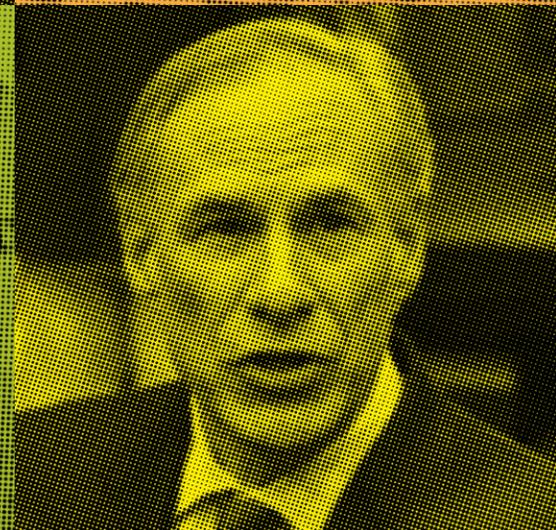
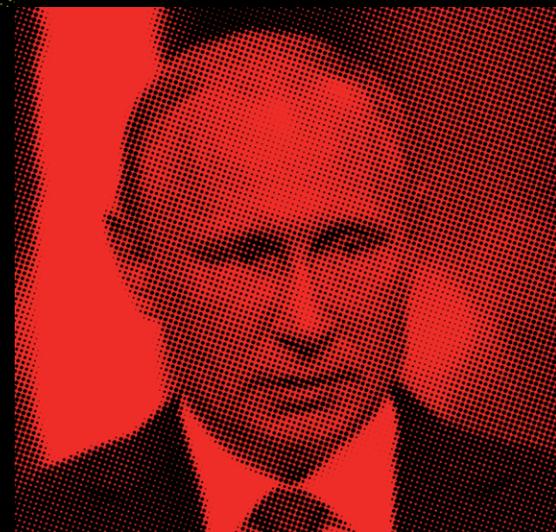


DRAWING FROM DESPOTS:

How Alberta Is Using
Tactics Borrowed From
Russia, Kuwait And
Others To Try To Silence
Opposition To Oil And
Gas Expansion



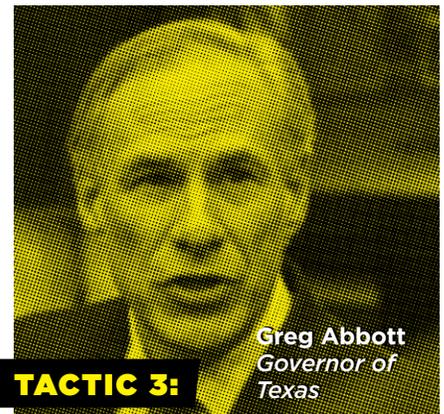
Since the 2019 election, the province of Alberta has taken a number of steps aimed at silencing critics of the fossil fuel industry, and especially the oil sands. Among other things, the government has attempted to delegitimize critics by suggesting they are foreign funded and in the service of helping of Alberta’s competitors gain greater market share; the government has expressed an interest in determining how to revoke the status of charitable organizations that are opposed to continued oil sands expansion; and Alberta has imposed significant fines for people and organizations that protest in the vicinity of oil and gas operations. The province has backed up these efforts with very large budgets, a public inquiry and a communications war room.

Though Premier Kenney has suggested on multiple occasions that Alberta oil is being unfairly singled out, as we illustrated in our recent report ***Not Just a Canadian Phenomenon***, civil society actors are resisting new fossil fuel projects around the world.

This report shows that the game plan employed by the government of Alberta is also not unique to the province. Indeed, many of the tactics are similar to those used by autocratic regimes where the fossil fuel lobby has significant sway. The actions read like

a to-do list from a petro-state playbook that outlines how governments and the fossil fuel industry can work together to quash the voices of citizens and groups concerned about the environmental and health impact of fossil fuels.

Specifically, this report shows how the three main tactics to silence opposition being employed in Alberta are also being used elsewhere. The list here is not comprehensive, but rather intended to illustrate the company Alberta finds itself in.



 **LABEL NGOS AS FOREIGN AGENTS/ ENEMIES OF THE STATE**

Also employed by
Russia, Venezuela, Iran, USA
(federal and more so at state level)

 **DENY OR REVOKE CHARITABLE STATUS**
(also often linked to foreign agent assertion)

Also employed by
Kuwait, Saudi Arabia, Russia

 **CRIMINALIZE PROTEST**

Also employed by
Russia, Kuwait, Australia, Indiana, Iowa, Louisiana, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas

As the world gets serious about fighting climate change, the oil and gas companies are fighting for their very existence, and have allied themselves with governments that are willing to do their bidding, and dismiss or outlaw opposing voices.

As the need to shift away from fossil fuels to address the climate crisis becomes increasingly accepted around the world, many oil producing states are looking for scapegoats to blame for their economic troubles, finding it is far easier to blame shadowy “foreign interests” than it is to accept the challenging work ahead of shifting their economies.

Many oil producing states are looking for **scapegoats** to blame for their economic troubles, finding it is far easier to blame shadowy **“foreign interests”**



TACTIC 1:

**LABEL NGOS AS FOREIGN AGENTS/
ENEMIES OF THE STATE**

Also employed by: Russia, Venezuela, Iran, USA (federal and more so at state level)

Alberta’s Premier Kenny has implied that opponents of fossil fuel development are working on behalf of foreign interests, particularly Alberta’s oil and gas competitors.

**THE PREMIER
HAS STATED...**

“The question then is, why is the anti-energy campaign so overwhelmingly and disproportionately focused on one major producer?”⁴

“For over a decade our energy industry has been targeted by a foreign-funded campaign of defamation to land lock Canada’s oil.”¹

“There was a reason I singled out Russia, Saudi Arabia, and Venezuela for comparison. They – along with Iran – would be major beneficiaries of a moratorium on Canadian oil production.”²

“They [interest groups] focused on Canada because they saw us as the easy target, as the pushover, as the kid in the schoolyard most easy to bully. They picked on Canada because we are Canadians.”³

To further the case that it is foreign interests, rather than Canadians themselves, who are causing problems for Alberta's oil industry, the Premier has allocated \$3.5 million to a public inquiry into opposition to oil interests in the province.⁵

The government's own explanation of the inquiry's purpose makes its biases abundantly clear, stating:

"For over a decade, a well-funded foreign campaign has defamed Alberta's energy industry and sought to land-lock our oil. The reputational harm to the province's energy sector has limited provincial and industry revenue and cost thousands of jobs . . . The government has launched a public inquiry, under the *Public Inquiries Act*, into the foreign sources of funds behind the anti-Alberta energy campaign."⁶

Portraying your opponents as foreign agents, disloyal citizens or troublemakers as a way of undercutting their message is an old tactic employed by other countries seeking to delegitimize dissenting voices.

Russian President Vladimir Putin, for example, sees opponents of his decisions as disloyal, saying "Direct or indirect meddling in our domestic politics is unacceptable."⁷

In Russia, the Duma (Parliament) has added the concept of "foreign agents" into the laws pertaining to both domestic and international non-profit organizations. Any group receiving funds from outside Russia, or via a group within Russia that has received funding from outside Russia, must register as a "foreign agent," which carries "all the connotations of the word 'spy' in Russian."⁸ Groups affected by the law are added to a foreign agents registry, subject to audits and must declare their "foreign agent" status on all materials or face large fines.⁹

The law has been used to shut down or threaten groups that do not toe the government line. According to sources within Russia, in 2015 "the Gebler Ecological Society was listed as a foreign agent. Among its many other accomplishments, the group has established a legal precedent against illegal logging within protected areas. The Fund for 21st Century Altai, which helped to establish the 'Golden Mountains of Altai' UNESCO World Heritage Site and block a proposed large dam on the Katun River, is awaiting a potentially similar ruling as a foreign agent."¹⁰

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“By classifying Altai’s biggest and most experienced environmental defenders as ‘foreign agents,’ the Russian government is attempting to stop these groups from shining much needed light on critical issues such as mining licensing and rights, destruction of endangered flora and fauna, government corruption, and the rights of local residents to clean water, safe infrastructure, and information about natural resource use decision-making,” the Earth Island Institute notes.¹¹

Similarly, Alexandra Koroleva, head of Ecodefense—one of Russia’s oldest environmental groups—faced five criminal charges stemming from her refusal to register her group as a foreign agent. She fled Russia to seek political asylum in Germany.¹²

Fyodor Lukyanov, editor of the journal *Russia in Global Affairs*, explained Putin’s accusations about foreign agents: “Nobody will acknowledge that . . . the political situation is changing, and not in favour of the authorities. And so the easiest thing is to explain it as meddling by external forces.”¹³

In Venezuela, meanwhile, embattled President Nicolas Maduro has blamed foreign interests for everything from a six-day power outage to street protests.¹⁴ In Venezuela, “Activists and nongovernmental organizations . . . are routinely harassed, threatened, and subject to legal and administrative sanctions for their work... In 2017 and 2018, the government has focused mainly on attempting to delegitimize these organizations by accusing them of conspiring with foreign governments,” according to Freedom House.¹⁵

In Iran, the government has gone even further, imprisoning environmentalists and accusing them of espionage. Respected Canadian-Iranian professor Kavous Seyed Emami, a founder of the Persian Wildlife Heritage Foundation, was one of several environmentalists arrested in 2018 and accused of espionage. A month later, his family was informed the professor had committed suicide while being held in the notorious Evin prison, something the family says they find highly implausible. In fact, three other prisoners also committed suicide during this period according to the Iranian government.¹⁶

Even in the United States, fossil fuel advocates have tried to use the “foreign agent” label to undermine opponents. Two Republican senators have asserted that the Natural Resource Defence Council is a foreign agent of China

because the group praised Chinese progress on improving environmental protections while criticizing the Trump administration’s undermining of U.S. environmental laws. The Senators want to use the 80-year-old *Foreign Agent Registration Act* to require registration of civil society organizations that have operations around the world or that receive international funding.¹⁷

The now inevitable shift away from fossil fuels, as the world comes to terms with the true extent of our climate crisis, has left oil producing states looking for scapegoats to blame for their economic troubles. After all, it is far easier to blame shadowy “foreign interests” than it is to accept that a major transition is underway that will require real leadership in shifting economies to meet new realities, and that a significant and growing proportion of domestic citizens are calling for that leadership.



Canadian-Iranian professor Kavous Seyed Emami, a founder of the Persian Wildlife Heritage Foundation, was one of several environmentalists arrested in 2018 and accused of espionage.



TACTIC 2:

DENY OR REVOKE CHARITABLE STATUS

(also often linked to foreign agent assertion)

Also employed by: Russia, Kuwait, Saudi Arabia

The Alberta Premier has threatened to sue those who speak out against fossil fuel development for defamation and has said he will go to court to try to strip charitable status from groups opposing new pipelines and tar sands expansion.¹⁸

In addition, the Alberta Government in its mandate for the public inquiry has also expressed openness to the persecution of civil society organizations in other jurisdictions, stating that the panel should “examine investigations completed in other jurisdictions into similar activities.”¹⁹

The inquiry objectives also indicate that the Alberta government would like to find ways of acting on the Premier’s interest in stripping groups that oppose fossil fuel projects of charitable status,²⁰ despite the fact that charitable status is determined by the federal government’s Canadian Revenue Agency and that an Ontario court recently found that civil society organizations have a right to take part in public political debate.²¹

These efforts to threaten to revoke, or to actually revoke, charitable status is also drawn from the Petro-state playbook.

Russia has passed an “Undesirable Organizations Law,” which empowers the Prosecutor General or his deputies to declare a foreign or international organization “undesirable” if they deem their activities to represent a threat to the country’s “constitutional order, defence potential or state security”.²² The law imposes administrative and criminal penalties for those who participate in activities the government believes are in breach of these rules, and has been used to gag dissent. For example, the U.S.-based Pacific Center for the Protection of the Environment and Natural Resources has been condemned by Russian authorities as “a threat to the fundamentals of the constitutional system of the Russian Federation and the security of the state,” according to Article20.org.²³

In Kuwait, Civil Society Organizations (CSOs) must register with the Ministry of Social Affairs and Labour. Such registration is “reportedly severely politicized, with the government frequently denying registration permits to independent organizations it deems critical of government policy.” Amid many further hurdles to their operation, CSOs “are only permitted to collect funds

In Kuwait, Civil Society Organizations (CSOs) must register with the Ministry of Social Affairs and Labour. Such registration is “reportedly severely politicized, with the government frequently denying registration permits.”

once each year after first receiving a licence from the government.” Those who are permitted to operate must secure permission for their members to attend foreign meetings.²⁴

In Saudi Arabia, the government can deny licenses to new organizations and disband them if they are deemed to be “harming national unity”.²⁵

The Alberta government isn't the first government to pursue this approach in Canada. Alberta Premier Jason Kenney was a previous member of the federal government that sought to strip charitable status from a wide range of Canadian civil society organizations. The government's first step was to give the Canada Revenue Agency (CRA) an \$8 million boost in 2012 to establish a special team to audit civil society organizations (particularly environmental organizations). **Fifty-two audits later, the CRA turned up little evidence of any malfeasance but did tie up organizational resources for years in its dragnet effort to find a basis for revoking charitable status. Undeterred, the government found a further**

\$5 million dollars in 2016 to broaden the CRA net to include organizations like Kairos, the United Church of Canada's human rights charity.²⁶

In the end, with the Ontario Superior Court finding that the CRA's rules violated freedom of expression guarantees under the Charter of Rights, the federal Liberal government removed restrictions on political activities for charities in late 2018.²⁷





TACTIC 3:

CRIMINALIZE PROTEST

Also employed by: Russia, Kuwait, Australia, Indiana, Iowa, Louisiana, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas

The Alberta Government is following in the footsteps of a number of oil-producing U.S. states and authoritarian regimes in introducing new draconian legislation to punish anyone participating in or even simply supporting protests against fossil fuel projects.

THE LEGISLATION CALLS FOR...

- ✘ Fines of up to \$1000 a day that can reach up to \$10,000 for a first offence, rising to **a maximum of \$25,000 per day** for subsequent offences and up to six months of jail time for individuals.³⁶
- ✘ Fines of **up to \$200,000 for “corporations”** that “help or direct trespassers.”³⁷
(many non-profit organizations and charities are incorporated)
- ✘ Offences included under the law include **simply entering into any infrastructure or construction site without permission.**

One might expect to see this type of oppression happen in authoritarian countries.

For example, in Kuwait, freedom of assembly (whether simply to meet, or to protest) is typically constrained by the need to notify officials in advance. “Those who participate in unauthorized protests are subject to prison terms or, for noncitizens, deportation,” according to Freedom House.²⁸

Russia, of course, was an early adopter of this approach, passing a law in 2012 to levy massive fines against participants in unauthorized demonstrations as a way of curbing growing opposition to the Putin regime.²⁹

But what’s most shocking about Alberta’s move to criminalize protest and dissent is that it’s being done in a democratic country, where citizens enjoy civil rights such as freedom of assembly, and the right to free speech. But, here again, Alberta isn’t the first place this has happened.

Nine U.S. states have passed similar laws and eight others are considering such legislation. In Louisiana, 16 people have been charged under a law that includes provisions for a maximum jail time of five years for peacefully protesting near oil and gas infrastructure.³⁰

An equally harsh anti-protest law in South Dakota has been changed after a ruling by a federal judge

found it was unconstitutional. In particular, the state governor agreed to suspend provisions aimed at anyone who does not personally participate in a protest “but directs, advises, encourages, or solicits other persons to acts of force or violence.”³¹ A similar provision is included in the Alberta law.

U.S. States have received help in crafting these laws from the American Fuel and Petrochemical Manufacturers, a powerful industry lobby group, which has circulated model legislation to state leaders through the conservative American Legislative Exchange Council and lobbied members to pass laws that can include requiring protestors to pay for the costs of policing demonstrations and fining anyone seen as supporting participation in a protest.³²

In the State of Tasmania in Australia, the government has twice attempted to pass laws limiting public protests, particularly protests against logging of tropical forests. The initial law, ruled unconstitutional by the Australian Supreme Court in 2019, called for \$10,000 on-the-spot fines for individual protesters, and jail time for second offences.³³ The government’s second attempt at the law would make even threatening to interfere with a business’ operations an offence.³⁴

Similar anti-protest laws have been introduced in Queensland, Australia, where one of the world’s biggest coal mines is under construction. The Queensland law threatens up to two years in prison for anyone interfering with the transport of commodities like coal or otherwise interfering with business operations. According to one report, “The laws were reportedly drafted in consultation with the state’s key mining industry lobby.”³⁵

Conclusion

As climate change heats up, the public is increasing speaking out against further fossil fuel development. In response, industry and industry-friendly governments are working to quash opposition and silence critics.

The government of Alberta is among the jurisdictions undertaking these kinds of actions, but it’s not alone. Alberta finds itself in the company of autocratic oil-producing peers including Russia, Saudi Arabia, and Venezuela, and even a number of U.S. states. They are employing a variety of tactics that could be drawn from a petro-state playbook, intended to discredit and intimidate critics, attacking their legitimacy, their funding, and their fundamental freedoms.

These tactics are effective at reaching some members of society, but they ultimately will backfire – since the criticism of fossil fuel expansion is well founded, fears of climate catastrophe are growing by the day, and the power of the fossil fuel industry is diminishing.

The government of Alberta would do well to confront the real challenges faced by the oil industry, rather than continuing to attempt to sew division and scapegoat critics. The people of Alberta, and Canada deserve it.

ENDNOTES

- 1 <https://calgaryherald.com/news/politics/kenney-government-launches-inquiry-into-foreign-funded-meddling-in-albertas-energy-sector>
- 2 <https://nationalpost.com/news/canada/read-the-full-text-jason-kenney-responds-to-amnesty-internationals-criticism-of-his-fight-back-strategy>
- 3 <https://calgaryherald.com/news/politics/kenney-government-launches-inquiry-into-foreign-funded-meddling-in-albertas-energy-sector>
- 4 <https://globalnews.ca/news/5462388/kenney-alberta-oil-environmentalists-funding/>
- 5 <https://www.cbc.ca/news/canada/calgary/foreign-funded-anti-alberta-energy-inquiry-1.5725780>
- 6 <https://www.alberta.ca/public-inquiry-into-anti-alberta-energy-campaigns.aspx>
- 7 <https://sputniknews.com/russia/20121212178105846/>
- 8 <https://www.theguardian.com/environment/2016/jan/14/russian-green-group-labelled-foreign-agent-in-crackdown-on-ngos>
- 9 <https://www.amnesty.org/download/Documents/EUR4651472016ENGLISH.PDF>
- 10 https://www.earthisland.org/journal/index.php/articles/entry/in_putins_russia_environmentalists_face_stiff_repression/
- 11 Ibid
- 12 <https://www.hrw.org/news/2019/06/25/russia-environmentalist-faces-criminal-charges>
- 13 <https://www.reuters.com/article/us-russia/putin-says-u-s-stoked-russian-protests-idUSTRE7B610S20111208>
- 14 <https://www.nbcnews.com/think/opinion/maduro-blaming-trump-chaos-venezuela-real-problem-history-ncna1000931>
- 15 <https://freedomhouse.org/country/venezuela/freedom-world/2020>
- 16 <https://www.nytimes.com/2018/02/10/world/middleeast/iran-environmentalist-dead-prison.html>
- 17 <https://www.latimes.com/politics/la-na-pol-foreign-agents-20180614-story.html>
- 18 https://d3n8a8pro7vnm.cloudfront.net/parklandinstitute/pages/1714/attachments/original/1568135603/defending_release.pdf?1568135603 ; <https://www.ponokanews.com/news/we-will-turn-off-the-taps-kenney/>
- 19 Ibid
- 20 <https://www.nationalobserver.com/2019/04/16/news/jason-kenneys-united-conservatives-issue-warning-suzuki-foundation-after-winning>
- 21 <https://www.cbc.ca/news/politics/cra-revenue-charities-freedom-expression-lebouthillier-appeal-political-activities-court-1.5001087>
- 22 https://www.earthisland.org/journal/index.php/articles/entry/in_putins_russia_environmentalists_face_stiff_repression/
- 23 <https://article20.org/news/genprokuratura-objavila-amerikansku/>
- 24 <http://ccprcentre.org/ccprpages/kuwait-absence-of-ngos-at-review-of-kuwait-highlights-precarious-human-rights-situation>
- 25 <https://amnesty.org.in/wp-content/uploads/2019/02/ACT3096472019ENGLISH.pdf>
- 26 <https://www.theglobeandmail.com/news/politics/study-cites-chill-from-tax-agency-audits-of-charities-political-activities/article19551584/>
- 27 <https://www.cbc.ca/news/politics/cra-revenue-charities-freedom-expression-lebouthillier-appeal-political-activities-court-1.5001087>
- 28 <https://www.alberta.ca/protecting-critical-infrastructure.aspx>
- 29 Ibid
- 30 <https://freedomhouse.org/country/kuwait/freedom-world/2020>
- 31 <https://www.theguardian.com/world/2012/jul/02/russia-register-foreign-agent-ngos>
- 32 <https://www.theglobeandmail.com/canada/alberta/article-alberta-tables-bill-that-would-jail-pipeline-protesters-for-up-to-six/>
- 33 <https://insideclimatenews.org/news/24102019/south-dakota-anti-protest-law-riot-boosting-oil-pipeline-penalties-transcanada>
- 34 <https://theintercept.com/2019/08/19/oil-lobby-pipeline-protests/>
- 35 <https://www.abc.net.au/news/2019-01-28/tasmania-revives-anti-protest-laws/10755796>
- 36 <https://www.abc.net.au/news/2019-01-28/tasmania-revives-anti-protest-laws/10755796>
- 37 <https://www.dw.com/en/anti-protest-laws-and-litigation-take-aim-at-climate-activism/a-51701293>

DRAWING FROM DESPOTS: HOW ALBERTA IS USING TACTICS BORROWED FROM RUSSIA, KUWAIT AND OTHERS TO TRY TO SILENCE OPPOSITION TO OIL AND GAS EXPANSION

A REPORT BY:



environmental
defence

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