

Protect the right to boycott – oppose the ‘anti-boycott’ law

1. Summary

The government’s ‘Economic Activity of Public Bodies (Overseas Matters) bill’ (or anti-boycott bill) threatens to erode local democracy, restrict freedom of expression, and undermine campaigns for social and climate justice. A broad coalition of nearly 70 civil society organisations (<https://righttoboycott.org.uk/>) made up of trade unions, charities, NGOs, faith, climate justice, human rights, and solidarity organisations are calling on MPs to reject this dangerous bill in parliament. Boycott and divestment have long been used to campaign peacefully for progressive change in this country and around the world. They are important tools for accountability and core elements of freedom of expression, which should be protected in a democratic society.

2. Recommendations for MPs

The anti-boycott bill will limit the ability of public bodies to make ethical choices about spending and investment that reflect widespread public support for human rights, climate goals and international law. It will also violate the rights of individual pension holders to invest their pensions consistently with their values. As such, MPs should:

- Vote against the government’s anti-boycott bill in parliament and encourage colleagues to do so.
- Promote the ability of public bodies to make ethical investment and procurement decisions.
- Actively reject and call out misinformation about the movement for Palestinian rights, including the Palestinian call for boycott, divestment, and sanctions (BDS).

3. Background

The government has introduced an ‘Economic Activity of Public Bodies (Overseas Matters) bill’ (or anti-boycott bill). The legislation aims to prevent local authorities, universities, some pension funds, and other public institutions from exercising ethical discretion when making financial decisions. Under the bill, such bodies must show no ‘regard to a territorial consideration’ in a way that indicates ‘political or moral disapproval of foreign state conduct.’ This opaque language seeks to shield those engaged in human rights abuses, environmental destruction or wars of aggression, by barring public authorities from making spending or investment choices that express dissatisfaction with the conduct of any state, or companies with ties to them, unless explicitly permitted to do so by the government.¹ Many people in this country care deeply about human rights and the planet and the anti-boycott bill threatens their ability to insist that public bodies reflect voters’ entirely justified concerns over illegal and unethical practices.

¹ Economic Activity of Public Bodies (Overseas Matters) bill

4. Boycotts and divestment: proven campaigning tools in democratic societies

Boycott, Divestment and Sanctions (BDS) campaigns are part of the fabric of democracy. As a set of tactics, they provide a peaceful way for people to push for justice. BDS campaigns have been used by social movements throughout history and across the world to pressure regimes, institutions, or companies to change abusive, discriminatory, or illegal practices. In this way, members of the public have helped to end the trans-Atlantic slave trade, obtain civil rights, and champion freedom and equality. The anti-boycott bill now threatens to erode that centuries-long tradition of democratic participation.

Prominent BDS campaigns have included the Bristol bus boycott in 1963, to protest against a company's refusal to employ Black or Asian bus crews, the campaign by women in Britain to reject sugar produced on slave plantations during the nineteenth century, and divestment from fossil fuel companies. The best-known boycott was the campaign to end apartheid in South Africa. Millions of people in Britain, including many local authorities and universities, were part of that movement and their contribution to the creation of a democratic South Africa was subsequently celebrated by anti-apartheid leaders including Nelson Mandela. Similar restrictions were introduced in an unsuccessful attempt to stifle these acts of solidarity. Had the anti-boycott bill been in place, it would have forced public bodies to do business with that brutal, racist, and criminal regime.

5. Civil society opposes plans for an anti-boycott bill

In response to the government's threats to impose an anti-boycott bill, nearly 70 civil society organisations have signed a statement calling on the government to immediately scrap this bill, on opposition parties to vote against it, and on civil society to mobilise in support of the right to boycott in the cause of justice:

“As a group of civil society organisations made up of trade unions, charities, NGOs, faith, climate justice, human rights, cultural, campaigning, and solidarity organisations, we advocate for the right of public bodies to decide not to purchase or procure from, or invest in companies involved in human rights abuse, abuse of workers' rights, destruction of our planet, or any other harmful or illegal acts. We therefore oppose the government's proposed law to stop public bodies from taking such actions.”²

The diverse group of organisations signing this statement, which includes PSC, Unite the Union, UNISON, Friends of the Earth, Greenpeace, Liberty, the Quakers, the Methodist Church, the Muslim Association of Britain and *Na'ama*: UK Jews Against the Occupation, along with many others, are motivated to publicly oppose the plans for a variety of reasons. Many of the organisations opposing the bill do not use boycott and divestment tactics themselves but agree that plans for an anti-boycott bill will stifle a wide range of campaigns, presenting a threat to freedom of expression and the ability of public bodies and democratic institutions to spend, invest, and trade ethically in line with international law and human rights.

² Full statement and signatories can be found here: <https://righttoboycott.org.uk/>

Civil society groups are concerned that an anti-boycott bill will:

- ***Stifle effective international solidarity campaigns for justice and accountability***

Official statements imply the bill is aimed at campaigns against Israel's violations of Palestinian rights, but other movements who use boycott or divestment tactics will also be impacted. This law could curtail campaigns against deforestation, pollution, and the exploitation of children and workers, in countries where these practices are tolerated by authorities or where they are unethical but not explicitly illegal. They argue that, in principle, the right to engage in boycott is protected, while only attempts to 'single out' a particular state are prevented. In practice, this could make it near impossible to exercise that right in many real-world situations or to effect real change. Boycotts work when they are targeted and specific. When human rights are violated, that happens in a certain place. An equivalent might be to claim that workers still had the right to strike while introducing a law prohibiting any strikes that target individual workplaces or employers.

Supporters of the bill say that foreign affairs should be left to central government, and argue that the bill permits exceptions, allowing selected countries to be boycotted, at the discretion of the government. But this gives exclusive power to ministers to decide and sets a very low bar for those committed to human rights. Why should protecting our planet and international law be the exception rather than the rule? The government's own National Action Plan on Business and Human Rights calls for active steps to prevent adverse human rights impacts but, in 2021, it voted down an amendment to the Trade Bill that would have restricted business dealings with countries where genocide is taking place.³ The public are right not to rely on ministers to uphold ethical standards.

- ***Threaten freedom of expression and erode local democracy***

BDS tactics are a part of citizens' rights to protest and take peaceful action for a cause, hallmarks of freedom of expression. Even those who do not participate in such campaigns, including many signatories of the civil society statement, affirm the right of others to make that choice. Shockingly, clauses in the anti-boycott bill will serve to gag local representatives and prevent them from explaining their position to the electorate. Clause 4(1) forbids all those subject to the proposed new law from even stating, for instance, at a hustings event during an election, that they would support taking a moral stance if it were permissible to do so. Its application to Scotland, Wales and Northern Ireland and the concentration of substantial powers in Westminster, could undermine the devolution settlements and disempower elected mayors.

Contrary to the government's own stated commitment to free speech on campus, preventing universities from making ethical investments, or just openly discussing their potential merits, will seriously curtail academic debate. Previous attempts to silence local authorities – including the notorious 'Section 28' which banned the 'promotion of homosexuality' – prove that central government does not always know better than communities and their elected representatives.

³ 'Why did government and Tory parliamentarians block prevention of genocide clause?', *Amnesty*, 10 Feb. 2021 (www.amnesty.org.uk/blogs).

- ***Misrepresent the movement for Palestinian rights & contribute nothing to fighting antisemitism***

The government states that the bill is motivated by “concerns that such boycotts may legitimise and drive antisemitism as these types of campaigns overwhelmingly target Israel.” Both claims are wrong and intended to stoke fear and division. Any boycott discriminating against a section of the community would already be illegal under equalities laws. The call for BDS comes from Palestinian civil society and aims to pressure those complicit with violations of their rights. It is ludicrous to suggest that antisemitism is caused by divestment from companies involved in breaches of international law. Such rhetoric draws a false equivalence between Jewish people and the policies of the state of Israel and treats Palestinians by a different standard to any other group. Nobody would claim that Black South African opposition to apartheid was driven by hatred of white people. What’s more, by singling out Israel alongside the ‘Occupied Palestinian Territories’ and ‘Occupied Golan Heights’, by name, as territories that the law explicitly protects from public sector boycotts, the bill actively promotes impunity for violations of international law and well-documented discrimination against Palestinians. Despite assertions that foreign policy is unchanged, for the first time, a piece of British legislation will require Israel and the territories it illegally occupies to be treated in the same way, departing from decades of international consensus on the illegality of settlements.

In fact, 14 of Israel’s leading civil society organisations have already written to the government to oppose the anti-boycott bill and many Jewish groups and individuals agree. This opposition transcends the diverse attitudes to Israel and Palestinian rights that exist within the Jewish community in Britain. Some are actively committed to campaigning for Palestinian rights, while others are implacably against BDS but believe that this law would curb democracy and undermine debate. At its recent conference, the Union of Jewish Students voted overwhelmingly to oppose the government’s plans describing them as a ‘curtailment’ of ‘the democratic right to non-violently protest’ and ‘a setback to Israeli-Palestinian peace.’⁴

- ***Prevent workers from deciding how their pensions should be invested***

Trade unions representing public sector pension scheme members are outraged by government’s suggestions that it can impose decisions on how those workers’ deferred wages should or should not be invested. The deferred wages of pension scheme holders are not ‘public money’, it is money paid to individual workers who have served the public sector, often for decades. There is no justification for forcing local government pension scheme members to invest in companies whose behaviour is illegal or immoral.

- ***Provide a blueprint for further restrictions on campaigns for justice***

Similar bills in the USA have generated alarm around how legislative wording can be stretched to create restrictions on a broad range of campaigns. Civil liberties’ groups have noted that anti-boycott laws are now being replicated to restrict those campaigning for environmental protection, gun control, and access to abortion.⁵ Alongside recent measures to limit freedoms to strike and protest, the anti-boycott bill could prove to be the thin end of the wedge and open the way to further erosion of democratic rights.

⁴ [‘UJS and Jewish youth groups confirm opposition to UK government’s anti-BDS Bill’](#), *Jewish News*, 20 Feb. 2023.

⁵ See, for example: [‘To crush climate action, fossil fuel advocates are copying anti-BDS laws’](#) in +972 Magazine, 21 March 2022.