



European Commission Consultation on Indirect Land Use Change
29 October 2010

The RSPB is the UK partner of BirdLife International, a global Partnership of independent NGOs that strives to conserve birds, their habitats and global biodiversity, working with people towards sustainability in the use of natural resources. BirdLife Partners operate in over 113 countries, including all 27 EU countries and 22 African countries, with 10 million supporters worldwide.

The European Division of BirdLife International is submitting detailed comments to this consultation jointly with T&E, EEB and Client Earth. This submission from the RSPB is intended to complement that submission. We have responded to the four questions and provided additional information on the potential consequences of the EU's biofuel policy in Africa.

- 1) Do you consider that the analytical work referred to above, and/or other analytical work in this field, provides a good basis for determining how significant indirect land use change resulting from the production of biofuels is?

The Commission's analytical work shows that the expected land-use conversion resulting from the policy is very significant. Importantly, none of the studies comes out with zero or negative Indirect Land Use Change (ILUC) emissions for any land using biofuel feedstock. Nor does any study show that moving from today's levels of biofuels use to levels expected by 2020 would, without additional safeguards, result in net GHG emission reductions. As a result, there is a clear need for corrective action.

- 2) On the basis of the available evidence, do you think that EU action is needed to address indirect land use change?

Yes, action on ILUC is needed. Taken together, these studies represent the best available scientific evidence to date on ILUC impacts of EU biofuel policies upon which the legislative proposal should be based.

- 3) If action is to be taken, and if it is to have the effect of encouraging greater use of some categories of biofuel and/or less use of other categories of biofuel than would otherwise be the case, it would be necessary to identify these categories of biofuel on the basis of the analytical work. As such, do you think

it is possible to draw sufficiently reliable conclusions on whether indirect land use change impacts of biofuels vary according to:

- feedstock type?
- geographical location?
- land management?

If so, please say which, and indicate the evidence used to reach your conclusion.

Yes, it is possible to choose feedstock based ILUC factors. These differentiated ILUC factors would have to be set at a conservative level within the ranges provided in the studies to date, which represent the best available science, addressing any differences by applying the precautionary principle. These values should, however, be regularly updated as science progresses and a transparent and independent process for doing this should be set up.

- 4) Based on your responses to the above questions, what course of action do you think appropriate? Please say what action and why.

D. Take some other form of action

Climate change is widely recognised as posing the most serious threat to global biodiversity. Renewable energy offers an important opportunity to contribute to reducing emissions of greenhouse gases. However, some renewables – biofuels in particular - only deliver limited – if any - carbon savings over their life cycle. This is because demand for biofuels is leading (directly and indirectly) to the conversion of natural habitats such as grasslands and forests on a potentially catastrophic scale, which is not only having disastrous consequence for the global climate, but for many rural communities and for biodiversity and the local environment.

In Africa, our BirdLife partners are already seeing examples of valuable natural habitat conversion being driven by EU targets under the Renewable Energy Directive. Attached are some initial examples of such cases of direct land use change in Africa. These are of extremely serious concern to the RSPB and the BirdLife International Partnership in Africa and we fear that these examples of direct land use change are the tip of the iceberg – the bit that is unidentifiable and directly traceable. Indirect land use change is by its very nature impossible to illustrate with case studies. The land conversion – whether caused directly or indirectly – is the same and just as damaging either way.

We would therefore urge the European Commission to take the overwhelming body of evidence of current and potential consequences of an unchanged EU policy in other parts of the world into account and take urgent action to ensure that EU energy policy avoids harm to ecosystems and biodiversity overseas, including from both direct and indirect land use change.

The EU should make sure the mandatory sustainability criteria introduced for biofuels are implemented in a way that rules out both direct and ILUC. Based on the latest and best available science, ILUC should be addressed by introducing

conservative (ie assuming worst case scenario) feedstock based ILUC factors. If done properly, this should help to rectify the current accounting loopholes and stimulate only the most sustainable biofuels which can clearly demonstrate they are saving rather than emitting more greenhouse gases than the alternatives.

Contact

We would be very happy to discuss our comments with you. For further info please contact:

Abigail Bunker
Senior Agriculture Policy Officer
RSPB
The Lodge
Sandy
Beds SG19 2DL
Tel: 01767 693438
Abi.bunker@rspb.org.uk

Impacts of EU Biofuels policy: Case studies from Africa

Eyewitness examples of harm in Africa

African BirdLife Partners are already aware of a number of recent biofuel projects that threaten natural habitats of international importance for birds. For example:

1. Dakatcha Woodlands, Kenya – threatened by a proposal to grow jatropha for biodiesel and oil lamps;
2. Tana River Delta, Kenya – threatened by a number of proposals including oil seeds, jatropha and sugar cane;
3. Mamuta-Mayoso in Sierra Leone threatened by a sugarcane proposal by Swiss based Addax Bioenergy;
4. Ribeira Peixe secondary Forest, Sao Tome - threatened by a proposal to grow oil palm for bioenergy;

Tip of the iceberg?

BirdLife fears that these case studies are likely to be the tip of the iceberg as the EU's strong market signal begins to direct investors to a 'rush to biofuels'. Several other organisations have already identified further projects¹. BirdLife is looking at the feasibility of undertaking a systematic survey of similar projects in Africa.

These cases indicate that the EU's attempt to prevent damaging direct land use change to produce the EU's biofuels - through development of 'sustainability criteria' within the Renewable Energy Directive – is failing.

Detailed Case studies

1. Dakatcha Woodlands, Kenya – 500km² threatened

Kenya Jatropha Energy Limited, a Kenyan subsidiary of the Italian company Nuova Iniziative Industriali s.r.l. has proposed clearing a 50,000 hectare (500km²) area in Bungale, Malindi, Kenya to grow Jatropha. The forests, thickets and woodlands of Dakatcha Woodland Important Bird Area lie within the project area.

Damage to ECJ-recognised Important Bird Area

The proposed project will have a devastating impact on the unique environment of Dakatcha Woodland, which is of international importance for biodiversity conservation. It is an Important Bird Area, 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.

¹ For example in the 2010 FOE Europe report *Africa: Up for Grabs* available from http://www.foeeurope.org/agrofuels/FoEE_Africa_up_for_grabs_2010.pdf

Dakatcha is also critical for other globally threatened species - plants and animals found only in a few East African coastal forests - and hence has also been identified as a global biodiversity hotspot.

Displacement of people

It is not just the biodiversity that stands to lose. The project will also displace a significant number of local people: estimated at 20,000 – 58,000 people.

Biofuel for EU market as part of 'green' scheme

Reports in the media suggest that biofuels used at IKEA sites in Europe could be produced from the Jatropha at Dakatcha. BirdLife partners are currently in the process of verifying with IKEA whether they anticipate using this fuel. The RSPB (Birdlife in the UK) are also working with Nature Kenya (BirdLife in Kenya) to commission a Life Cycle Analysis (LCA) of the proposed project to examine the true carbon benefit of the proposed project as we believe this is being fundamentally neglected by governments and producers alike.

The BirdLife Africa Partnership are also seeking to understand why this project is not prevented on the grounds of its unacceptable impacts on globally threatened species (recognised as such by IUCN), impacts that the European Commission claims will be prevented by the RED 'sustainability criteria'.

More information:

- Nature Kenya webpages on Dakatcha
<http://www.naturekenya.org/Conservation/Advocacy/Dakatcha>
- BirdLife Africa Position on Biofuels and Proposed Dakatcha Project -
<http://www.birdlife.org/community/2010/07/birdlife-africa-position-on-biofuels-and-proposed-dakatcha-project/>
- Bloomberg article - <http://www.businessweek.com/news/2010-08-04/italian-investor-s-biofuel-project-sparks-kenyan-opposition.html>

2. Tana River Delta, Kenya

UK company oil seed crop granted consent

Today the Tana River Delta in Kenya's Coast province is at the centre of 'a new scramble for Africa'. Although rainfall is unreliable and soils are sandy and prone to salt water intrusion, the Delta is viewed as fertile. More than half a dozen companies are already gathering to reap its potential riches. These include companies from Canada (Bedford Biofuels Limited) and the UK (G4 Industries Limited). G4 have already been granted consent to grow oil seed crops on a 28,000 hectare (280 km²) plot of land in the Tana delta, to be used for biofuels.

Tana Delta, the 'second Okavango Delta' – an Important Bird Area

The Tana River Delta is one of the most important wetlands in Africa and has been described as Africa's second Okavango Delta. It supports over 350 species of birds, including 22 wetland birds found in internationally important numbers, globally threatened birds such as the Endangered Basra Reed Warbler, for which the delta is a

critical wintering site, and two threatened primates found only in forest fragments along the Tana River – Tana River Red Colobus and Tana River Crested Mangabey. The core Delta area covers 130,000ha (1,300 km²) and is a rich mix of habitats supporting not only thousands of wetland birds, but also hippos, lions, elephants, buffaloes and many breeding fish and amphibians. The Delta qualifies for listing as a wetland of international importance (Ramsar site), but is not yet designated, although the process has started. Tana Delta is also part of the Coastal Forests of Eastern Africa Biodiversity Hotspot.

Site of importance for local communities

The Tana Delta also supports people from several different ethnic groups, and their traditional lifestyles. It is one of the poorest regions in Kenya where 73% of people still live below the poverty line, and the river provides essential ecosystem services (eg food, fresh water and fuel) to the more than 80,000 people who live there. Local people live by the seasons, adapting to the regular floods that keep the area productive throughout the year. The Delta provides grass throughout the dry season for enormous herds of animals (335,000 cattle, 260,000 sheep, 360,000 goats, 57,000 camels and 19,000 donkeys) from a very wide area, which are the basis of survival for many thousands of people. The Delta is also a major fishery for the local and export market; and local farmers grow subsistence crops, cash crops and fruit trees for their survival. Newer economic uses include tourism, with lodges, boat rides and a wildlife conservancy all currently under development.

Investor pressure neglecting the need for proper development plans

The BirdLife Africa Partnership strongly object to the proposed developments, which we believe will have devastating impacts on the Delta's ecology, biodiversity and local people's livelihoods. And we believe that the economic gains from them will be small. Hence we have been supporting Nature Kenya in their campaign against the developments, and in their efforts to secure a more sustainable future for the Delta. One in which endangered wildlife has a place and local communities the chance to generate incomes and in which the Delta can help Kenya adapt to climate change. We believe that large-scale developments should not go ahead until an alternative vision has been agreed and a larger conservation and development plan for the sustainable use of the Delta prepared. Such an approach seems to be strongly supported by local people. The local communities have lodged a legal case against the developments in the Kenyan High Court seeking injunctions to block the developments and the next hearing is scheduled before the end of the year.

More information:

Nature Kenya webpages -

<http://www.naturekenya.org/Conservation/Advocacy/Tana%20Delta>

RSPB webpages - <http://www.rspb.org.uk/ourwork/casework/details.aspx?id=tcm:9-228564>

Tana Delta campaign - <http://www.tanariverdelta.org/tana/welcome.html>

3. Mamunta-Mayoso Wildlife Sanctuary, Sierra Leone-45,000 Ha (450 Km²)
Addax Bioenergy, a biofuel company has been authorised to develop a greenfield integrated agricultural and renewable energy complex in Sierra Leone to produce

ethanol and electricity. Developments include a large scale sugar cane estate as well as an ethanol processing factory. The project area covers about 45,000 ha (450 Km²). This area is close to the Mamunta-Mayoso wildlife sanctuary (2076 ha); a fresh water wetland as well as a site of national significance for bird conservation (Okoni-Williams, et al 2004). This sanctuary is located in Bombali district in between the towns of Makeni and Lunsar. The company intends to export the bulk of its production to the EU market.

Impact on the biodiversity

The sanctuary supports a wide range of fauna and flora including 252 species of birds belonging to 51 families (IBA survey 1994-96). It is also home to the Near-threatened bird species-Turati's Boubou and Rufous-winged Illadopsis and threatened primate species such as the western chimpanzee and the red colobus monkey. The Vulnerable Dwarf Crocodile has also been recorded from this site. The project will destroy the habitats required by these species, leading to their local extinction. The sanctuary is also likely to face increased threat of siltation and pollution with the development of the project.

Impact on livelihoods

The community within the Bombali district uses the area for growing annual staple crops such as rice and other food crops. This project will therefore interfere with food production hence impact negatively on the livelihoods of the community.

Land loss

The local community is required to sign a 50 year land leasing agreement with Addax bioenergy before implementation of the project. The local community stands to lose their land through this leasing and hence will be directly affected. This also poses a threat to the farmers' rights to decision-making concerning their land once it is signed off.

The Conservation Society for Sierra Leone (BirdLife Partner) is on the forefront in objecting this project development due to the potential threats it poses to biodiversity and the livelihoods of the local community.

More information

- Conservation Society of Sierra Leone web pages (<http://conservationsl.org/>)
- Okoni-Williams, A D, Thompson, H S, Koroma, A P and Wood, P 2004: Important Bird Areas in Sierra Leone: priorities for biodiversity conservation. Conservation Society of Sierra Leone and Forestry Division, GOSL.

4. Monte Carmo Forests, Sao Tome and Principe

Agripalma Lda, a unit of the Belgian Socfinco SA, is investing US\$75 million in a rural development project in the south of Sao Tome and the northern area of the island of Principe. The project, entitled "Regional integrated agri-industrial development" consists of recuperation, renewal and planting of new palm trees and includes installing two palm oil factory units, one in Ribeira Peixe plantation, in the south of Sao Tome, and another at the Sundry plantation, on the island of Principe. The project activities in Ribeira Peixe are very close to the Monte Carmo forests of the

Obô Natural Park and overlaps with the Natural Park's buffer zone; although the precise degree of overlap is unknown (it might be extensive). The press recently reported that work had begun and was rapidly progressing in the Ribeira Peixe area.

Threat to biodiversity

São Tomé and Príncipe's tropical forests are very rich in biodiversity and provide a home to several species of animals and plants. Regarded as a biodiversity hotspot, some of these species are only found in São Tomé and Príncipe making the island very unique. In 1988, the lowland forests in the south-west of the island were recognised as the second most important forest for bird conservation in Africa (Collar and Stuart 1988). It is important to note that the three bird species which are regarded by BirdLife and the World Conservation Union (IUCN) as Critically Endangered and are listed on the IUCN Red List as being in imminent danger of extinction are: Dwarf Olive Ibis *Bostrychia bocagei*, São Tomé Fiscal *Lanius newtoni* and São Tomé Grosbeak *Neospiza concolor* (<http://www.birdlife.org/datazone/species>). These species decrease in number with increasing proximity to areas of human activity (Dallimer et al. 2009). The proposed palm oil project threatens the very existence of these bird species which are of biodiversity conservation importance. Sadly, this will eventually lead to their extinction.

Source of livelihoods for local subsistence farmers

The community living adjacent to the forest directly depend on the forest's goods and services hence the project will interfere with their livelihoods

Displacement of local community

Chances are that the community living adjacent to the forest will be displaced due to the project activities. This could prompt them to move closer to the natural park in a bid to look for alternative land, and in turn cause a build-up of pressure on the ecosystem services provided by the area.

BirdLife International through São Tomé and Príncipe's Associação de Biólogos Santomenses (ABS) are in the process of developing a relationship with Agripalma on this palm oil production issue, in order to bring to the company's attention the detrimental impacts on biodiversity and livelihoods that their project is likely to cause.

More information

- Dallimer, M., King, T. & Atkinson, R. J. (2009). Pervasive threats within a protected area: conserving the endemic birds of São Tomé, West Africa. *Animal Conservation* 12: 209–219