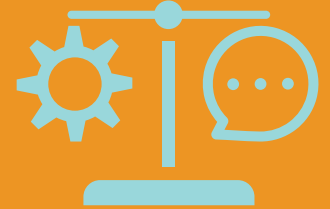


THE JUDICIALISATION OF AGRICULTURAL AND FOOD PROJECTS



How litigation
is redefining food
production in France

SUMMARY



ABOUT

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About Les Z'Homnivores

Established in 2017, Les Z'Homnivores is a think tank specialising in food and agricultural systems. It champions food choice and respect for the people who produce our food. It fosters dialogue between food production stakeholders and civil society, drawing on a broad spectrum of societal, sociological, philosophical, scientific, nutritional and environmental viewpoints and expertise. Les Z'Homnivores believes that helping people understand farming practices and the realities of modern livestock production is essential to ensuring consumers make informed, autonomous decisions about what they eat.



Judicialisation refers to the growing tendency for disputes or decisions once handled in social, political or administrative arenas to be resolved by the courts. In recent years, the number of agricultural and food-related disputes brought before the courts has increased markedly. At first glance, the cases appear to be routine conflicts: neighbour disputes, challenges to livestock-farming authorisations, the use of plant-protection products, or water-management issues. Yet a closer examination of the rulings shows that **they are far more than a series of isolated disputes. They reveal a structured and enduring trend that could profoundly reshape the legal framework governing agriculture in France.**

This report, written by specialist Carole Hernandez Zakine for think tank Les Z'Homnivores, provides an overview of this judicialization trend, analysing its mechanisms, key actors, concrete impacts and democratic implications.

A STRUCTURED MECHANISM OF STRATEGIC LITIGATION

Judicialisation in the agricultural sector rests on a now well-established mechanism. Agricultural projects are increasingly challenged through multiple legal actions, sometimes involving a succession of separate proceedings before different courts – including civil, criminal, administrative, and even European jurisdictions. These proceedings target both farmers and decisions adopted by the French authorities. Litigants assert a wide range of legal grounds: abnormal neighbourhood disturbances, procedural irregularities, insufficient impact assessments, environmental damage, State liability, ecological harm. What is at stake is not merely the outcome of an individual case. The effects sought through these actions extend beyond the project under dispute: delays, additional costs, legal uncertainty, media pressure, and, in some instances, the creation of judicial precedents.

MULTIPLE CATEGORIES OF LITIGATION WITH CONVERGING IMPACTS

The report identifies several categories of litigation:

- **Neighbour disputes** – These cases reflect a growing difficulty in accepting disturbances inherent to farming activities, including in rural areas, and expose farmers to financial liability that may be substantial.
- **Challenges to administrative authorisations, particularly for livestock-farming** – The complexity of environmental law makes every project vulnerable to procedural challenges.
- **Litigation relating to plant-protection products** – These cases combine citizen-led monitoring, criminal proceedings, strategic challenges to neighbourhood protection charters, and actions contesting the State's assessment methods.
- **Actions asserting State liability** – Based on culpable failure to act and ecological damage (climate, biodiversity, green tides, drinking water), these actions may lead courts to issue injunctions and influence public policy.
- **Litigation arising from radical protest** – Acts of deliberate civil disobedience place courts in unprecedented situations where they must balance legality, fundamental freedoms and the legitimacy asserted by activists.

Taken separately, these legal actions may appear disparate. Yet they reveal a profound shift in the relationship between agriculture, society and the State: each project becomes a political issue, each authorisation an arena for contestation, each administrative error an opportunity for litigation. Considered together, their impact is systemic: they exert constant pressure on the capacity to produce, invest and authorise. In some cases, they can even form an organised system, coordinated by multiple actors, grounded in sophisticated legal strategies and capable of significantly reshaping farming practices, public policy and society's perceptions of agriculture.

Organised actors – including NGOs, non-profits, coalitions, and networks of legal specialists – use litigation as a strategic tool. Their actions rely on:

- substantial legal and scientific expertise
- the capacity to mobilize civic engagement
- high-impact communication strategies
- coordination between local and national initiatives

These actors pursue a long-term strategy aimed at transforming agricultural norms and practices, using the courts as a vector for change. This pattern of strategic litigation persists regardless of progress made by the agricultural sector in using plant-protection products and water resources more responsibly, improving livestock management, and adopting better production practices.

THE JUDICIARY – A KEY ACTOR OF AGRICULTURAL DECISION-MAKING

The proliferation of legal actions and repetitive challenges are giving the courts a role that goes beyond the standard review of compliance with the law. The courts are increasingly being asked to adjudicate disputes that touch on fundamental policy choices: environmental protection, public health, continuity of production, food sovereignty. The more cases are brought before them, the more the courts are called upon – and the more decisions they hand down. **By using the courts as a powerful lever for action and as a means for reorienting the law, these cases generate legal principles that then become a dynamic force, capable of adapting, extending and reshaping legal norms.** As cases are systematically referred to them, the courts become co-producers of the law, unwitting drivers of a movement they did not initiate. **Environmental law – now firmly anchored in the constitution – provides a powerful framework for this shift.** Gradually, case law becomes a vector for normative change, sometimes at a faster pace than parliamentary debate. This acceleration raises questions about the balance of powers: certain major policy decisions now emerge from litigation rather than from an explicitly debated political choice. **A telling example of this increasingly professionalised approach – in which organised coalitions publicly document their litigation strategies and openly state their intention to prevent certain projects – is the recent litigation concerning pig and poultry farming, even during a period of egg shortages.**

CONCRETE CONSEQUENCES FOR AGRICULTURE AND RURAL COMMUNITIES

For farmers and project sponsors, this judicialisation has tangible effects:

- **greater legal uncertainty and longer project timeframes**
- **higher financial and human costs**
- a **deterrent** to new installations, extensions and investments
- **more stringent norms**
- a sense of **powerlessness in decision-making**, as administrative authorisation no longer guarantees the ability to produce.

In the long run, this trend raises concerns about whether renewal of the farming sector is sustainable and about **France's collective capacity to maintain a productive agricultural base**, in a context marked by environmental transition and ongoing tensions around food sovereignty.

A MAJOR DEMOCRATIC ISSUE: TOWARDS A SHIFT IN DECISION-MAKING POWER

The report does not question the fundamental right to seek legal redress or the essential role of the courts. Rather, it calls for **an objective assessment of a major phenomenon that is often overlooked in public debate: when litigation becomes the primary tool for regulating agricultural choices, there is a risk that political debate will be permanently displaced into the courtrooms. The report raises concerns about the functioning of the rule of law, which rests on the separation of powers, the independence of the judiciary and the hierarchy of legal norms.** Understanding this judicialisation has become essential for reflecting on the future of agriculture, clarifying collective priorities and **rebalancing decision-making arenas** between law, politics and society.

In response to this trend, the report proposes **several key directions**:

- simplify the law to reduce complexity and limit vulnerability to litigation
- reform the legal framework applicable to agriculture around clear and stable principles, based on a provision now enshrined in law: agriculture constitutes a major public interest and a fundamental interest of the nation (Article L.1 of the French Rural Code)
- amend the constitution: recognise agriculture as a fundamental interest of the nation and explore the possibility of enshrining a right to food
- rebuild a legal framework capable of guaranteeing the country's long-term capacity to feed its population and therefore to produce selected, consistently high-quality products in sufficient quantities and rebalance the trade-offs between environmental protection and agricultural production
- improve the governance of the precautionary principle to avoid disproportionate blockages.

Against a background of declining production, increasingly fragile agricultural activities, and growing dependencies, the question is no longer whether judicialisation exists, but how to respond to it collectively in order to preserve a balanced relationship between environmental protection, production capacity and food sovereignty.

The conclusion is unequivocal: a nation that renounces its ability to produce its food renounces its freedom.