

# THE FUNDING OF POLITICAL LIFE IN FRANCE :



## TRANSPARENCY AND ACCOUNTABILITY

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**DEMOCRACY IS PRICELESS  
BUT HAS A COST**





- Legal status of PP
- transparency of resources
- expenditure limits for candidates and parties
- Independent commission: CCFP
- disuasive sanctions
- declaration of assets:CTVP
- gender approach



## **THE LEGAL FRAMEWORK:**

- 1988 Law on Financing political life
- 1990 Law on Expenditure limits- CCFP
- 1993 Law on Prevention of corruption and transparency in economy and public procedures, creation CTVP



- 1995 Law on Financing Political life
- 1995 Law on declaration of personal assets of members of government and others holders of public functions.

# **I - TRANSPARENCY in financing political parties**

- Fund raising strategies:
- weak membership of PP, 1.6 % of the electorate
- donations: 4-6 % of total party income
- membership fees 8-22 % (95-98)
- rallies, meetings, conference: 20%
- MPs ' contribution to the PP

# TRANSPARENCY in financing political parties

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- Income from *private corporation or public sector companies*: **ANY LEGAL PERSONNE**
- **forbidden in France since 1995**
- Avoid risks of : « plutocratic financing »

# **TRANSPARENCY in financing political parties**

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- Conflict of interests
- kickbacks
- toll gating
- through subtle strategies: research papers, consultancy works, technical advice...





- Private donations : ceiling 7600 euros per year and over 150 euros must be given by cheques.
- « Comité de soutien »: local support to candidates without PP, or loosing the support of their Party.

# TRANSPARENCY in financing political parties

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- **PUBLIC SUBSIDIES:**
- since 1988 to candidates, and PP.
- 2 ways : (modified 90, 95, 00, 03)
- 1- parties with candidates for the parliamentary elections in 50 constituencies , proportion to the number of votes in the first round (1%);



- 2- Proportion to the number of MPs : condition : be beneficiary of the first part.
- Law 2000: Financial sanction for non respect of gender equality
- Big parties: State support on average represents more than 50%
- smaller ones: up to 90 %

# TRANSPARENCY in financing Political Parties

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- 2002 : 80 265 000 Euros to PP
- Other supports:
- Subsidy for MPS ' personnal assistants, telephone costs, travel costs to constituencies,
- PP of Parliamentarian groups have free access to public channels « droit d 'antenne », off electoral campaigns

## **II -TRANSPARENCY in financing Electoral campaigns**

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- Law of 1995
- semi-presidential system
- national level : presidency and elections for Paliament
- local elections: mayors, general, regional council
- 5 principles

# TRANSPARENCY in financing Electoral campaigns

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- Financial agent:  
« *mandataire* »
- >9000 inhabts limit  
of expenditures  
according to the law
- Account of  
campaign, certified  
& given to CCFP
- CCFP approves or  
not the accounts if  
not, it refers to the  
Attorney General
- if approved, the  
State gives subsidies  
to PP > 5%, first  
round

# **TRANSPARENCY in financing Electoral campaigns**

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- Plus subsidies to cover the costs of « propaganda » (e.g.the printing of election posters),
- 5% of the votes in the constituency, first round

# ACCOUNTABILITY

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- Disclosure of information on public resources and private donations
- report to the special agency the CCFP  
« *Commission nationale des comptes de campagne et de financements politiques* ».





- CCFP: « AAI » special agency set up in 1990
- controls campaign expenditure
- 9 members, 5 years, nominated by the Vice-President of the *Conseil d'Etat*, the President of the *Cour de Cassation*, and the First President of the *Cours des Comptes*.



- It employs between 30- 40 staff
- approves, rejects, changes the reports filed with it by the parties or the candidates.
- Refers to the Attorney General « *Procureur de la République* », and the electoral judge.

# ACCOUNTABILITY

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- CTFVP « *Commission pour la transparence financière de la vie politique* »
- *Law 1988, (95, 96)*
- *Assess the declaration of assets of electoral officials, and certain public company holders*

# ACCOUNTABILITY

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- Members of Government:
- MPs and senators
- European MPs
- Local elected officials (general, regional, TOM,) mayors > 30 000 Inhbts
- Public company holders



- 9 rapporteurs : 3 from the *Conseil d'Etat*, 3 *Cours de Cassation* et 3 *Cours des Comptes*.
- *Report to the AG (Procureur de la République) after unsuccessful remarks to a candidate who does an incomplete declaration.*

# ACCOUNTABILITY

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- In 2004 CCFP controled 8738 accounts of electoral campaigns
- concerning general elections (canton, regional, européennes)
- Cost : 84 million Euros



- Examined:
- *Cantonale*: 8159
- regional: 226
- European: 169
- Rejected:
- 215
- 9
- 13



- The CCFP referred to the judge of the election 534 accounts (2004):
  - 474 for the *cantoniales* elections
  - 17 for the regional ones
  - 30 for the European ones
- The electoral judge acts also on request of any voter.





- 474 cantonales elections:
- 223 candidates sanctioned « ineligible »
- 53 cases the judge recognises the decision of the CCFP but admits the good faith of the candidates
- 7 cases , the judge rejects the decision of the CCFP



- **Increasing activity**
- **Legislative elections:**
- **1993: 5200 candidates / 8400 en 2002**
- **Penal sanctions could be more deterrent.**



- The rules on contributions and spending limits are quite effective at national and local level.
- On presidential election it is, may be, less true. The *Conseil Constitutionnel* in charge of the monitoring the funding, has no power to apply an electoral sanction in event of irregularities, or a breach of the spending limits.

# CONCLUSION

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- Public subsidies
- No corporate donations
- Various laws since 1988 with risks of loopholes
- transparency, effective disclosure and accountability through comprehensive reports.