

The Eighteenth Knesset

Bill Proposed by the Members of Knesset:

Zeev Elkin

Dalia Itzik

Aryeh Eldad

Ofir Akunis

Tzachi Hanegbi

Moshe Gafni

David Rotem

David Azulai

Yariv Levin

Haim Katz

Yoel Hasson

Tzipi Hotobli

Leah Shemtov

Robert Ilatov

Avraham Michaeli

Menachem Eliezer Moses

Ya'akov Katz

Ruhama Avraham-Balila

Magli Wahaba

Carmel Shama

Danny Danon

Alex Miller

Yitzhak Vaknin

Uri Maklav

Prohibition on Instituting a Boycott Bill – 2010

- Definitions
1. "Person" – the meaning as in the Law of Interpretation, 1981.
"Area under the control of the State of Israel" – including the Judea and Samaria areas [the West Bank].
"Boycott" – demand by others not to hold ties with a person.
"Boycott against the State of Israel" – boycott imposed on a person because of his ties with the State of Israel or with an area under the control of the State of Israel.
"Foreign state entity" – as defined in Section 36(A)(a) of the Law of Amutot – 1980 [no for profit associations].
- Prohibition on Boycott Against the State of Israel
2. It is prohibited to initiate a boycott against the State of Israel, to encourage participation in it, or to provide assistance or information with the purpose of advancing it.
- Boycott – Civil Wrong
3. An act of a citizen or resident of Israel in violation of Section 2 constitutes a civil wrong, and it will be subject to the provisions of the Torts Ordinance [new version].
- Compensation
4. The court will award compensation for the civil wrong according to this law in the following manner:
 - a. Punitive damages of up to 30,000 NIS to an injured party subject to the proof of any damage;
 - b. b. Additional compensatory damages according to the damage rate and subject to its proof.
- Fine
5. In addition to the above in Section 4, a citizen or resident of Israel who acts in violation of the provisions of Section 2 will be subject to double the fine stipulated in Section 61(A)(3) of the Penal Code – 1977.
- Law of a Non-citizen or Non-resident of Israel
6. One who is not a citizen or resident of Israel and the Magistrate Court determines at the request of the Minister of Interior that he has acted in violation of Section 2:
 - a. His right of entry to Israel will be canceled for a period of at least ten years;
 - b. Until the end of the period of cancelation of the right of entry to Israel, he or anyone acting on his behalf will be prohibited from making any transaction in an Israeli bank account, in traded shares in Israel, in real property, or in any other asset that requires registry for its transfer.

Boycott Instituted by a Foreign State Entity	<p>7. A foreign state entity having legislated a law instituting a boycott on the State of Israel and as long as it has not been canceled, or the government having determined by a majority of its members that a foreign state entity has violated the provisions of Section 2, and as long as the government has not rendered a decision otherwise:</p> <ul style="list-style-type: none"> a. The foreign state entity or anyone acting on its behalf will be prohibited from making any transaction in an Israeli bank account, in traded shares in Israel, in real property, or in any other asset that requires registry for its transfer; b. No sum of money or asset will be transferred to any foreign state entity or anyone acting on its behalf from any organ of the State of Israel according to any law, agreement, or government decision that was rendered prior to the determination according to Section 7 or the enactment of the foreign law; c. An Israeli citizen or the National Treasury, having been injured by the boycott by the foreign state entity, may sue for damages from the sum awarded in accordance with Sub-Section b according to that which appeared in Section 4 above and with the necessary adjustments.
Regulations	<p>8. The Minister of Justice is appointed to determine the regulations necessary for the implementation of this law, and he will consult with the Minister of Interior on all that is related to the implementation of Section 6(a).</p>
Application	<p>9.</p> <ul style="list-style-type: none"> a. This law will be in force as of the day of its publication; b. In spite of the aforementioned in Sub-Section a above, a refutable presumption may be made regarding one who initiated a boycott or encouraged participation in a boycott according to Section 2 during the year prior to the publication of the law that he is still initiating a boycott or calling for a boycott even after the date of publication of the law.

Annotation

The purpose of this law is to protect the State of Israel and particularly its citizens from academic, economic, and other boycotts based on their ties to the State of Israel. In the United States there is a similar law that protects its friends from boycott by a third-party where the fundamental assumption is that a citizen or resident of the state shall not call for the institution of a boycott on his own state or its allies. This assumption has been refuted concerning citizens and residents of Israel. If the United States protects its friends according to law, then Israel possesses all the more so an obligation and a right to protect itself and its citizens under the law. This bill differentiates between three different boycott issues: boycott that is instituted by a resident or citizen of Israel, boycott that is instituted by a foreign resident or citizen, and boycott that is instituted by a foreign state entity, according to the determination of the Israeli government or by a law enacted by the foreign state entity. The balance between the interests of the public and the state in individual liberty is manifested in the limitation on the applicability of the law to the initiation or advancement of boycott, while refraining from addressing the considerations of an individual when choosing for himself a product or service.