

## 國立臺北大學 103 學年度第 2 學期博士學位論文提要

論文題目：ECFA 及服貿協議審議過程之比較分析

論文頁數：240

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論文提要內容：

本研究關切的：為什麼掌握行政與立法部門的執政黨，於 2010 年在立法院通過 ECFA，但做為 ECFA 後續一部份的服貿協議卻迄今無法完成國會審議程序。這當中之間的差異何在，為本文的主要問題來源。基此，本研究先從國會審議程序和對外協議之間的關聯性切入，以行動者在制度性集體決策場域的結構性因素和策略性因素，從相關的理論和文獻中彙整並討論，據以建立理論基礎、分析邏輯及架構。同時針對立法院審議對外自貿協定的程序及案例，說明 ECFA 及服貿協議交付審議的規範，以及協議本身在政策透明化和貿易自由化兩個議題面向的正反論點，從而建立個案敘事基礎。

對此，本研究藉由以理性選擇制度論的分析敘事為途徑，運用因果程序追蹤為核心，並採混合方法的個案內分析之方式，在方法論之個體主義的基礎下，將相關行動者區分為制度性否決者、利害關係人及代理人，蒐集立法院第 7 屆、第 8 屆會期與 ECFA 及服貿協議相關的公報內容、政府新聞稿，以及同時期媒體公布的民調數據為資料來源，就 ECFA 及服貿協議審議過程之間的異同予以比較分析。研究設計以結構性因素的國會慣例、議事規範和委託代理，以及策略性因素的議程控制、策略協商和議題連結等六個為解釋變項，將 ECFA 及服貿協議的審議方式界定為結果變項。制度性否決者透過黨團協商機制施展策略藉以達成其目的。基此，本研究的基本問題為：為什麼握有行政與立法優勢的總統及所屬政黨，無法將積極推動的議案完成國會審議的程序？

本研究發現，第一，立法院制度性否決者的朝野政黨，彼此透過結構性的三項要素去影響 ECFA 及服貿協議的審議，因此產生 ECFA 及服貿協議審議方式的不同，而結果也不相同的情況。第二，立法院制度性否決者的朝野政黨，各自藉由策略性的三項要素，分別在 ECFA 及服貿協議的審議過程達成各自的目標，增加了決策的不確定性。第三，對於席次具有優勢的執政黨而言，選擇逕付表決的策略選項最為有利，因此 ECFA 在第 7 屆獲得通過，但在第 8 屆與在野黨策略協商後改採議價協商的策略途徑，最後卻無法在會期內完成服貿協議的審議。第四，就兩議題面向而言，做為代理人的行政部門無論是政策透明化或貿易自由化的立場與策略並沒有明顯的變化，始終認為既有的機制足以符合透明化的要求，同時也堅持 ECFA 及服貿協議是能促進我國和中國大陸經貿關係自由化的措施。也因此原本部分在 ECFA 審議過程中，議題面向

## ECFA 及服貿協議審議過程之比較分析

與代理人政策理想點接近的制度性否決者與利害關係人，因代理人的立場與策略之故，而在服貿協議的審議過程開始改變，反而往要求政策透明度高的方向移動。當制度性否決者和利害關係人的立場變動之後，使得 ECFA 和服貿協議在審議方式有所不同，以致最後有著不同的結果。

關鍵字：ECFA、服貿協議、審議過程、混合方法個案分析、因果程序追蹤



## ABSTRACT

### A COMPARATIVE ANALYSIS OF LEGISLATIVE RATIFICATION PROCESS BETWEEN ECONOMIC COOPERATIVE FRAMEWORK AGREEMENT AND CROSS-STRAIT AGREEMENT ON TRADE IN SERVICES

by

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September 2015

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DEGREE: DOCTO OF PHILOSOPHY

My dissertation is a comparative analysis about the difference between the ratification process of Economic Cooperative Framework Agreement (ECFA) and Cross-Strait Agreement on Trade in Service (CSATS) in Legislative Yuan. The Core question is why did the ruling party (KMT) fail to pass the CSATS in ratification process? In perspective of theories and literatures, players have desire and tendency to win in collective decision-making, thus the theories concluded that players are inclined to choose fields that enable to be manipulated in political games in order to influence the outcome of legislative ratification process. I will seek answers to my research questions by conducting a mixed method in with-in case study.

In the theoretical framework, I assume the Consult among Political Parties in Legislative Yuan is the Causal Mechanism (CM) that produces outcomes through the interaction of a series of parts that transmit causal force from the explanatory variables (Xs) to outcome variable (Y). Therefore, I concluded three factors that affect the players' attitude and interactive strategies in ratification procedure. The explanatory variables are the structural factors and strategic factors in the ratification procedure. The factor of time is the antecedent variable which prior to the Xs and Y. The structural factor diminishes or enhances the effect of the Xs and Y. The outcome variable is the difference of legislative ratification process between the ECFA and CSATS. It includes two issue dimensions: the degree of the policy transparency, and the degree of trade liberalization.

The results in this dissertation show: first, the lawmakers of both parties adopted structural factors to change the ratification process of ECFA and CSATS. There were two-difference way bwtween the ECFA and CSATS. Second, the legislators of both parties manipulated the strategic factors for the ratification of ECFA and CSATS. The 8<sup>th</sup> Legislature

decided to take “clause-by-clause review” and a series of public hearings in consult among political parties in Legislative Yuan. Third, when the policy transparency and trade liberalization which two issues combined with two dimension, some players’ attitude had changed; especially the legislators of ruling party who are the institutional veto players in the ratification process. The executive branch (agent) had never changed the attitude and strategy in both issue dimensions. However, the legislative branch (institutional veto players) and policy stakeholders had changed the attitude and strategies to counter the agent. The lawmakers who want to reelect especially the members of ruling party. As the result, the ruling party failed to pass the CSATS in ratification process.

Keywords: ECFA, CSATS, Ratification process, Mixed method in case study, Causal process-tracing.

