



Campaign Guide for an Ethical Procurement Policy (EEP)



European Legal Support Center - ELSC

Defends and empowers Palestine advocates across Europe through legal action, monitoring, research, and advocacy.



Palestinian BDS National Committee

The largest coalition in Palestinian society and leads the global Boycott, Divestment and Sanctions (BDS) movement.

TABLE OF CONTENTS

●	Background	4
○	For whom is this guide written?	5
○	What is in this guide?	5
●	A Building a Grassroots EPP Campaign	6
○	1. What to know before starting an EPP campaign	7
○	2. Step-by-Step Guide to an EPP Campaign	9
	1) Prepare a Strategy	9
	2) Build a Coalition	9
	3) Consider the Tactics	10
	4) Prepare for Escalation	11
	5) Make an Activity Plan	12
	6) Do your Research	13
	7) Power mapping	14
	8) Monitor Implementation	15
●	B What is an Ethical Procurement Policy?	16
○	What is the relevant legal framework?	17
○	What is the rationale behind the EPP?	20
○	What is the recommended procedure?	20



Background

Israel is able to systematically violate international law and commit war crimes, crimes against humanity and genocide against Palestinians primarily because other states (including local government bodies) have failed to meet their obligations under international law.

The two basic obligations that all states and their organs carry are: non-recognition of and non-contribution to a crime or illegal situation, and ensuring the application of international law for accountability. Failure to uphold these obligations constitutes complicity and undermines the rule of law.

Many public institutions, including cities and local councils or regional governments, have investment and procurement relationships with companies that are complicit in Israel's grave violations of Palestinian rights. Cities have twinning relationships (sometimes called sister city agreements) with Israeli local government bodies that participate in Israel's commission of international crimes. Since the start of Israel's genocide in Gaza in 2023, *cities around the world* have divested from Israel, ended contracts with complicit companies, severed twinning agreements, or even blocked ships carrying military supplies to Israel from their ports.

For whom is this guide written?

This guide is intended for Europe-based activists, grassroots groups, human rights organizations, trade unions, and other grassroots and civil society actors that want to ensure that their government bodies, including local governments (city councils), uphold obligations under international law by adopting an Ethical Procurement Policy (EPP).

An EPP is a procurement framework through which local authorities ensure that public funds do not reward, support, or contribute to grave violations of international humanitarian law, international human rights law, or peremptory norms of international law.

It comes with a legal operational guide to provide (local) politicians, officials of (local) authorities, and their legal advisors, with the relevant frameworks and tools to implement Ethical Procurement Policies.

What is in this guide?

The EPP guide provides everything you need to know about starting a campaign with the aim of having your local (and regional) government body or any other public institution: (1) adopt a motion that will be the basis of an Ethical Procurement Policy (EPP)¹, (2) enact this EPP with practical measures.

It contains:

- A Campaign Guide to support your community-building and engagement with local representatives
- A legal Operational Guide, especially directed to members of political parties, civil servants, local government representatives and local government lawyers to understand the rationale of an Ethical Procurement Policy.

¹ See *Operational Guide*, Annexes 2–3 (EPP motion template; suggested HR clauses).



A

Building a Grassroots EPP Campaign

Intersectional BDS campaigns are engines of change, and in this particular guide, our aim is to drive our local governments to adopt a policy that would prevent investments and procurement contracts with companies that are complicit in grave human rights violations anywhere, but especially to target and exclude those fueling and enabling Israel's atrocity crimes against the Palestinian people.

The steps and frameworks suggested in this guide can be scaled up to bring campaigns from the grassroots to the grasstops, building on wins and impacts at local level to reach and influence public bodies at regional, federal and national levels. However, it is important to adapt this campaign guide to a context that has its own sensitivities and specificities (e.g. the decision-making process varies from one country to another as well as the most effective and relevant tactics to use).

1. What to know before starting an EPP campaign

History has shown that we do not win by only appealing to the moral sense of our campaign targets, by persuading power holders to “do the right thing.” We win by building people power and leveraging it to obtain an EPP motion and the procedure that will enact it.

To build this form of people power and massive public pressure, we therefore need to increase the number and involvement of people and movements in our campaigns. EPP offers a great opportunity to build strategic, broad and intersectional alliances. By focusing on ethics and human rights, EPP is intersectional by design and can positively impact different justice struggles and allows us to invite in and work together with groups campaigning for climate issues, racial and economic rights, workers’ rights, indigenous rights, etc. This is especially crucial to maximize the potential of winning against powerful complicit corporations, which are involved not only in violating Palestinians rights, but are linked to grave violations anywhere.

As ethical public procurement policies and instructions may be met with challenges, legal or otherwise, it is important to consider the following points in order to sustain the policies and their implementation

- The ethical procurement policy should not be directed against specific companies or against companies active in specific contexts. Rather, it should follow a broad and general human rights framework and only allow local authorities to exclude companies on a case-by-case basis.
- Some local councils in different states and regions have already included strong human rights considerations in their procurement policies. In those cases, the focus should be on ensuring uniform and effective implementation of the policy, especially excluding the companies that are most involved in grave human rights violations against Palestinians.
- It is crucial that companies found to be involved in grave human rights violations are excluded in the first stages of the tendering procedure, as the exclusion is a policy objection to their inclusion in the tendering process and not a result of their tendering bid.

- Notwithstanding the need to exclude companies only on a case-by-case basis, and following the adoption of a general human rights policy, there is a multitude of databases and screens of companies that can be used as an indication of possible involvement in the violation of Palestinian human rights specifically. These databases can provide guidance in the implementation of the public procurement policies to both ensure effective implementation of the policies and alleviate the burden on implementing officials.



2. Step-by-Step Guide to an EPP Campaign

1) Prepare a Strategy

A strategy is our roadmap. It guides us to translate our vision into well-planned action in order to reach our ultimate goal - ensuring our local or regional governments do not have relations of any sorts with complicit companies that fuel Israel's genocidal regime of settler colonialism, apartheid and illegal occupation. It sets the long-term objective of economic pressure, aiming to cut off financial support to those who profit from oppression and injustice.

2) Build a Coalition

The EPP is by design an intersectional campaign and a key part of the campaign strategy should be mapping allies to build a coalition with for the overall campaign. Powerful complicit corporations, which are involved not only in violating Palestinians rights, are more often than not linked to violations pertaining to climate issues, racial and economic rights, workers' rights, indigenous rights, etc. Thus it is also in the interest of these different collectives that complicit companies are excluded from tenders.

To build a coalition, it is key to establish strong relations with different groups around us and have agreed-upon inclusive, anti-racist points of unity that bring the coalition together and guide its work. It is also important to decide on a structure and decisions will be taken collectively. Broad coalitions build power and make campaign work sustainable and able to be scaled up. A coalition helps in having enough members to divide work, create ad-hoc working groups, reach out to different allies and potential partners and bring a diverse set of knowledge, background and tactics to the campaign. It is important to foster a culture of building up new organisers and leaders and empowering them to try to lead on something for the first time.

3) Consider the Tactics

Tactics are the actions we take along the way. From petitions, demonstrations, and direct engagement with local or regional representatives to raising public awareness, these are deliberate steps designed to peacefully and effectively disrupt, influence and change the status quo. Each tactic is a piece of the puzzle, strategically chosen and sensitive to our local context, to build momentum and pressure.

TACTICS IN DETAIL

- Meeting with local or regional government representatives to present our arguments and provide them with the suggested template for the motion² and the legal framework they should use.
- Meeting with local or regional government workers (i.e. from the procurement department), to discuss how to translate the motion into an actual procedure.
- Protest at our local or regional government with members of our local community.
- Organise public conferences on the topic, with representatives of the campaign, legal experts and members of the intersectional coalition, who can explain to our community what is an EPP and why it is important to end complicity and thus to support the Palestinian struggle for freedom, justice, equality and dignity.
- Get interviews with local or regional media.
- Organise creative peaceful action in your local community or the city where the local government is based.
- Have a petition or a pledge to be signed by communities.

² See Annex 2 of the *Operational Guide*, p.33.

4) Prepare for Escalation

Peaceful escalation is the intensification of efforts through a variety of tactics in the face of hypocrisy, foot-dragging, or sustained and deliberate complicity. If our local or regional governments ignore our demands or deploy bureaucratic delay tactics, we diversify our tactics - through larger protests, media campaigns and peaceful disruptive actions. But to win, people must keep up the pressure. A target rarely gives in after one action, so it is often necessary to strategically increase the pressure on them in a step-by-step escalation that draws upon *a diverse mix of tactics*.

Escalation is not just a reaction nor a slogan, it is a powerful message to our local or regional governments that our resolve will only strengthen when faced with silence and complicity.

Each new action re-emphasizes the larger demand, builds strength to take the next escalated step, and reminds the target that the people are not going to leave them alone until they take serious measures to end the local council's complicity in grave human rights violations.



5) Make an Activity Plan

The activity plan is the way to list all your different actions in a calendar, while assigning responsibilities and roles to the members of the campaign. From organising meetings, reaching out to allies, organising protests, to the outreach to local or regional government workers, the activity plan helps to concretely guide each step of the campaign.



6) Do your Research

While our objective is to get our local or regional government to pass and then implement an ethical procurement policy, assuming none exists, it is always important to identify if there are already existing contracts with complicit companies, in order to also have concrete examples to present to both local or regional governments and communities. It is also crucial to research whether the council has in the past adopted any policy that is similar to EPP (for instance, excluding companies involved with climate destruction or with apartheid South Africa, etc.), as we can then build on that record.

To get the information needed, there are different ways that can be explored depending of your context and type of local or regional government:

- Publicly available financial reports from local or regional governments.
- Questions from city councilors to the head of the local or regional government or relevant department.
- Freedom of Information requests/letters to local or regional government.
- Use of reliable and well-researched databases to find information on the level of complicity, they include:
 - › UN Database of Businesses Involved in Israeli Settlements; [2023 update](#), [2025 update](#).
 - › Don't Buy Into Occupation Coalition (DBIO) latest report from [2025](#).
 - › Who Profits [Database](#).
 - › American Friends Service Committee Divestment [List](#).
 - › www.investigate.info
 - › www.afsc.org/divest
 - › www.afsc.org/Gaza-Genocide-Companies
 - › www.afsc.org/ACCA

7) Power mapping

Power mapping is an essential part of a successful campaign. It involves mapping out the structures and people who hold power in a given situation; in this case, a local or regional government. Understanding the power structures will give our campaign the best chance of winning because it will enable us to choose the right strategic approach, target the right people or pressure points, and use the right tactics and messaging that get them to do what is right. Knowledge is power!

THE BASICS:

- There are certain key questions to look into, in order to understand the position of the local or regional government and its members on various issues.
- Which political party controls the local or regional government? What is their position on human rights? Ethical regulations? Palestine?
- Who is the head of the local or regional government? What is their political party? What is their power leverage in the decision making process?
- Which local or regional representatives sit in the local or regional government? What are their personal positions? Who can bring a motion on the table? Alone or with others? Who needs to be pressured in particular?

The responses to these questions can be mostly found on the local or regional government's website, speaking to other campaigns groups and residents, in local or regional newspapers, or while going to public sessions of the local or regional governments.

Based on the responses to these questions, we can choose to reach out to some of the representatives who can be allies - whether active or passive allies - as well as to those who are neutral on the question or even passively opposed. Our objective will be to bring them closer to us and make them support our EPP campaign, publicly or not. We must isolate the active opposition.

8) Monitor Implementation

Once resolutions are approved, it is essential to continue the dialogue with local or regional government officials and technical staff to ensure the rapid implementation of the resolutions into policy, including the introduction of regulations and procedures for ethical procurement.

Keep the coalition active and ready to engage in pressure initiatives, as necessary, to ensure the EPP is implemented and avoid delays. Once procedures are in place, keep monitoring the correct implementation and the exclusion of companies involved in the violations of Palestinian rights.





B

What is an Ethical Procurement Policy?

An Ethical Procurement Policy (EPP) is a procurement framework through which local authorities ensure that public funds do not reward, support, or contribute to grave violations of international humanitarian law, international human rights law, or peremptory norms of international law.

“Ethical public procurement means using public purchasing power in a manner consistent with moral principles (acting with integrity, fairness, and responsibility), so that public funds support suppliers who respect human rights, uphold the rule of law, and avoid practices that harm people, local communities, or the environment.”³

3 Operational Guide, *Introduction: What Is Ethical Procurement?*, p. 4.

Ethical procurement therefore requires excluding from tenders and contracts businesses that are complicit in international crimes, systematic human-rights abuses, or violations of international humanitarian law, particularly in conflict-affected areas where heightened due diligence is required.

What is the relevant legal framework?

From a legal perspective, “Municipalities and other public authorities are organs of the State,”⁴ meaning their actions are attributable to the State and they must comply with its international obligations. These legal obligations are specified by International law treaty norms, customary norms, and peremptory norms, and they apply to local authorities in guiding their procurement decisions. National and EU law must also be interpreted consistently with these obligations.

FRAMEWORK — INTERNATIONAL LAW⁵ (SUPERSEDES EU & DOMESTIC LEGISLATION)

1. Jus cogens norms and the duty of non-recognition and nonassistance

Fundamental, mandatory principles of international law accepted by the global community as non-derogable, meaning no exceptions or conflicting treaties are permitted.

They prohibit States from having any economic relationship that supports, sustains, or legitimises situations created by serious breaches (e.g., crimes of aggression, apartheid, population transfer, pillage, genocide).

FRAMEWORK — EU LAW⁶

2. European Directive 2014/24/EU

Legislative tool of the European Union that Member States are obliged to transpose in national or domestic law

It supports and encourages considering social, labour, environmental, and human rights issues in public contracts.

- **Article 18(2)** requires public authorities to make sure companies follow all relevant environmental, social, and labour laws.
- If a company does not follow these obligations, authorities can refuse to award them the contract.

4 *Operational Guide*, Introduction: What Is Ethical Procurement?, p. 4.

5 See the *Operational Guide*, pp. 7–15, for a detailed list of international law obligations.

6 See the *Operational Guide*, pp. 16–23, for the relevant provisions of regional EU law.

1.1 International Humanitarian Law, including the Geneva Conventions

It obliges States to ensure companies do not contribute to pillage, forced displacement or other IHL violations.

1.2 International human rights law

States must take all necessary administrative, legislative and policy measures (including procurement measures) to prevent private actors from violating human rights. Excluding companies involved in systematic abuses is consistent with states' "due diligence obligations."

1.3 UN Guiding Principles on Business & Human Rights

A set of guidelines for States and companies to prevent and address human rights risks linked to business activity

Principle 6 specifically requires states to promote respect for human rights in commercial transactions with business enterprises, making procurement a key tool for ensuring HR protection.

1.4 Sustainable Development Goals (SDGs)

It entails internationally recognised principles, including peace, human dignity, equality and environmental protection.

Public contracts must align with the economic, social and environmental pillars of sustainable development. This mandates excluding from contracts companies that are involved in war crimes, resource pillage, or violations undermining SDGs.

- Article 57(4)(c) allows authorities to exclude a company for "grave professional misconduct."
- The CJEU (Court of Justice of the European Union) interprets this broadly.
 - › It can include any serious wrong doing that harms the company's integrity.
 - › This may cover involvement in systematic human rights or international humanitarian law (IHL) violations.

2.1 European Convention on Human Rights and EU Charter

It binds companies whenever they implement EU procurement rules, requiring that awarded contracts do not result in or contribute to rights violations.

1.5 World Trade Organization's Government Procurement Agreement

An agreed framework of rights and obligations among some of the WTO Members, i.e States, regulating public procurement.

It permits exclusion of tenderers on grounds of public morals, human life or safety, and allows reliance on integrity-based exclusion grounds such as “professional misconduct,” breaches of international, labour and environmental law, and involvement in human rights violations).

Together, these legal frameworks demonstrate that ethical procurement is not discretionary. It is a legally required mechanism through which states and their organs prevent complicity in international harms and uphold their binding obligations under international and European law.

Morally, the rationale is equally strong: public spending must not finance entities that perpetuate oppression, occupation, forced labour, or environmental destruction. Ethical procurement turns fundamental values (human dignity, justice, accountability and the rule of law) into policy by ensuring that public money does not reward or entrench serious violations.

What is the rationale behind the EPP?

The rationale for this EPP guide is to give municipalities a lawful, ethical and effective means to prevent public funds from supporting companies involved in serious violations of international humanitarian law and human rights, including, for instance, well-documented violations of the rights of Palestinians in situations of military occupation and armed conflict.

To ensure that the adoption and implementation of ethical procurement motions are effective and not vulnerable to legal challenge, the *Operational Guide*⁷ emphasises that they must be structured as broad, human rights-based procurement tools, applicable to any company whose conduct meets the exclusion criteria. The policy relies on objective, conduct-based grounds rather than on nationality, geography, or political considerations.

Using this rights-based language allows municipalities to lawfully exclude companies implicated in violations affecting Palestinians, while maintaining a general framework that applies equally to all comparable situations, ensuring compliance with EU law, proportionality and non-discrimination.

What is the recommended procedure?

Implementing an Ethical Procurement Policy requires translating international and EU obligations into the concrete procedural approach outlined in Section B – Suggestions on Procedural Steps of the *Operational Guideline*.⁸ This includes ensuring impact through exclusion, by excluding companies either before the tender or early on in the procedure. Authorities should insert internationally recognised human rights clauses into tender documents, and rely on grave professional misconduct as a ground for exclusion.

⁷ See the *Operational Guide*, Section B(a), p. 24, and Section C(d), p. 30, for further guidance.

⁸ See the *Operational Guide*, Section B, pp. 24–27.

