



WOMEN'S INTERNATIONAL
LEAGUE FOR PEACE & FREEDOM
(WILPF) CANADA

SUBMISSION

TO: Secretariat of the Expert Mechanism on the rights of Indigenous Peoples,
Office of the High Commissioner for Human Rights (UN Human Rights)

FROM: Tamara Lorincz, member of the Women's International League for Peace
and Freedom (WILPF) Canada

RE: Expert mechanism on the rights of indigenous peoples: Call for submissions.
Report on "The militarization of indigenous land: a human rights focus."

DATE: February 2022

FIGHTER JETS, AIR FORCE BASES AND MILITARY CONTAMINATION ON INDIGENOUS LAND IN CANADA

Introduction

In Canada, there is a long, troubled history of the federal government expropriating and militarizing Indigenous land. Since the Second World War, there are many instances of the Government of Canada (GOC) taking land without the consent of First Nations communities to establish military bases and weapons testing ranges across the country. This submission examines some of the past and present militarization of Indigenous land by fighter jets and air forces bases and the resulting contamination that has been caused. It is based on the Women's International League for Peace and Freedom (WILPF) Canada's new report that I wrote and is entitled *Soaring: The Harms and Risks of Fighter Jets and Why Canada Must Not Buy a New Fleet*.

For my research, I travelled to Alberta in August 2021 to meet with members of the Cold Lake First Nation and to see the Canadian Forces Base (CFB) Cold Lake, which is the largest and busiest air force base in Canada and is located on traditional Dene and Cree territory. Last year, I also communicated with a member of Sheshatshiu Innu First Nation to discuss the fighter jet training in Labrador, which is traditional Innu land. I contacted the Department of National Defence and the Impact Assessment Agency of Canada to learn more about the social and environmental impacts on Indigenous communities from military bases and exercises. As well, I filed Access to Information requests and submitted an environmental petition to the GOC. I have learned that the militarization of Indigenous territory has profoundly wounded the land and wounded the people.

The impetus for this submission is the fact that the GOC is planning to purchase 88 new fighter jets for \$19 billion.¹ It is the second most expensive procurement in Canadian history. The federal government is evaluating two bids: the F-35 stealth fighter made by Lockheed Martin, an American company; and the Gripen multi-role fighter jet made by SAAB, a Swedish company. The GOC is most likely going to choose the F-35 to maintain interoperability and the defence relationship with the United States. However, the GOC is only evaluating the bids for the two fighter jets based on capability, cost and economic benefits and it is *not* considering and publicizing the potential adverse impacts on Indigenous communities. These impacts include louder noise, more air pollution, carbon emissions, chemical contamination and more destructive weapons testing on the forest and on wildlife where Indigenous people hunt, gather, camp, conduct ceremonies and have burial grounds.

WILPF Canada is concerned that Indigenous communities near the fighter jet bases and air weapons testing ranges have not been adequately consulted about this procurement and have not been made aware of the risks to their communities. WILPF Canada believes that this is a violation of Article 19 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), which requires the government to "consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting any legislative or administrative measures that may affect

them.” Last June, the Parliament of Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act*. The Act obliges the federal government to implement UNDRIP.

The GOC should consult with First Nations about this fighter jet procurement because it will have negative effects on their communities across the country (see Appendix 1: **Map of Canadian Armed Forces (CAF) Bases, Wings and Other Sites Across Canada**). The new warplanes will be stationed at 4 Wing at the CFB Cold Lake in Alberta, and they will train at the Cold Lake Air Weapons Range (CLAWR), which is the traditional territory of the Dene and Cree people and close to four reserves. New fighter jets will also train at 5 Wing at the CFB Goose Bay and the air weapons range in Labrador, which is the traditional territory of the Innu people. They will also fly up north to Iqaluit, the capital of Nunavut and the territory of the Inuit. They will engage in Arctic air power training in a fragile ecosystem that is the fastest warming area in Canada.² Fossil-fuel powered fighter jets will further endanger the ecosystem and exacerbate climate change threatening the home of the Inuit.

Yet, the Indigenous people who I spoke with were not aware of the fighter jet procurement and did not know about the harms and risk. They did not know about the specific, severe risks of the F-35. The F-35 is a highly flawed warplane with over 800 technical deficiencies that will make it a greater crash risk and a danger to Indigenous communities near air force bases and air weapons ranges.³ The F-35 is also much noisier and more carbon-intensive than other fighter jets. Whichever fighter jet the GOC purchases it will prolong the militarization of Indigenous land.

In this submission, I briefly describe some of the history of the harms of fighter jets and air force bases on First Nations in Canada. I also identify risks to Indigenous people from the GOC’s plan to buy a new fleet. I would also like to take this opportunity to bring to the Secretariat’s attention two books about the militarization of Innu land that were published in 2019: Tshaukuesh Elizabeth Penashue’s powerful memoir, *Nitinikiau Innusi: I Keep the Land Alive*, which I reference in this submission; and Bob Bartel’s *Nutau’s Cap*, an inspiring children’s book that tells the true story about how fighter jet training in Labrador disrupted the lives of the Innu people and how they resisted to protect their land. Bartel’s book was translated into the two dialects of Innu-aimun and they appear alongside the English text. Both of these books are publicly available.

The Cold Lake Air Force Base in Alberta and the adverse impacts suffered by the Dene and Cree Peoples

In 1952, without consent from the Dene and Cree peoples, the GOC leased 1.2 million hectares (3 million acres) land from the provinces of Alberta and Saskatchewan to establish the Cold Lake Air Weapons Range (CLAWR).⁴ The expropriation by the federal and provincial governments was a violation of Treaty 6 rights of the Indigenous peoples of Cold Lake, Beaver Lake, Heart Lake and Whitefish (Goodfish) Lake in Alberta and Treaty 10 rights of the Canoe Lake First Nation, Birch Narrows Dene Nation and Buffalo River Dene Nation in Saskatchewan.⁵ They were barred from accessing their traditional land that they used for hunting, trapping, fishing, gathering and ceremonies. They had used the land from time immemorial and it was considered sacred possessing the burial sites of their ancestors. Until 1961, the federal government paid minimal compensation to some of the First Nations and then stopped the payments. The Indigenous people were told by the GOC that the land would be returned to them in twenty years, but it was not. They made repeated claims to the federal Indian Affairs agency and to the Department of National Defence (DND) to return their land and pay compensation, but they were ignored.

It was not until in 1991 that the federal government finally agreed to set up an Indian Claims Commission and hold an inquiry into the historical land claim grievances of the Cold Lake First Nation and the Canoe Lake First Nation over the establishment of the CLAWR. Indigenous people gave emotional testimony about what the loss of land meant to their communities.⁶ They blamed the air weapons range for causing severe trauma, despair and poverty. In the inquiry’s final report in 1993, the Commission affirmed that the exclusion of the Indigenous

people from the CLAWR “almost destroyed their livelihoods and their access to food and other resources. The results of that event continue as a sense of loss and a source of grievance in the community and the results are still painfully evident. The damage to the community was not only financial, it was psychological and spiritual.”⁷ The Commission recommended that the federal government settle claims with the First Nations.

After years of negotiations, in 2002, the Cold Lake First Nations accepted a \$25 million settlement for the loss of their land from the GOC.⁸ For many band members, the settlement was too little and too late. Though the federal government delayed settlement with the First Nations and gave them limited access rights to the air weapons range, it gave drilling rights on the land to petroleum companies. Over the past twenty years, the CLAWR has become heavily industrialized by oil and gas projects. There have been many uncontrolled spills and blowouts that have killed animals and contaminated the water and the forest of the air weapons range.⁹ The accumulative harm from the militarization and industrialization of their traditional territory has made it very difficult for Indigenous people like the Cold Lake First Nation to meaningfully exercise their Treaty and Aboriginal rights.

The Cold Lake area will become even more militarized with the planned arrival of a new fleet of combat aircraft. Last year, the federal government awarded a \$9 million contract to Ellis Don for the building of a new fighter jet facility at CFB Cold Lake, despite the fact that most of the reserves that I went to lack paved roads. Many members of the Cold Lake First Nation also told me about how the community has suffered from alcoholism, addictions and unemployment and that they need more social services and employment opportunities. WILPF Canada believes that the GOC should invest more in First Nations communities and not in new fighter jets.

Fighter jet training in Labrador and the adverse impacts suffered by the Innu People

In 1979, the GOC and the North Atlantic Treaty Organization (NATO) began conducting low-level fighter jet training from the Goose Bay air force base in Labrador.¹⁰ The GOC signed lucrative, long-term agreements with European allies for warfare training at Goose Bay without consulting the Indigenous people. Until 2005, the Canadian, British, Dutch and German air forces flew up to 8,000 training flights annually across a 100,000 square-mile area. The fighter jets flew at supersonic speeds 30 metres (100 feet) above the ground dropping bombs and missiles and strafing the land with aircraft-mounted automatic weapons. Low-level training and air weapons testing was and is prohibited in Europe, because it is so disruptive and dangerous, but it is allowed in Canada.

Though there is currently less fighter jet training at CFB Goose Bay, the federal government continues to allow these military practices on the traditional home and hunting grounds of the Innu. The GOC set up the Foreign Military Training Goose Bay (FMTGB) office to actively promote and coordinate the international use of the large low-level training area in Labrador.¹¹ The FMTGB advertises the area as a world-class training area with “freedom to fly” day or night and as a key transit point for tactical aircraft (fighter jets) between North America and Europe. In January of this year, the German military is doing winter training at CFB Goose Bay. These military activities and fighter jet activities continue to disturb the Innu people.

Not only has Innu land been militarized, it has also been heavily industrialized often without the Indigenous people’s consent and adequate consultation.¹² Their territory has been contaminated by mining waste and flooded by dams. The cumulative harm from the dispossession, militarization and industrialization of their land has led to great suffering and serious social problems, such as substance abuse and suicide, for the Innu people.¹³

Disturbing the Peace: Noise Pollution of Fighter Jets

Fighter jets, which have very powerful military aircraft engines, are much louder than commercial aircraft. Fighter jets have low-bypass, turbo-jet engines and after-burners for additional thrust to fly faster than the speed of sound (supersonic, or faster than 1,225km/h), which make them extremely noisy and can harm hearing.¹⁴ Under certain conditions, fighter jets can also create sonic booms, which cause buildings to shake and induce intense stress reactions in the human body and in wildlife.¹⁵

In her memoir, *Nitinikiau Innusi: I Keep the Land Alive*, Penashue described the terrible noise from low-level fighter jet training in Labrador,

The fighter jets shatter our happiness – they have no respect. Sometimes they come in the morning, when the children and old people are still asleep in their tents. The little ones cry because they don't understand what that terrifying sound is, the sonic boom. It's so loud it hurts their ears, and we worry the damage might be permanent. Sometimes we're out canoeing along the shore – hunting, fishing or teaching our children and grandchildren our ways of doing things – and I'm afraid a canoe could capsize when people are startled... That's what it's like these days in nutshimit (the wilderness or bush).¹⁶

When I was in Cold Lake last summer, the fighter jets flew over the reserves many times a day. Early one morning when I was meeting with a Dene elder, a CF-18 fighter jet roared over her house and she complained about the noise. She also said that she felt that the years of fighter jets flying overhead was causing her to go deaf. She was not aware of any public health study done on the impact of noise from the fighter jets. She was also not aware that if the federal government buys a fleet of F-35s it will be even noisier than Canada's current CF-18s. Every spring, CFB Cold Lake hosts Exercise MAPLE FLAG, an annual air combat exercise that last several weeks with air forces from NATO countries and brings more military aircraft to the region.¹⁷ The GOC is not considering the risk of severe, prolonged noise from the extant and future fighter jets on the Indigenous people.

Military Contamination on Indigenous Land

Many of the most contaminated and environmentally degraded sites in Canada are military bases and weapons testing ranges, which are on former Indigenous land. The Federal Contaminated Sites Inventory (FCSI) shows that DND is currently responsible for 771 active sites and 121 suspected contaminated across the country including CFB Cold Lake and CFB Goose Bay.¹⁸ Military vehicles, like fighter jets, and weapons testing require a disproportionate use of hazardous materials (HAZMAT), such as explosives, solvents and petrochemicals. DND acknowledges that the military is a major consumer of HAZMAT and producer of hazardous waste.¹⁹ In a 2005 joint study by DND and the U.S. Department of Defense, heavy metal contamination in the soil, water and vegetation was found from live fire testing in the CLAWR.²⁰

According to the FCSI, per- and polyfluoroalkyl substances (PFAS), 'forever chemicals', have also been found on military bases. These chemicals are a group of over 4,700 human-made substances that are used as surfactants, lubricants and repellents (for dirt, water, and grease) and are linked to cancer.²¹ PFAS are found in certain firefighting foams that are often used on air force bases to prevent fires from military aircraft. Wings in Cold Lake, Comox, Moose Jaw, Winnipeg, Shearwater and Gander are contaminated or suspected of being contaminated with PFAS.²² A new fleet of fighter jets will likely prolong the use of PFAS and increase contamination around military bases.

In Alberta, CFB Cold Lake and the air weapons range have also had an adverse impact on wildlife that is culturally significant to and hunted by Indigenous people. The CLAWR has severely disturbed the caribou's habitat including destroying the calving areas that has led to a precipitous decline in the population (also known as the Woodland Caribou, Boreal population).²³ Since 2000, the Boreal Caribou has been listed as threatened under the federal *Species at Risk Act*. In discussions with members of the Cold Lake First Nation, they expressed their concern that fighter jets are harming animals, the forest and the water. They said that over the years they have witnessed fighter jets dumping fuel from the sky on the lakes and leaving unexploded weapons on the land (fighter jets dump fuel to reduce their weight when they need to land in an emergency).²⁴ In Labrador, Penashue described the ravaged landscape after fighter jet weapons testing,

The next morning, we went to have a look. There were fuel drums around the shore and the bombs had left huge craters in the ground, longer than an adult person and deep enough to stand up in. It's a wasteland. It looks as though a giant bulldozer dug it all up. All the trees and plants are dead. There's nothing left for the animals to eat. It broke my heart.²⁵

Penashue has worried about the long-term negative effects of the fighter jets on forest and the wildlife.

Across Canada, there are also 865 suspected and 63 confirmed unexploded ordnance (UXO) legacy sites for which DND is responsible.²⁶ Many of these sites are weapons ranges that are littered with unexploded bombs, rockets, artillery shells, flares and missiles from fighter jet testing. These UXOs threaten public safety and harm the natural environment. The Cold Lake First Nations people who want access to the CLAWR must do a safety orientation in advance, so that they avoid injury by UXOs on the land.²⁷ The GOC has not done a public health study or an environmental assessment of the fighter jet procurement to determine what impacts there will be on Indigenous people and their natural environment, which is a violation of Article 30.2 of UNDRIP.²⁸

Land Back: Indigenous Resistance and Wisdom for Reconciliation

The dispossession and ruination of First Nations' land by the military for fighter jet training and air weapons testing should be viewed as grave breaches of the human rights of Indigenous people and as examples of environmental violence and racism. For decades, the Innu of Labrador and the Dene and Cree peoples of Alberta and Saskatchewan have resisted the militarization of their land.²⁹ Before the GOC makes any decision on the fighter jet procurement, there must be free, prior and informed consent as required by UNDRIP. The government must acknowledge the past and present harms from the current fleet of fighter jets and air forces, consider the future risks of a new fleet on Indigenous people and consult with them.

Land back is a crucial process of reconciliation and decolonization and it should start with air force bases and weapons ranges. The process should be led by First Nations and informed by their traditional ecological knowledge and wisdom. Land is fundamental to Indigenous identity and well-being.³⁰ Cancelling the planned fighter jet procurement and remediating military sites would help with healing and would protect Indigenous peoples' right "to live in security, peace and freedom" under Article 7 of UNDRIP. By not buying fighter jets, the GOC would have the resources to provide services like health care, water treatment and housing to First Nations.

Though it required protests and litigation by First Nations, there are some significant examples of the federal government returning former military sites to them. In 2019, the GOC signed an agreement with the Treaty One First Nation to return the Kapyong Barracks land in Winnipeg.³¹ The First Nation created a master plan to redevelop the former barracks into a mixed-use village with housing, a cultural campus, recreation centre, green spaces and other amenities. Demilitarization of Indigenous land is possible and provides hope.

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About the Women's International League for Peace and Freedom (WILPF) Canada: WILPF Canada is a membership-led organization committed to a feminist peace, social justice, and gender equality. WILPF Canada is active in the the Women, Peace and Security Network-Canada. WILPF Canada is a national section of WILPF international, which is the world's longest standing women peace organization founded in 1915. Visit our web site and read our full report *Soaring: The Harms and Risks of Fighter Jets and Why Canada Must Not Buy a New Fleet* at: <https://wilpfcanda.ca> or contact us by email: wilpf.canada@gmail.com

Appendix 1

Map of Canadian Armed Forces (CAF) Bases, Wings and Other Sites across Canada

Source: Department of National Defence



End Notes

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