

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

1. Summary

The government’s planned anti-boycott bill threatens to erode local democracy, restrict freedom of expression, and undermine campaigns for social and climate justice. A broad coalition of over 60 civil society organisations 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 announced its intention to introduce an anti-boycott bill with the aim of preventing local authorities, universities, and some pension funds from exercising ethical discretion when making financial decisions. Reports suggest that it will be tabled in parliament very soon. Palestine Solidarity Campaign (PSC) understands that the planned legislation will shield those engaged in human rights abuses, environmental destruction, or wars of aggression, by barring public bodies from making spending or investment choices that express dissatisfaction with any state, or companies with ties to them, unless explicitly permitted to do so by the government. Many people in this country care deeply about human rights and the environment, and the anti-boycott bill threatens their ability to insist that public bodies reflect voters’ concerns over illegal and unethical practices.

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. Similar restrictions were introduced in an unsuccessful attempt to force public bodies and British universities to do business with South African apartheid as well as other brutal and criminal regimes. Despite that, millions of people in this country, including many local authorities, took part in that movement and their contribution to the creation of a democratic South Africa was subsequently recognised by anti-apartheid leaders including Nelson Mandela.

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

In response to the government's threats to impose an anti-boycott bill, over 60 civil society organisations have signed a statement calling on the government to immediately halt this bill, on opposition parties to oppose it and on civil society to mobilise in support of the right to boycott in the cause of justice, saying:

“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.”¹

This diverse group of organisations signing the statement, along with a range of 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 and present 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.

¹ 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 on the bill imply that it is primarily aimed at campaigns against Israel's violations of Palestinian rights, but other movements who use boycott or divestment tactics will also be impacted. Such legislation could curtail campaigns against deforestation, environmental pollution, and the exploitation of children and workers, in countries where these practices are tolerated or endorsed by authorities. The wording suggests the government will 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, it could make it difficult, if not impossible, to exercise that right in many real-world situations or to effect real change. Boycotts work when they are targeted and specific. 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, but this sets a low bar for those committed to human rights. 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.² The public are right not to rely on ministers to uphold ethical standards.

- ***Threaten freedom of speech 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.

The anti-boycott bill will take power away from local representatives and prevent them from responding to the wishes of their electorate. Its application to Scotland, Wales and Northern Ireland and the concentration of substantial powers in Westminster, could undermine devolution and disempower elected mayors. 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.

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.

² 'Why did UK government and Tory majority parliamentarians block prevention of genocide clause to Trade Bill?', *Amnesty International UK*, 10 Feb. 2021 (www.amnesty.org.uk/blogs).

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

The government has stated that plans for an anti-boycott bill are motivated by “concerns that such boycotts may legitimise and drive antisemitism as these types of campaigns overwhelmingly target Israel.”³ This statement is false and is intended to create fear and division. Any boycott discriminating against a section of the community would already be illegal under equalities laws. The call for Boycott, Divestment and Sanctions (BDS) comes from Palestinian civil society and aims to pressure those who are complicit in violations of their rights. It is ludicrous to suggest that antisemitism is driven by divestment from companies involved in Israel’s breaches of international law. Such rhetoric creates a false equivalence between Jewish people and the policies of the state of Israel, and silences advocates for human rights and justice.

In fact, many Jewish groups and individuals oppose the anti-boycott bill. This opposition transcends the diverse attitudes to Israel and Palestinian rights that exist within the Jewish community in Britain. Some, including Jews for Justice for Palestinians, Na’amod: UK Jews Against the Occupation, and Jewish Solidarity Action, are actively committed to campaigning for Palestinian rights. Others are implacably against BDS but believe that this law would stifle 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. Just as the government cannot force private funds to invest in its own pet projects, it cannot justify forcing local government pension scheme members to invest in companies whose behaviour they know is illegal or immoral.

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

Watching how similar bills have rolled out in the USA has given campaigners for justice a clear sense of alarm around how legislative wording can be stretched to create restrictions on a broad range of campaigns. Civil liberties’ groups in the USA have noted that the anti-boycott laws are now being replicated to restrict those campaigning for environmental protection, gun control, and access to abortion.⁵ The anti-boycott bill could be the thin end of the wedge and open the way to further erosion of democratic rights.

³ [Queen’s Speech 2022: background briefing notes](#), 10 May 2022, p. 133.

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. See also, the Foundation for Middle East Peace’s [frequently updated list](#) on US legislation using anti-BDS laws as templates.