



**NATIONAL INTEGRITY
SYSTEM ASSESSMENT
FRANCE**



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EXECUTIVE SUMMARY

The National Integrity System assessment approach provides a framework to analyse the robustness and effectiveness of a country's institutions in preventing and fighting corruption. The concept has been developed and promoted by Transparency International (TI) as part of its holistic approach to countering corruption. A well-functioning national integrity system provides effective safeguards against corruption as part of the larger struggle against abuse of power, malfeasance, and misappropriation.

The assessment of the French National Integrity System analyses the existing anti-corruption mechanisms and their effectiveness, by studying 13 'pillars' or institutions that are considered to play a role in the fight against corruption. The NIS study approach is based on the fact that the strength of each pillar relies on its foundations embedded in the overall political, socio-economic and socio-cultural context. The assessment examines each of the 13 pillars and focuses on three elements: the overall capacity of the institution to function effectively (resources and independence); its internal rules of governance in terms of integrity, transparency and accountability; and its role in the national integrity system. It examines most indicators from two aspects: the formal framework of each institution, and the actual institutional practice.

A good overall level of integrity

The assessment shows that the French integrity system is relatively good. In a political context, affected by the proliferation of cases involving the probity of politicians and financial actors, some may find this positive assessment excessively optimistic. However, it is important to keep in mind that this assessment shall be put into perspective given those of other countries where corruption levels are traditionally perceived as much higher and where the practice of democracy is more recent. Moreover, the positive assessment is consistent with the results of TI's Global Corruption Barometer,¹ which shows that, although French citizens distrust political parties, they consider their public institutions to be generally honest.

The current weakening of foundations

Before discussing a summary analysis of strengths and weaknesses of the different pillars, a few comments on the foundations supporting this temple are relevant. Even if these foundations seem to be solid and reliable, a careful monitoring is necessary since the prevention and fight against corruption are closely linked to the resilience of this base. However, cracks already exist and it is important to not let them flourish. Thus, on a socio-political perspective, in France as in many other parliamentary democracies, the usual channels of expression and political participation tend to erode.

At a socio-economic level, recent studies highlight an increase in inequality and the weakening of social cohesion in contemporary society.² In addition, a number of global or supranational constraints generate more than ever socio-political tensions and challenges to the state and its elites.³ Finally, according to some opinions,

¹ See: http://www.transparence-france.org/e_upload/pdf/barometer_report_2010_fr.pdf.

² Sandra Hoibian, *Baromètre de la cohésion sociale*, CREDOC, Note de synthèse, juin 2011.

³ For a more nuanced view of the social and political consequences of the globalisation, see Suzanne Berger, *Notre première mondialisation, leçons d'un échec oublié*, Editions Le Seuil, 2007 and by the same author *Made in monde. Les nouvelles frontières de l'économie mondiale*, Editions Le Seuil, 2006.

the main weakness could be found in the socio-cultural foundations of corruption in France, 'which is based on mechanisms, values and rules perfectly integrated and legitimized by the political system'.⁴

The fight against corruption: clearly not a political priority

According to the scores of each pillar, the palm of transparency and integrity goes out to financial jurisdictions and electoral commissions whereas the executive power and parliament bring up the rear. It is possible to categorise the pillars into three main groups. The first group includes those with an overall score that reflects a satisfactory functioning and role in the fight against corruption: financial jurisdictions, electoral commissions, public sector and civil society. The second brings together pillars with an average score, namely the private sector, the media and the judiciary. The third includes the weakest pillars: anti-corruption agencies, political parties, law enforcement agencies, the executive and legislature.

An analysis of these weak pillars shows that the fight against corruption is not a priority for the main political actors: the executive, political parties and the parliament are not particularly sensitive to corruption. Furthermore, the governance of these institutions in terms of their transparency, accountability and integrity, in both rules and practice, also shows that they are not exemplary.

Strong institutions, with room for improvement of their governance, but too weakly involved in the fight against corruption

An analysis of the results according to the overall capacity of the pillars, their internal governance systems and procedures, and their role in the overall integrity system offers new lines of strength and weakness. For most of the pillars, the overall capacity (resources and independence) seems relatively robust.

The assessment of governance (through the prism of transparency, accountability and integrity) suggests a weaker picture of the pillars, especially in connection with the transparency criteria (and particularly for the political parties and parliament). Most of all, it is the role of the pillars in the overall integrity system that most often shows the biggest weaknesses. Under this indicator, a half of the pillars have a modest or non-existent role, as it is the case with justice (regarding the control of the executive power and the effective prosecution of corruption), anti-corruption agencies (in terms of their actions in prevention, education and investigation), political parties (both in terms of their representation as well as their commitment to the fight against corruption), law enforcement (given the outcomes of prosecution of corruption), executive (considering its public sector management and its role in the fight against corruption) and the parliament (for its control of the executive and its commitment to the fight against corruption).

Laws exist, but are poorly implemented

The assessment highlights a recurring gap between a generally satisfactory legal and institutional framework and the actual practices or an insufficient implementation of those rules. It is therefore clear that the prevention and fight against corruption would significantly improve if there were an attempt to better enforce existing rules.

⁴ See Y. Mény, *La corruption de la République*, Fayard, 1992, p.27.

A largely symbolic fight against corruption?

In some cases, the powers of investigation and sanctions that complete the institutional framework for the fight against corruption are weak, and may appear largely symbolic. It is enough to browse the many reports produced over the last ten years by various actors including officials of the SCPC, the CNCCFP and CTFVP,⁵ to understand the symbolic aspect of this policy and take full measure of the gap that the legislature and even sometimes the courts by their decisions, have deepened.⁶

Politicians exclusively responsible?

It would be unfair to consider the political elite as solely accountable for the deficiencies of the fight against corruption. Studies have shown that French citizens are often indulgent with favouritism and other forms of arrangements, and that they have an ambiguous perception of corruption.⁷ In addition, the defence of national integrity systems is a policy that transcends national borders and involves other interdependent dynamics and external transformations.

In the current European context that requires a reduction in public expenditure, the growing lack of resources could jeopardise anti-corruption policies. In this respect, the French judiciary is already far behind some of its European counterparts. Indeed, in its 2010 report, the European Commission for the Efficiency of Justice ranked France 18 among 45 countries based on the annual budget allocated to courts.

Main conclusions

- The French integrity system is relatively good, which is mainly due to the long practice of democratic institutions.
- The foundations of the system are weakened: weakening of traditional channels of expression and political participation, widening inequalities and a decrease in the level of social cohesion challenge the state and its elites.
- The palm of transparency and integrity goes out to financial jurisdictions and electoral commissions whereas the executive power and parliament bring up the rear.
- With the main exception of judicial system, institutions playing their role in the national integrity system have sufficient resources and independence.
- Regarding their governance (transparency, integrity and the ability to report – or 'accountability'), necessary progress is lacking in terms of transparency and concerns political parties and the parliament.
- As a general matter, the involvement of institutions in the fight against corruption is low. In spite of symbolic political announcements, this subject is clearly not a political priority.

⁵ Service central de prévention de la corruption (Central Service of Corruption Prevention – SCPC), Commission nationale des comptes de campagne et des financements politiques (National Commission for Campaign Accounts and Political Funding - CNCCFP), Commission pour la transparence financière de la vie politique (Commission for financial transparency of political activities – CTFVP)

⁶ These reports include long and concrete proposals of reform as a direct consequence of the various issues faced by members of these institutions, proposals that are not translated into legislation.

⁷ Pierre Lascoumes (dir.), *Favoritisme et corruption à la française. Petits arrangements avec la probité*, Presses de Science Po, 2010.

- A recurring gap between a generally satisfactory legal and institutional framework and the insufficient implementation of those rules is the main remaining challenge.
- Politicians are not solely responsible. French citizens may sometimes be indulgent with favouritism and various forms of arrangements and they therefore have an ambiguous position related to corruption in their institutions.