion of economic activity in the United States." The report concludes that the campaign eliminated 728,000 job opportunities and undermined \$57.9 billion in project investment costs, along with \$20.3 billion in lost tax revenue.<sup>373</sup>

Nisbet adds in his study that "When left-of-center and progressive foundations are covered in the U.S. press, coverage tends to be predominantly positive and uncritical, deepening a lack of public scrutiny relative to their philanthropic activities..."<sup>374</sup>

By contrast, most of the energy industry's money directed towards advocacy has gone into direct lobbying, which is easily tracked and subject to robust disclosure requirements.

Energy producers and anti-energy activists are engaging on an uneven playing-field. The energy industry is among the most highly-regulated and heavily scrutinized in the world. Activists and their supporters, meanwhile, are largely given a free pass by the media. As this report has shown, the full picture of their funding, coordination, and operations must be painstakingly pieced together from what little information is publicly available or otherwise revealed.

Further research is suggested to understand how foreign funding against Canada's energy industry has created wider-reaching problems for the country. Other investigations, including by the United States Congress, have looked into efforts by Chinese and Russian entities to fund and influence environmental activism targeting North American energy production.<sup>375,376</sup>

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