

# The EU biofuel sustainability criteria tested? can we keep out bad biofuel?

## Title

Reports commissioned by BirdLife Europe and ActionAid find that current plans to produce biofuels from jatropha grown at Dakatcha woodlands in Kenya would breach the existing sustainability criteria under the Renewable Energy Directive (RED).

- Greenhouse gas emissions savings from Dakatcha biofuels would fail to meet savings targets. In fact, **jatropha from Dakatcha would have up to 6 times the carbon emissions of fossil fuels.** [notes]
- **Dakatcha woodland is an area of high biodiversity value**, inappropriate for conversion to biofuel production. [notes]
- **Dakatcha woodland is land with high carbon stock**, again, inappropriate for conversion to biofuel plantation according to the sustainability criteria. [notes]

The plantations would also lead to **the eviction of some 20,000 indigenous tribes people.** But social issues are not covered by the sustainability criteria of the RED - a major flaw of the Directive which severely undermines the credibility of its sustainability claims and which means it may be in breach of the EU's Lisbon Treaty obligations on ensuring policy coherence for development. Campaigners say the results of these different analyses make a mockery of claims that biofuels are a green, renewable alternative to fossil fuels. Biofuel is planned to make up around 8.8% of the total EU energy in transport by 2020. [notes] Serah Munguti, Nature Kenya's expert [notes], said: "The Dakatcha woodland is a haven for wildlife, but faces a threat which is a direct result of European demand for biofuels. No government has done a proper assessment of the biofuels which would be produced by destroying Dakatcha to see if they will, in fact, reduce our carbon emissions ? so we decided to do it for them. "We were shocked to discover that the biofuel produced from the proposed plantations at Dakatcha will result in up to six times more carbon emissions than fossil fuels." Trees Robijns from BirdLife Europe added: "This evaluation of the actual effects of just one project shows the disastrous impacts of bad biofuels on the climate, nature and people. Our partners have brought it to our attention and we might be able to stop this project, but what about the rest of them? How many Dakatcha cases will the EU still need to encounter before adjusting its path and slam the door on unsustainable biofuels?" The EU recognises the problems that subsidising biofuels is causing across the world and has therefore put in place sustainability criteria under the Renewable Energy Directive. However, these sustainability

criteria are far from perfect as they omit major issues like Indirect Land Use Change [notes] or any social criteria. Much of the biofuel that would be produced in Dakatcha is destined for Europe and driven directly by the European Union targets. The analysis carried out here has tested the RED and comes to the conclusion that biofuels grown in Dakatcha would not qualify for EU targets or subsidies under the RED criteria. Susie Wilks, Biodiversity Lawyer with ClientEarth and author of the legal report evaluating the RED criteria said: "The RED acknowledges that EU citizens find it unacceptable that their demand for biofuels should drive the destruction of biodiverse lands. The sustainability criteria are there to deal with situations precisely like this one. It is clear that Dakatcha jatropha biofuels would fall foul of the sustainability criteria on numerous counts." Sarah Oppenheimer, Head of European Policy Campaigns at RSPB comments: "This case has been brought to light thanks to an active partner in Kenya who knew how to mobilize the RSPB and its BirdLife network. We wonder however, how many other Dakatcha like cases are there which are pushing the agricultural frontier further and further for the sake of European demands? Will these cases get put to the same tests as we performed here?" BirdLife Europe calls upon EU member states, the European Parliament and the European Commission to undertake action by:

- **Calling for the proposed biofuel plantation at the Dakatcha woodlands to be abandoned.**
  - **Radically overhaul the sustainability criteria to include all environmental and social impacts, including people and land rights.**
  - **Ensuring a legislative proposal to address impacts of Indirect Land Use Change (ILUC) including feedstock specific ILUC factors.**

**Notes to editors: 1. The Dakatcha biofuels proposal** In 2009, Kenya Jatropha Energy Ltd - owned by Italian company Nuove Iniziative Industriali Srl - proposed clearing 50,000 hectares in the Dakatcha area to develop the plantation. Following protests by the local community, the Kenyan government put the project on hold. But the company has resubmitted a proposal for pilot project of up to 10,000 hectares. More info you can find here:

<http://www.rspb.org.uk/ourwork/casework/details.aspx?id=tcm:9-263030> or

<http://www.birdlife.org/community/2011/03/new-study-reveals-biofuels-carbon-con/> or

<http://www.birdlife.org/datazone/sitefactsheet.php?id=6398>

<http://www.naturekenya.org/Conservation/Advocacy/Dakatcha> **2. Life Cycle Assessment of refined vegetable oil and biodiesel from Jatropha grown in Dakatcha Woodlands of Kenya**

This report evaluates the life cycle greenhouse gas emissions associated with the proposed scheme to produce biofuels from jatropha cultivated in the Dakatcha woodlands by Kenya Jatropha Energy Ltd for relevant uses in Kenya and Italy. Results were compared with current and 2017 targets for net greenhouse gas emissions savings, of 35% and 50% respectively, as part of the EU's RED sustainability criteria. Assuming typical conditions and yields, emissions are found to be 2.5 to 6 times higher than fossil fuel equivalents, principally as a result of the destruction of woodland and scrubland that will be required to plant the proposed jatropha. Under almost all scenarios it would not be possible to meet the European "sustainability criteria" of delivering a 35% emission saving compared to fossil fuels, and under no scenarios could the 50% standard, which will be introduced in 2017, be met. The full report can be found here: [http://www.rspb.org.uk/Images/finalreport2011\\_tcm9-277866.pdf](http://www.rspb.org.uk/Images/finalreport2011_tcm9-277866.pdf)

**3. ClientEarth - Legal Analysis: Sustainability Criteria Compliance Review for Jatropha curcas Biofuels from the Dakatcha Woodland in Kenya** The European Union's

Renewable Energy Directive contains a set of criteria designed to encourage the promotion of biofuels from sustainable sources. To count towards renewable energy targets in the EU and its Member States, and to receive financial support, biofuels must comply with these criteria.

Current plans to produce biofuels from the jatropha feed-stocks grown at the Dakatcha woodland, Kenya, would result in a number of breaches of the sustainability criteria. This is because:

1. Greenhouse gas emissions savings from Dakatcha biofuels would be insufficient, failing to meet savings targets.
2. The Dakatcha woodland is an area of high biodiversity value, inappropriate for conversion to biofuel production.
3. The Dakatcha woodland is land with high carbon stock, again, inappropriate for conversion to biofuel plantation according to the sustainability criteria.

The full report can be found here: <http://www.clientearth.org/biodiversity-publications/>

#### **4. IEEP report - Anticipated Indirect Land Use Change Associated with Expanded Use of Biofuels and Bioliquids in the EU ? An Analysis of the National Renewable Energy Action Plans**

The IEEP report evaluates the overall amount of biofuels that is currently estimated to be used by European Union Member States. This report concludes that: ?The RED target, for 10% of transport fuel to be from renewable sources by 2020, is anticipated to stimulate a major increase in the use of conventional biofuels up to 2020, contributing up to 92% of total predicted biofuel use or 27.3 Mtoe in 2020. This would represent 8.8% of the total energy in transport by 2020; 72% of this demand is anticipated to be met through the use of biodiesel and 28% from bioethanol.? The full report can be found here:

[http://www.ieep.eu/assets/786/Analysis\\_of\\_ILUC\\_Based\\_on\\_the\\_National\\_Renewable\\_Energy\\_Action\\_Plan.pdf](http://www.ieep.eu/assets/786/Analysis_of_ILUC_Based_on_the_National_Renewable_Energy_Action_Plan.pdf)

**5. Nature Kenya: Fighting for threatened wildlife** BirdLife International is a global Partnership of 117 NGOs that strives to conserve birds, their habitats and global biodiversity, working with people towards sustainability in the use of natural resources. Nature Kenya is the BirdLife Partner in Kenya and works to enhance knowledge of Kenya?s biodiversity; promote conservation of key species, sites, and habitats; encourage community participation in conservation through promotion of sustainable benefits; and advocate policies favourable to biodiversity conservation. For more information on Nature Kenya?s fight to save Dakatcha visit <http://www.naturekenya.org/Conservation/Advocacy/Dakatcha>

**6. Indirect Land Use Change (ILUC)** ILUC is described as the impact of the expansion of agricultural land into environmentally sensitive areas when food production is displaced by fuel crops. ILUC takes place in the case of biofuels stimulated by the RED. If ILUC is not taken into account in terms of emissions, it can undo any gains estimated by the substitution of regular fuels by biofuels. The European Commission is currently still debating whether and how to include ILUC in the sustainability criteria of biofuels. A final solution of this issue is expected in June. For more information: [http://www.birdlife.org/eu/EU\\_policy/Biofuels/eu\\_biofuels5b.html](http://www.birdlife.org/eu/EU_policy/Biofuels/eu_biofuels5b.html) or

<http://www.birdlife.org/community/2011/01/eu-postpones-cleanup-of-biofuels-policy-again/>

**7. Dakatcha Woodlands** Dakatcha Woodland is an Important Bird Area (IBA) and home to a number of globally threatened bird species including Clarke?s Weaver, which is found in only two places on earth ? Dakatcha Woodland and the Arabuko-Sokoke Forest to the south. Since Clarke?s Weaver is presumed to nest in Dakatcha Woodland, the project therefore threatens this species with extinction. Important Bird Areas are recognised as a crucial biodiversity designation by the European Court of Justice and if this site were in the EU, it would certainly be protected under EU law. Dakatcha Woodland, one of Kenya?s last remaining coastal forests is home to over 20,000 people and is the ancestral land of the indigenous minority Watha and Giriama tribes. The plantation will not only evict the tribes from their land, but will destroy their livelihoods and sacred burial sites.

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