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| Report on | Council Motion on Boycott, Divestment, Sanctions (BDS) |
| Date of Meeting | 7 March 2019 |
| Reporting Officer | P Moffett, Head of Democratic Services |
| Contact Officer | A McAleer, Corporate Policy & Equality Officer |

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| Is this report restricted for confidential business? | Yes | |
| If 'Yes', confirm below the exempt information category relied upon | No | x |

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| 1.0 | Purpose of Report |
| 1.1 | A motion in relation to BDS was passed/carried by the Council on 28 June 2018. It stated, <i>"That this Council notes with grave concern the rising death toll in Palestine, as well as the hundreds wounded at the Gaza-Israeli Border over recent weeks which has severely heightened tensions in the Middle-East. This Council affirms its support for a peaceful end to the Israel/Palestine conflict; affirms its support for the Boycott, Divestment, Sanctions (BDS) Campaign; and will investigate the most practical means of implementing the BDS campaign."</i> |
| 1.2 | Although time has passed since the motion was adopted, the purpose of this report is to provide information in relation to Boycott, Divestment, Sanctions (BDS) and consider any implications for Mid Ulster District Council, with same. |
| 2.0 | Background |
| 2.1 | The BDS movement is international and began when a coalition of 170 Palestinian civil society groups issued a call to "people of conscience" around the world on July 9, 2005. The BDS stands for Boycott, Divestment, and Sanctions against Israel. BDS has organised demonstrations and protests targeting companies that have contracts with the Israeli military or with companies in Israeli settlements. <u>UK Context</u> |
| 2.2 | In February 2016, the UK Level Government had banned boycotts of Israeli goods by public authorities, stating said authorities could face severe penalties should they enact such a boycott, the government deemed such boycotts damaging to community cohesion and hurting Britain's national security. However, Leicester City Council, Swansea Council and Gwynedd Council have all passed motions which supported BDS in boycotting goods originating from the Israeli settlements in the West Bank which these Councils view as illegal. Legal action was brought against these councils but was subsequently dismissed by both the High Court and then the Court of Appeal in July 2018. The councils were cleared of anti-semitism over the Israeli goods boycott. Other Northern Ireland based Councils |

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| | <p>who have signed up to the BDS campaign include Derry City and Strabane District Council.</p> <p><u>Republic of Ireland Context</u></p> |
| 2.3 | <p>In December 2018, the Irish Senate voted in favour of the <i>Control of Economic Activity (Occupied Territories) Bill 2018</i>. This piece of legislation prohibits the purchasing of any good and/or service from the Golan Heights, East Jerusalem or West Bank settlements. The Bill passed the Dáil in January 2019 but is still subject to final debates before being added to the Statute Books.</p> |
| 2.4 | <p>Galway City council has also passed the following motion, '<i>Galway City council will refrain from any cooperation with Israel, its public bodies and officials in areas including agriculture, education, trade, culture and security. The city council also agrees to support BDS in every campaign for the trade, cultural, sports, academic or institutional boycotts</i>'. Other ROI Councils who have signed up to the BDS campaign include Dublin City Council and Donegal County Council (please note this list is not exhaustive).</p> |
| 2.5 | <p>The Councils mentioned in 2.2 and 2.4 are at various stages of implementation of either the BDS Movement or BDS Campaign (which are two separate approaches).</p> |
| 2.6 | <p>Mid Ulster District Council received correspondence from Lawyers for Israel which was circulated to Party Leaders ahead of the debate on the motion at June 2018 Council.</p> |
| 3.0 | Main Report |
| 3.1 | <p>Details to consider regarding practical to implement of BDS includes the following:</p> <ul style="list-style-type: none"> • IT implications • Procurement implications • Legal implications • Practical implications • Budgetary implications |
| 3.2 | <p>Consideration should also be given to the legalities of the BDS and as such further legal advice may be required. However, it is clear that implementing the BDS campaign would impact on the following types of goods and parts of goods that are linked to Israel, are widely used in Northern Ireland:</p> <ul style="list-style-type: none"> • IT Products (including Apple and Hewlett Packard products) • Mobile Phone Products • Catering Products • Cleaning Products • Hardware Products • Vehicle parts and machinery (please note this list is not exhaustive). |

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| 3.3 | <p>Practically it would be difficult and potentially unlawful for Council stop using all goods and products associated with Israel. However, support for the campaign could be implemented/demonstrated as follows:</p> <ul style="list-style-type: none"> • carrying out awareness raising of the BDS Campaign including information sessions for Council staff • carrying out lobbying in support of the BDS Campaign on initiatives where unlawful do so • explore joint awareness raising with other Councils who have passed similar motions • council could adhere to the overall spirit of the BDS Campaign by focusing on one area of implementation that was cost neutral to Council |
| 3.4 | <p>Alternative and more labour and cost intensive actions could include:</p> <ul style="list-style-type: none"> • that consideration be made to remove Israeli settlement products from procurement list/procedures • Council would inform suppliers that the Council advocates against the use of Israeli settlement products and why this is the case |
| 3.5 | <p>Before further action is taken further Consideration and clarification is also required on as to whether Council proposes to boycott Israeli settlement products <i>or</i> all Israeli products. For example, the BDS Movement focuses on activities which target companies that have contracts with Israeli military or with companies in Israeli settlements. Whilst the BDS Campaign urges various forms of non-violent punitive measures against Israel until it compiles with the precepts of international law.</p> |
| 4.0 | Other Considerations |
| 4.1 | <p><u>Financial & Human Resources Implications</u></p> <p>Financial: This would be very much dependent on the course of action taken.</p> <p>Human: This would be subject to the course of action.</p> |
| 4.2 | <p><u>Equality and Good Relations Implications</u></p> <p>4.2.1 Implementation of Boycott, Divestment, Sanctions (BDS) by Council would require carrying out Council's Equality Screening process.</p> <p>4.2.2 Implementation of Boycott, Divestment, Sanctions (BDS) by Council would require carrying out a Rural Needs Impact Assessment.</p> |

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| 4.3 | <p><u>Risk Management Implications</u></p> <p>Risks would be identifiable subject to the course of action taken</p> |
| 5.0 | <p>Recommendation(s)</p> |
| 5.1 | <p>It is recommended that Members note and consider the practical implications in relation to the implementation of any Boycott, Divestment, Sanctions (BDS). Members may also consider further legal advice and consider further the correspondence from the Lawyers for Israel.</p> |
| 6.0 | <p>Documents Attached & References</p> |
| | <p>Reference: The UN has developed a list of companies engaged in specific activities related to Israeli settlements. To date the list has not been made public. There are believed to be around 200 companies on the list.</p> |