



**Government Defence
Integrity Index**



2020

Country Brief:

FRANCE

FRANCE

As the 2022 Presidential elections come into focus, the French public's growing malaise at the government's handling of the COVID-19 pandemic, rising unemployment, and declining living standards is increasingly pronounced. Under President Macron, France has weathered multiple storms of dissent and disquiet,¹ from the furious Yellow Vest protests and the pension reform revolt,² to the protracted and tense debates around immigration, national values and identity.³ The COVID-19 pandemic has had a devastating effect, wiping out what economic progress had been made and significantly undermining the incumbent, strengthening the populist and far right's hand.⁴

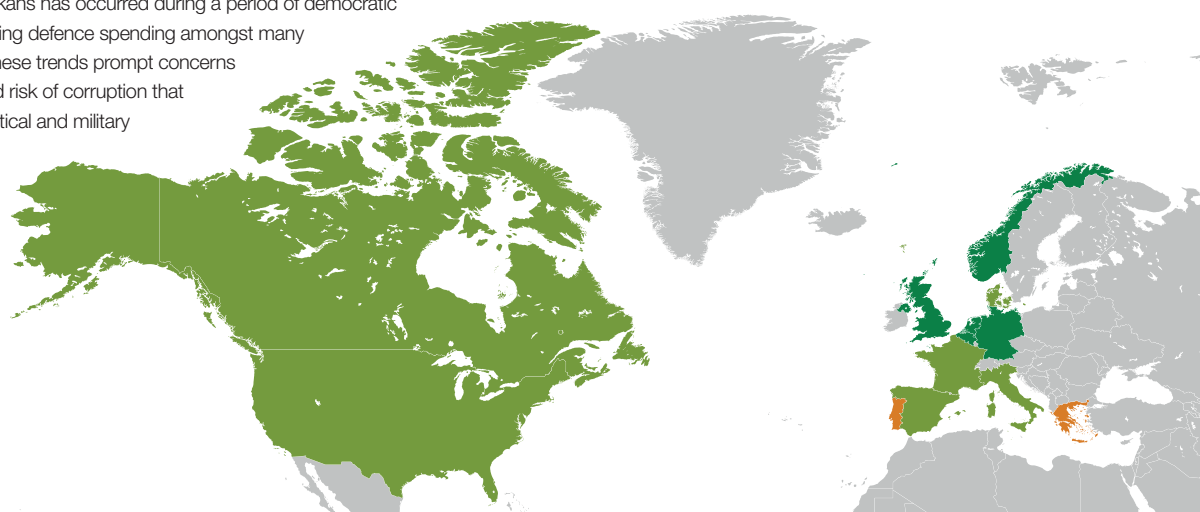
Member of Open Government Partnership	Yes.
UN Convention Against Corruption	Ratified in 2005.
Arms Trade Treaty	Ratified in 2014.

An election victory for one of these parties would send shockwaves throughout Europe and raise further questions around the European Union, at a time when Macron has been pushing a strongly pro-EU agenda. A key component of Macron's vision relates to defence and the need to strengthen the strategic autonomy of both France and the EU, at a time of retreat and turmoil in the United States and the multiplication of threats in the EU's neighbourhood.⁵ In line with this, the Military Planning Act 2019-2025 provides for a significant increase in military spending,⁶ while support for the European Defence Fund (EDF) and cooperative armament programmes also fit within this strategy.⁷ As defence spending rises and France's military engagements around the world deepen, defence governance mechanisms will come under increased pressure should adequate safeguards not be strengthened. A key obstacle to this is the culture of 'secret défense'. The development of financial transparency and strengthening of parliamentary oversight remain severely constrained by defence secrecy norms that continue to undermine public and institutional access to relevant defence data. Elsewhere, significant risks in relation to personnel and operations open the door for corruption and abuses that threaten to derail mission objectives in some of France's most sensitive and complex theatres of operation.

NATO Overview

In a global context marked by the fragmentation of global power, a loss of faith in multilateralism and the rise of non-conventional conflict, NATO faces an uncertain future. In the twilight of its long-standing operation in Afghanistan, there is a pressing need for it to retool and revamp itself to better address current and future challenges. Externally, these include an increasingly belligerent and assertive Russia, the continued rise of China and the increased global instability that the current decade heralds. Within the alliance, NATO's expansion in the Western Balkans has occurred during a period of democratic backsliding and rising defence spending amongst many member states. These trends prompt concerns about an increased risk of corruption that threatens both political and military

stability, at a time when NATO can ill afford governance failings undermining its capacity to respond to threats. Whilst the Building Integrity programme has proved generally effective at mitigating defence sector corruption and fostering good governance, maintaining the high standards of defence governance that are critical to NATO's ability to exercise its mandate will likely pose a significant challenge to the alliance in coming years.



¹ France Inter, 'Social Anger in France', 16 September 2019.

² Le Monde, 'Nationwide Yellow Vests Protests and Against Pension Reforms', 7 December 2019.

³ Marion d'Allard, 'Social Unrest's Lockdown Ends', *L'Humanité*, 18 May 2020.

⁴ Paul Taylor, 'Macron Needs an Economic Miracle to Save his Presidency', *Politico*, 14 July 2020.

⁵ Susi Dennison, Ulrike Franke & Pawel Zerka, 'The Nightmare of the Dark: The Security Fears that Keep Europeans Awake at Night', *European Council on Foreign Relations*, 23 July 2018.

⁶ National Assembly, 'Law No. 2018-607 relating to Military programming for the Years 2019-2025', 13 July 2018.

⁷ Jean-Pierre Maulny, 'The Europeanisation of French Defence Policy?', *Rosa Luxemburg Stiftung*, 15 January 2020.

FRANCE

Overall scores

The size of the colour band corresponds to number of countries that fall into that category.

FRANCE SCORE
MODERATE RISK

C

50



A > 83-100 VERY LOW

B > 67-82 LOW

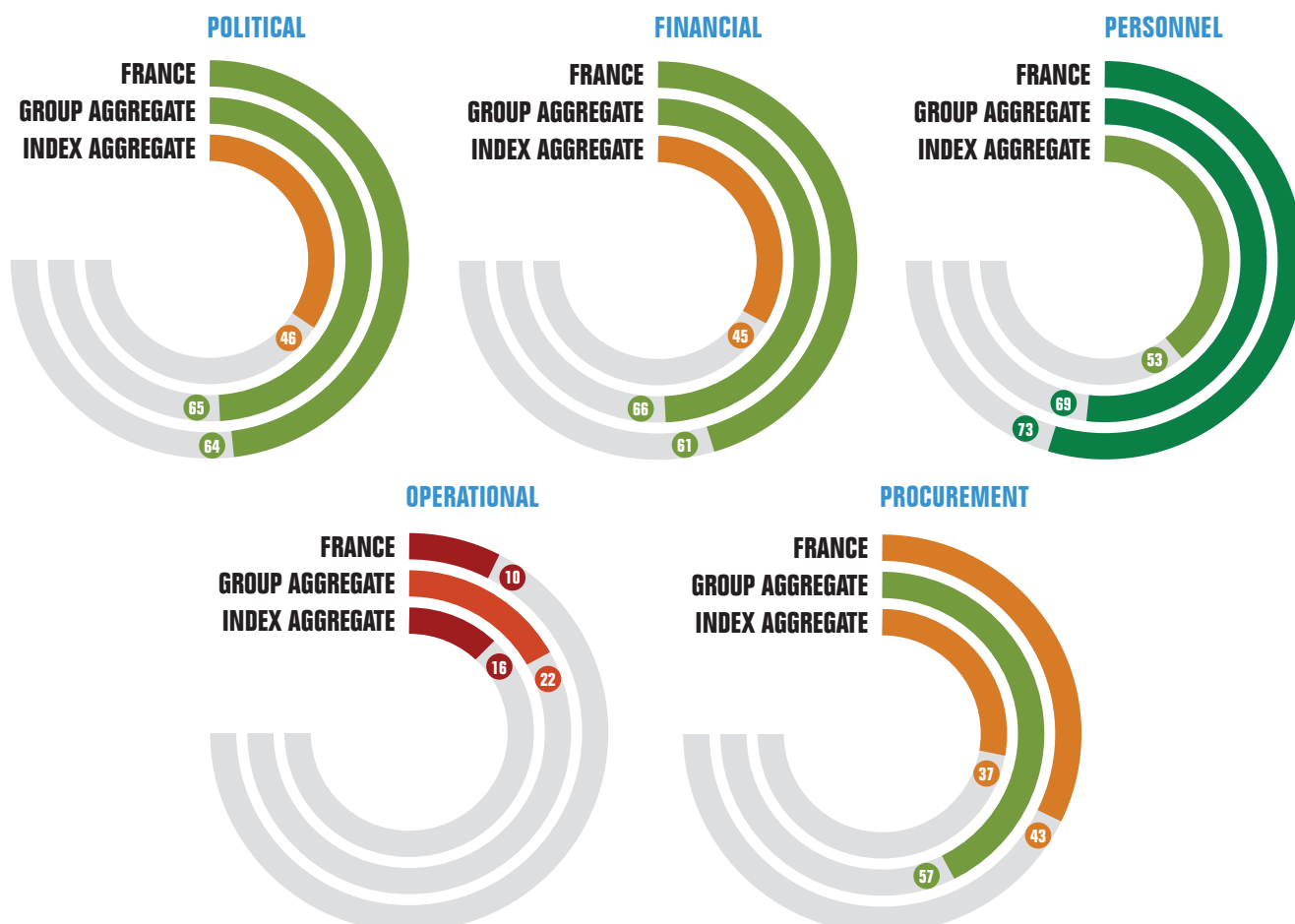
C > 50-66 MODERATE

D > 33-49 HIGH

E > 17-32 VERY HIGH

F > 0-16 CRITICAL

Risk Comparison



FRANCE

Parliamentary Oversight

Legislative oversight of budget (Open Budget Survey, 2019)	89/100
Military expenditure as share of government spending (SIPRI, 2020)	3.3%
Committee members with defence expertise (%)	Data is not publicly available.
# of meetings/year	56 in 2020-2021; 76 in 2019-2020; 50 in 2018-2019
Last review of defence policy/strategy	2017 (Strategic Defence and Security Review)

Under the Fifth Republic, parliamentary and executive powers have often sat uneasily alongside one another. The 1958 Constitution significantly strengthened executive and presidential powers,⁸ while leading to a corresponding weakening of parliament.⁹ Under President Macron, and particularly during the COVID-19 pandemic, creeping authoritarianism and increasingly secretive executive decision-making has become normalised.¹⁰ The centralising of power within the executive branch is particularly acute in the defence sector. Though the 2008 constitutional reform expanded parliamentary powers, they remain limited in practice.¹¹ Parliament has no power to approve or reject military operations and is only required to be informed three days before a deployment. It can review budgets, arms procurement, and defence decisions only once a year when the Finance Law is passed. The defence commissions in the National Assembly and Senate have slightly more extensive powers where they can review policy and amend legislation on a weekly basis, however they cannot veto laws nor can they reject policy. Their role in relation to arms acquisitions is similarly limited, with parliament having no authority to exercise real control over arms sales, which are considered state secrets.¹² The National Assembly's Defence Commission also has formal powers to initiate investigations on specific issues and call government witnesses.¹³ However, in practice, these powers have never been used, owing in part to the partisan nature of the commission, which is dominated by the Presidential party. Even when a commission member does challenge the executive's defence policy, the executive can easily suppress.¹⁴ Aside from parliament, the Court of Accounts conducts regular audits of defence, with a specific unit within the Court dedicated to defence and security institutions.¹⁵ The Court's independence is well-established; however, transparency is somewhat undermined by defence secrecy rules that prevent the publication of many of the Court's reports on defence. As a result, the Court's public reports usually deal with basic issues.¹⁶ It should also be noted that its recommendations are not binding but the Ministry is required to provide an answer within two months.¹⁷

Financial Transparency

Defence-related access to information response rates	(1) % granted full or partial access: Data is not publicly available. (2) # subject to backlog: Data is not publicly available.
Defence-related complaints to ombudsman/commissioner #	Data is not publicly available.
Does the commissioner have authority over the MoD?	Yes.
Audit reports on defence (2015-2020) #	Data is not available.
Open Budget Index (IBP, 2019)	74/100
World Press Freedom Index (RSF, 2021)	34th out of 180.

While the government generally operates with openness and transparency, the use in recent years of Article 49.3 and executive orders have undermined policy-making oversight.¹⁸ The Macron administration's patchy record on transparency is epitomised by various scandals, including the Benalla Affair.¹⁹ France's broad definition of "military secrecy" is a significant obstacle to financial transparency.²⁰ The defence budget is published in disaggregated form by the Ministry of Armed Forces, accompanied with an explanation intended for experts and a concise summary for non-experts.²¹ However some parts of the budget remain covered by defence secrecy rules, including the 'special funds' account that is controlled by the Prime Minister and is dedicated to extra-budgetary security expenses.²² Financial transparency is also undermined by the practice of off-budget military and intelligence spending, which happen on a regular basis. For instance, the 'Decree of Accidental and Unpredictable Expenditures' (DDAI) are, like special funds, discretionary funds that do not need to be accounted for.²³ Aside from the budget, military secrecy rules have a significant impact on access to information. France's 1978 Freedom of Information law allows public entities to refuse requests when they touch on "the secret of national defence."²⁴ This gives defence institutions ample leeway with which to refuse requests by applying the broad and vague definition of secrecy to make any information difficult to access.²⁵ Because of the rigid interpretation of the legal definition of defence secrecy, even information that is released is often redacted or has sections missing. The Consultative Commission of the Secrecy of National Defence (CCSDN), which advises ministries and public bodies on how to interpret defence secrecy rules, is also not compelled to justify any refusals, meaning the access to information process often results in dead ends.

⁸ Vie Publique, 'The Evolution of Presidential Powers since 1958', 23 April 2019.

⁹ Doc du Juriste, 'Can we Talk of A Weakening of Parliament under the Fifth Republic?', 29 October 2008.

¹⁰ Chris Myant, 'Macron's Collusion with COVID Has Not Destroyed France's Spirit', *Open Democracy*, 13 April 2021.

¹¹ Constitutional Council, 'Constitutional Law No. 2008-724 on the Modernisation of the Institutions of the Fifth Republic', 23 July 2008.

¹² Romain Brunet, 'Arms Exports: The Government Opposed to Parliamentary Control?', *France24*, 9 December 2020.

¹³ National Assembly, 'Functioning of the Parliamentary assemblies, Ordinance 58-1100, November 17, 1958, article 5ter.

¹⁴ Manon Rescan, 'Sebastien Nadot, the LREM MP Excluded for Having Voted Against the Budget', *Le Monde*, 20 December 2018.

¹⁵ Cour des Comptes, 'Get to know us: Operation'.

¹⁶ Cour des Comptes, 'Publications'.

¹⁷ National Assembly, 'Financial Jurisdictions Code', art. L.143-4.

¹⁸ Pauline Bock, 'Macron Government Survives No-confidence Votes Over Use of '49.3' to Pass Pension Reforms', *Euronews*, 4 March 2020.

¹⁹ Médiapart, 'Our Investigation: The Macron-Benalla Case'.

²⁰ Nathalie Guibert, 'France will adapt its "secret-défense" to better communicate with its allies', *Le Monde*, 30 January 2018.

²¹ Ministry of the Armed Forces, 'Presentation of the Armed forces Finance Law Project 2019', September 27, 2018; 'Armed forces Finance Law Project 2018', 3 October 2017.

²² Olivier Cadic et Rachel Mazuir, *Draft Budget Law for 2019: Directorate of Government Action: Coordination of Government Work* (Paris: Senate, 2018), III Special Funds.

²³ Jean-Marc Manach, 'Bug Brother: DDAI, the discrete pot of "Special funds"', *Le Monde*, 25 March 2016.

²⁴ National Assembly, 'Law n°78-753 of July 17, 1978 on various measures for improving relations between the Civil Service and the public and on various arrangements of an administrative, social and fiscal nature'.

²⁵ The Senate, 'Specific legislations and the secrecy of national defence', Senate Information report n°337.

FRANCE

Personnel Ethics Framework

Whistleblowing legislation	Sapin II Law (2016)
# defence-sector whistleblower cases	Data is not publicly available.
# Code of conduct violations	Military: Data is yet to be collected.
	Civilian: Data is yet to be collected.
Financial disclosure system	# submitted: 17,113
	% unsatisfactory: 24.6%

Recent progress in relation to anti-corruption ethics in the military underlines a growing recognition of the impact of corruption on the sector. In 2021, the Ministry of the Armed Forces adopted a standalone Anti-Corruption Code of Conduct for all military and civilian personnel, providing a detailed and extensive guide on identifying and mitigating corruption risk during the exercise of public functions.²⁶ The Code has been reviewed favourably by the Anti-Corruption Agency which has commended the Ministry for being the first one to implement such a code, though it remains to be seen how strongly it will be enforced.²⁷ New anti-corruption legislation passed in 2016 also established protections for military whistleblowers for the first time, guaranteeing anonymity and protecting against retaliation.²⁸ Nevertheless, despite these formal provisions, the practice remains taboo. The military is referred to as “the big mute” due to its culture of secrecy,²⁹ and to date defence institutions have not released any guidance or information on the implementation of whistleblowing legislation in the sector. Equally, it is a felony in France to insult or defame the army and staff can face prison time if found guilty, although the definition of ‘defame’ is vague enough to cast significant doubt as to how it can be reconciled with the new legislation.³⁰ Further opportunities for undue influence exist in the appointment and promotion processes. Senior positions in the military do not follow objective job descriptions and standardised assessment processes. Instead, these nominations are discretionary and made directly by the President without any external scrutiny or any requirement to justify nominations or dismissals.³¹ Similarly, at lower levels there is no evidence of set objective criteria to assess the merits for promotion or appointment, exposing the system to potential undue influence.

Operations

Total armed forces personnel (World Bank, 2018)	304,800
Troops deployed on operations #	5,100 in the Sahel (Barkhane), 9,796 on multinational operations (Balkans, West Africa, Central Asia), 3,503 on bilateral missions (Chad, CAR, Gulf of Guinea)

Despite the number of troops in the French Armed Forces nearly halving since 1990,³² the military’s external operations (OPEX) remain significant.³³ The single largest commitment is in the Sahel, where French troops have been engaged in protracted counter-insurgency operations since 2013.³⁴ Despite France’s extensive experience of national, bilateral, and multilateral missions, there remain significant governance deficits around anti-corruption that risk undermining such deployments. There is no military doctrine addressing corruption as a strategic issue for operations and it does not appear to be included in forward planning for operations, aside from as a ‘cultural’ issue in relation to bribes. These deficiencies at a strategic level have a knock-on operational effect. Commanders do not receive pre-deployment training on corruption issues and these issues are not included in the various training phases ahead of external operations.³⁵ There is no evidence that corruption monitoring systems are in place or that there are strategies to mitigate corruption risk during deployments. Equally, there is no specific training or guidelines for corruption risks in contracting during operations, leading to numerous examples of the mishandling of subcontracting deals during Operation Barkhane in the Sahel.³⁶

²⁶ Ministry of the Armed Forces, *Code of Conduct for the Prevention of Ethics and Anti-Corruption Breaches*, December 2020.

²⁷ Jean Tenneroni, ‘The Implementation in the Ministry of the Armed Forces of the State’s First Anti-Corruption Code’, *International Review of Compliance and Business Ethics*, No. 2, April 2021, p. 2.

²⁸ Law n°2016-1691 of December 9, 2016.

²⁹ Ca M’interesse, ‘Why is the Army Called “The Big Mute”’, 29 April 2021.

³⁰ Military Justice Code, art. L322-17.

³¹ Nathalie Guibert, ‘The day Macron “smashed General de Villiers’ honour”, *Le Monde*, 27 November 2018.

³² World Bank, ‘France’.

³³ The Senate, ‘The External Operations Under the Control of Parliament’.

³⁴ Philippe Leymarie, ‘France’s Unwinnable Sahel War’, *Le Monde Diplomatique*, 5 March 2021.

³⁵ Ministry of the Armed Forces, ‘Operational Preparation’.

³⁶ Simon Piel, Jérémie Baruch and Joan Tilouine, ‘How the negligence of the army endangers French special forces’, *Le Monde*, 18 June 2019.

FRANCE

Defence Procurement

Military expenditure (US\$ mil) (SIPRI, 2020)	51,572
Open competition in defence procurement (%)	Data is not publicly available.
Main defence exports – to (SIPRI, 2016-20)	India, Egypt, Qatar, China, Saudi Arabia.
Main defence imports – from (SIPRI, 2016-20)	United States, Brazil, Switzerland, United Kingdom, Germany.

France is a major player in the international arms trade. The third largest exporter of arms in the world, its exports have increased by 44 per cent between 2011-15 and 2016-20.³⁷ These exports bring in an average of €8 billion annually,³⁸ partly helping to fund France's own acquisition programme, and attempts to revamp military capabilities after that have been severely stretched by expanding operations.³⁹ However, defence secrecy rules ensure a largely non-transparent procurement process that is exposed to significant corruption risk. Procurement legislation exempts defence acquisitions from competitive bidding procedures, with documents and information subject to high levels of classification.⁴⁰ It is therefore common for such contracts to be awarded without competitive bidding or directed to the same handful of companies repeatedly, resulting in closed market where

major suppliers operate in a quasi-monopoly.⁴¹ This opacity also severely limits external oversight by the Court of Accounts and parliament. The creation of the French Anti-Corruption Agency (AFA) in 2016 was intended to help strengthen scrutiny of public procurement, including in defence.⁴² Though it has been operational since 2018, the AFA is yet to conduct any defence-related investigations or audits, and so far its work has focussed more on general compliance, rather than conducting systemic oversight of procurement programmes.⁴³ As a result, oversight occurs largely retroactively and significant irregularities have been revealed in relation to approved procurement programmes.⁴⁴ Arms exports are similarly opaque. Despite being a signatory member of the Arms Trade Treaty (ATT), there is a complete lack of transparency around actual arms exports in France. The Ministry of Defence does not publish details and there is little public information available, aside from a vague annual MoD report.⁴⁵ The Inter-ministerial committee for the export of war material (CIEEMG), grants export licences to arms manufacturers and is not required to gain parliamentary approval, effectively making it unaccountable to the public and giving it significant leeway in export decisions.⁴⁶

³⁷ Pieter D. Wezeman, Alexandra Kuimova and Siemon T. Wezeman, 'Trends in International Arms Transfers, 2020', *SIPRI*, March 2021, p. 2.

³⁸ Ministry of Defence, 'Report to Parliament on French arms exports in 2019', 4 June 2019.

³⁹ Jean-Pierre Maulny, 'The Europeanisation of French Defence Policy?'

⁴⁰ Order n°2015-899 of 23 July 2015 Concerning Public Procurement; Decree n°2016-361 of March 25, 2016 on defence and Security procurements.

⁴¹ Court des Comptes, *Outsourcing of support for forces on External Operations*, Paris, 2019.

⁴² National Assembly, Law n°2016-1691 of December 9, 2016 on Transparency, Anti-corruption and the Modernisation of the Economy.

⁴³ French Anti-Corruption Agency & Department for Public Procurement, *Public Procurement Guide: managing Corruption Risk in the Public Procurement Cycle*, Paris, June 2020, pp. 136-137.

⁴⁴ See for instance, Alice Mérieux, 'Crazy additional costs of the ministry of defence HQ', *Challenges*, 7 February 2018; Benoît Collombat and Geoffrey Livolsi, 'Aerial transport: suspicions of influence-peddling in the army', *France Inter*, 10 March 2018.

⁴⁵ Ministry of the Armed Forces, 'Report to the Parliament about arms exports', 5 July 2018.

⁴⁶ Jan van der Made, 'NGOs Urge France to Give Parliament Control over Arms Sales', *RFI*, 16 November 2020.

Version 1.0, October 2021

GDI data collection for **France** was conducted January 2019 to November 2020. The narrative discussion in this GDI brief was produced at a later time with the most recent information available for the country, which may not be reflected in the GDI country assessments or scores.

FRANCE 2020 GDI Scorecard

		Grade	Score
Political Risk		C	64
Q1	Legislative Scrutiny	C	50
Q2	Defence Committee	C	63
Q3	Defence Policy Debate	D	38
Q4	CSO Engagement	D	42
Q5	Conventions: UNCAC / OECD	B	75
Q6	Public Debate	C	50
Q7	Anticorruption Policy	A	88
Q8	Compliance and Ethics Units	C	58
Q9	Public Trust in Institutions	NS	
Q10	Risk Assessments	D	42
Q11	Acquisition Planning	A	83
Q12	Budget Transparency & Detail	A	88
Q13	Budget Scrutiny	B	75
Q14	Budget Availability	A	83
Q15	Defence Income	B	67
Q16	Internal Audit	C	63
Q17	External Audit	A	88
Q18	Natural Resources	A	92
Q19	Organised Crime Links	B	75
Q20	Organised Crime Policing	B	75
Q21	Intelligence Services Oversight	C	63
Q22	Intelligence Services Recruitment	E	25
Q23	Export Controls (ATT)	C	50
Q76	Lobbying	D	44
Financial Risk		C	61
Q24	Asset Disposal Controls	C	50
Q25	Asset Disposal Scrutiny	B	67
Q26	Secret Spending	A	100
Q27	Legislative Access to Information	E	25
Q28	Secret Program Auditing	F	13
Q29	Off-budget Spending	C	50
Q30	Access to Information	C	50
Q31	Beneficial Ownership	A	100
Q32	Military-Owned Business Scrutiny	C	63
Q33	Unauthorised Private Enterprise	A	100
Q77	Defence Spending	C	50
Personnel Risk		B	73
Q34	Public Commitment to Integrity	E	25
Q35	Disciplinary Measures for Personnel	B	75
Q36	Whistleblowing	C	50
Q37	High-risk Positions	B	67
Q38	Numbers of Personnel	A	83
Q39	Pay Rates and Allowances	A	100
Q40	Payment System	C	58
Q41	Objective Appointments	D	33
Q42	Objective Promotions	B	75
Q43	Bribery to Avoid Conscription	NA	
Q44	Bribery for Preferred Postings	A	100
Q45	Chains of Command and Payment	A	100
Q46	Military Code of Conduct	B	81

OVERALL COUNTRY SCORE

MODERATE RISK

C

50

RISK GRADE

A • 83-100 VERY LOW
B • 67-82 LOW
C • 50-66 MODERATE
D • 33-49 HIGH
E • 17-32 VERY HIGH
F • 0-16 CRITICAL



Personnel Risk		B	73
Q47	Civilian Code of Conduct	B	75
Q48	Anticorruption Training	B	67
Q49	Corruption Prosecutions	A	100
Q50	Facilitation Payments	B	75

Operational Risk		F	10
Q51	Military Doctrine	F	0
Q52	Operational Training	F	0
Q53	Forward Planning	E	25
Q54	Corruption Monitoring in Operations	F	0
Q55	Controls in Contracting	E	25
Q56	Private Military Contractors	NS	

Procurement Risk		D	43
Q57	Procurement Legislation	C	63
Q58	Procurement Cycle	B	75
Q59	Procurement Oversight Mechanisms	B	67
Q60	Potential Purchases Disclosed	C	50
Q61	Actual Purchases Disclosed	F	13
Q62	Business Compliance Standards	D	38
Q63	Procurement Requirements	B	75
Q64	Competition in Procurement	C	50
Q65	Tender Board Controls	C	50
Q66	Anti-Collusion Controls	B	69
Q67	Contract Award / Delivery	E	25
Q68	Complaint Mechanisms	B	75
Q69	Supplier Sanctions	A	83
Q70	Offset Contracts	F	0
Q71	Offset Contract Monitoring	F	0
Q72	Offset Competition	F	0
Q73	Agents and Intermediaries	NEI	
Q74	Financing Packages	F	0
Q75	Political Pressure in Acquisitions	NS	

KEY

NEI Not enough information to score indicator
NS Indicator is not scored for any country
NA Not applicable



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Series editor: **Stephanie Trapnell**, *Senior Advisor*

Author: **Matthew Steadman**, *Research Officer*

Project Manager: **Michael Ofori-Mensah**, *Head of Research*

Design: **Arnold and Pearn**



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