Rights Groups Sue France Over Failure to Prevent Corporate Support for Israel's Occupation in Palestine

Q and A

1. What is this procedure about?

The International Centre for Justice for Palestinians (ICJP), Law for Palestine (Palestinas LAG), the Fédération Internationale pour les droits humaines (FIDH), the Association des juristes pour le respect du droit international (JURDI) and the Ligue des droits de l'Homme (LDH) are taking the French government to court before the Conseil d'État, the Supreme Court in matters of administrative law, for its failure to take effective measures to respect its obligations under international law concerning the Occupied Palestinian Territory.

This failure stems from the government's lack of action to ensure that French businesses and investors do not contribute to activities linked to Israel's occupation of Palestinian territory. Such measures are required in light of the International Court of Justice's 2024 Advisory Opinion, which found Israel's continued presence in the Occupied Palestinian Territory to be unlawful and stated that all states have an obligation not to recognize, assist, or support the situation arising from that occupation.

At the end of March 2025, the organizations sent a formal notice to the French Prime Minister, the Ministre de l'Économie, des Finances et de la Souveraineté industrielle énergétique et numérique, the Ministre de l'Europe et des Affaires Etrangères and the Ministre des Petites et moyennes entreprises, du Commerce et de l'Artisanat, du Tourisme et du Pouvoir d'Achat, requesting that they comply with France's international obligations arising from the landmark Advisory Opinion "*Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (ICJ, General List No. 186) adopted on July 19, 2024 by the "World Court", the International Court of Justice. Since they did not respond to the notice within the two-month deadline, the organizations filed an action for abuse of power (*recours pour excès de pouvoir injonction, or REP- injonction*) against the French government on July 22, 2026, also seeking injunctive relief.

The aim of the action is to ensure that the French government complies with its international legal obligations by adopting domestic measures to effectively "*prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the OPT.*"

2. What type of judicial action is a *recours pour excès de pouvoir-injonction (REP-injonction)*?

Under French administrative law, administrative acts may be challenged before the administrative courts. Where the Administration fails to respond to a formal request to adopt an administrative act, its silence is deemed to constitute an administrative decision that may be challenged through an action for abuse of power (*recours pour excès de pouvoir*). This procedure enables the administrative court to review the legality of an administrative act or decision that produces legal effects. If the court finds the decision unlawful, it may annul it. The annulled act is retroactively removed from the legal order and treated as though it had never existed. When filing an action for abuse of power, plaintiffs may seek injunctive relief from the administrative judge. Following this procedure, an administrative judge can, in addition to annulling an act, exercise a power of direct constraint over the Administration to request them to take more effective measures (*recours pour excès de pouvoir injonction, or REP-injonction*). The main objective of the procedure is no longer based solely on the legality of an act but also entails the determination of whether the Administration's action was sufficient.

In recent years, this procedure has been widely used in climate-related litigation, in particular to challenge the French Administration's systematic inaction in the effort to combat climate change.

3. What are the facts behind the case?

France has several obligations under international law concerning the illegal occupation by Israel in the Occupied Palestinian Territory.

Article 2(4) of the Charter of the United Nations prohibits the threat or use of force against the territorial integrity or political independence of any State. A fundamental corollary of this principle is that the acquisition of territory through the use of force cannot be recognized as lawful. In Resolution 242 (1967) concerning the territories occupied by Israel, the UN Security Council reaffirmed this principle, emphasizing the inadmissibility of the acquisition of territory by war. More recently, in Resolution 2334 (2016), the Security Council reaffirmed that Israel's settlements in the Palestinian territory occupied since 1967, including East Jerusalem, have no legal validity and constitute a flagrant violation of international law.

In December 2022, the UN General Assembly requested an Advisory Opinion from the International Court of Justice (ICJ), the highest court within the UN system, on identifying the legal consequences for Israel, the UN and all the States arising from the violation by Israel of the occupation of the Palestinian territory occupied since 1967.

In July 2024, the ICJ delivered its Advisory Opinion in which it concluded that Israel's continued presence in the Occupied Palestinian Territory is unlawful and that it bears the obligation to bring its unlawful presence to an end as rapidly as possible, to cease all new settlement activities, to evacuate all settlers from the Occupied Palestinian Territory, and to make reparations for the damage caused to all the natural and legal persons concerned. Crucially, the Court determined the legal consequences for other States, finding that all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory, and not to render aid or assistance in maintaining that situation.

With regard to the economic obligations incumbent upon all States, the Court held that they are under an obligation to "*abstain from entering into economic or trade dealings with Israel concerning the Occupied*

Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory" and to "*take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory*" (Advisory Opinion, para. 278).

Subsequently, the UN General Assembly adopted a resolution in September 2024, which provides several obligations binding on all States, including:

- *"not to recognize any changes in the physical character or demographic composition, institutional structure or status of the territory occupied by Israel on 5 June 1967, including East Jerusalem, except as agreed by the parties through negotiations.*"
- to distinguish in their dealings with Israel between the territory of the State of Israel and the Occupied Palestinian Territory, which entails an obligation to "*take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the OPT.*"
- "*to ensure that their nationals, and companies and entities under their jurisdiction, as well as their authorities, do not act in any way that would entail recognition or provide aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory.*"

France has publicly committed to respect and enforce both the ICJ's Advisory Opinion and the UN General Assembly resolution. However, to date, the French Administration has not adopted sufficient measures.

4. What is the objective of the REP-Injonction?

By filing a *REP-Injonction* before the *Conseil d'État*, the claimants seek the Administration to adopt measures that will allow France to comply with its international obligations.
More particularly, the claimants request that the administrative judge:

- Confirms the existence of a positive legal obligation incumbent upon the French State to take the necessary and appropriate measures to execute the obligations recalled by the Advisory Opinion of July 19, 2024 and UNGA Res ES-10/24 (2024).
- Establishes France's failure to fulfill this obligation, as made evident by the absence of concrete measures taken to ensure compliance with the obligations as identified in the Advisory Opinion of July 19, 2024.
- Issues an injunction for the French State to adopt measures that would allow it to comply with its international obligations.

5. Why does the action focus on the obligation to *take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the OPT*? Hasn't France done enough?

Over the years, France has implemented several measures to challenge the illegal situation created by Israel's occupation in the Occupied Palestinian Territory, including East Jerusalem.

For example, it has supported multiple resolutions from the UN Security Council and the UN General Assembly concerning the Israeli occupation, including the UN General Assembly resolution endorsing the ICJ Advisory Opinion, which found that the occupation is illegal and violates fundamental Palestinian rights, including the right to self-determination. France has taken several tangible steps to demonstrate that it does not recognize Israel's occupation as legal. Notably, on September 22, 2025, France officially recognised Palestine's statehood before the UN General Assembly. France has also supported the EU policy of distinguishing between goods produced in Israel and those produced in settlements located in the Occupied Palestinian Territory and has issued recommendations to French companies on their involvement in operations in the Occupied Palestinian Territory. Finally, alongside other EU member states, France has issued sanctions against several individuals actively participating in Israel's occupation strategy.

Yet, these measures still fall short of ensuring France's full compliance with its obligations under international law, as outlined in the 2024 Advisory Opinion, and which require France to, *inter alia, take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory*. This is evident in the fact that some French companies continue to maintain economic ties with the settlements.

This obligation of conduct forms an integral part of the obligations not to recognize the illegal occupation of the Palestinian Territory and not to provide aid or assistance to Israel in maintaining and expanding its occupation. Indeed, as highlighted in his 2020 report, former Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk noted that corporate and business activities contribute significantly to the economic viability of the Israeli settlement enterprise.[1] M. Lynk argued that "*without this extensive corporate involvement, the settlements – the engine of the occupation – would be an unsustainable economic burden of the government of Israel*."[1] However, none of the measures implemented by France actively address French companies' involvement in economic activities in the Occupied Territory. Considering how economic activities are crucial to supporting the Israeli occupation, the sporadic publication of recommendations that mention potential legal and reputational risks for companies cannot be seen as France diligently fulfilling this obligation. France needs to face up to its responsibilities and must do it now.

Time is of essence. As acknowledged by the French government, the situation in the Occupied Palestinian Territory has rapidly deteriorated in recent months, as Israel is reinforcing and expanding its occupation of the Palestinian Territory.

6. What measures should the Administration adopt?

The Administrative judge can only establish the Administration's violation of an obligation and enjoin it to comply with it.

[1] Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Report A/75/532, 22 October 2020, para 58.

However, for the claimants, it is crucial that the measures adopted be binding on French nationals, companies and entities under France's jurisdiction.

Some of our suggestions include:

1) The publication of a new notice to warn French individuals and legal entities of the financial, legal and reputational risks associated with continuing economic and commercial activities in the settlements or in other parts of the Occupied Palestinian Territory that contribute to perpetuating the illegal situation resulting from the Israeli occupation;
2) The publication of a comprehensive and regularly updated database listing all companies with their registered office in France that are currently engaged, or have been engaged in the last five years, in economic or commercial activity in the settlements or in other parts of the Occupied Palestinian Territory and that contribute, in any way whatsoever, to the maintenance, perpetuation or development of the settlement of the Occupied Territory;
3) The prohibition for French natural and legal persons, including financial institutions, to hold or acquire shareholdings in companies carrying out economic activities in the settlements and other parts of the Occupied Palestinian Territory or in projects linked to the occupation;
4) The prohibition for French natural and legal persons, including financial institutions to develop or maintain economic or commercial activities in Israeli settlements or in any other part of the Occupied Palestinian Territory that would in any way contribute to the continuation, perpetuation or expansion of the settlement of the Occupied Territory;
5) The obligation for French financial institutions and investors to cease all financing, investment or banking services provided to Israeli legal entities where there are reasonable grounds to suspect their involvement in the maintenance, perpetuation or development of the settlement of the Occupied Territory.
6) The freezing of the assets of any natural or legal persons whose activities contribute to the maintenance, perpetuation or development of settlement in the Occupied Territory, pursuant to Article L. 562-3 of the Monetary and Financial Code;
7) The exclusion from public procurement all natural and legal persons who, by maintaining economic or commercial relations, are likely to provide aid or assistance to the maintenance of the unlawful situation created by Israel in the Occupied Palestinian Territory.

7. What are the next steps in the proceedings?

Today, July 22, 2026, the *REP-Injonction* before the *Conseil d'État* had been filed.

The case will now enter the written procedure phase, during which the French Ministers and the claimants will take turns submitting *mémoires* – or written submissions. First, Ministers will respond to the claims raised by the organizations. It will then be the claimants' turn to submit a reply (*mémoire de réplique*), usually within a month upon receiving the Minister's submission. Additional written exchanges may take place.

Following this written phase, a hearing will be scheduled before the *Conseil d'État*. Even if there are no fixed deadlines for this procedure, the hearing generally takes place a little over a year after the *REP-injonction* has been filed. The decision will be issued a couple of days after the hearing (20 to 30 days).

Due to the absence of fixed deadlines, the timeline may change, particularly if the parties request extensions or postponements.