

行政院國家科學委員會專題研究計畫 成果報告

從國會立法案例析探墨西哥分立政府之政黨政治與發展
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中文摘要:

墨西哥公元2000年面臨首次政黨輪替的分立政府形態，由一黨獨大政黨體系轉變成今日多黨制的政黨體系。在國會多黨競合的新賽局中，面對不同立法議案，政黨運作與互動也將隨之轉換，以適應新的統治局勢。究竟政黨間在國會議案審議的合作協商或衝突對立之互動關係與轉變，會有何種改變和調整？其間政黨政治互動的形成因素為何？各政黨的朝野協商、合縱連橫之攻防操作運用機制為何？皆為本研究試圖檢證的研究焦點，本研究試圖從重要議案立法過程的政黨互動相關性中，歸納出墨國政黨輪替後之政黨政治趨勢，並從中觀察政黨體系的可能發展。

本研究採「描述歸納法」(the descriptive-inductive method)和「深度訪談法」(the indepth-interview method)，從國會重要且具政治代表的議案層面切入，以分立政府和政黨體系的相關理論觀點，交叉研究檢證，進行理論詮釋、研析與整合，以期從中建構分立政府政黨政治發展的理論，並提供其它多黨體系下分立政府之國家參考、對照和比較研究。

關鍵詞：分立政府、一致政府、眾議院、政黨政治、政黨合作、朝野協商、描述歸納法

ABSTRACT

In the year of 2000, Mexico faced its first political power shift to the form of divided government, transforming from one-party political dominance to the present multiparty political system. In a game of

multiparty cooperation and competition over legislative processes, the political parties' operation and interaction thus had to change to fit in the new governing environment. What kinds of reform or adjustment on earth would such party cooperation and consensus, as well as competition and conflicts, bring to the legislative reviews and approvals in such interactive party relationships? What are the causal factors leading to such political-party interactions? What are the strategic offense-and-defense mechanisms exercised in all concerned parties' cross- and multidimensional dialogues? These issues are the foci of the present research that will strive to induce meaningful party-politics orientations and possible political-party developments through examining party interactions and legislative processes, particularly, in the Chamber of Deputies under the divided government since the power shift in Mexico.

The present research adopts the "descriptive-inductive" and "in-depth interview" methods. It will probe at significant and politically representational legislative process cases with integration of theories of "divided government" and "political party systems" as theoretical framework. It will cross-examine various data sources and interpret, integrate and analyze pertinent theoretical perspectives with hope to possibly contribute to the theory of divided-government party politics and development, as well as to provide valuable reference and comparison for the comparative studies in other multiparty divided-government countries.

KEYWORDS:

divided government, unified government,

the Chamber of Deputies, political-party politics, political-party cooperation, incumbent-opposition consultation, descriptive-inductive method.

緣由與目的

公元二〇〇一年七月墨西哥的總統大選，結束了二十世紀全球「一黨獨大」(The One-party Dominance)威權統治最長久的政權，而由反對黨的「國家行動黨」(PAN)總統候選人福克斯(Vicente Fox Quesada)獲勝，為該國開啟了首次政權輪替的新紀元。同時，在此次選舉中，墨西哥的國會首次出現了無任何政黨獲得過半數席次的狀況，其中，在眾議院形成「憲政革命黨」(The Institutional Revolutionary Party，簡稱PRI)與「全國行動黨」勢均力敵、分庭抗禮的兩黨形態，參議院則由「憲政革命黨」獨領風騷，囊括近半數席位，所以「憲政革命黨」雖痛失總統職位，但卻仍是墨西哥國會的第一大黨。在歷經七十一年「憲政革命黨」所主導之中央集權的高支配性威權「總統制」(presidentialism)後，面對首次政權輪替，國會政黨生態丕變，墨西哥的總統與國會所形成之分立政府(divided government)狀態，將使其行諸多年的一黨集權化的「總統制」有何演變與發展？總統和國會之關係將如何互動？兩者所牽動之行政權與立法權的憲政秩序，將如何規範？這些皆為本研究計劃所要探討的主題與研究重點。

結果與討論

本研究以下列行政與立法互動中具爭議性的國會法案和事項來歸納結論墨國「分立性政府」之發展：

「鄉村發展法案」之否決案

國會在二〇〇一年十二月通過之「鄉村發展法案」(Rural Development Bill)，其主要內容是為廣大貧窮農村尋求資金，以補助方式支援偏遠鄉村的建設與發展，但福克斯總統卻以過於官僚化形式和無謂浪費資金，且未必真正照顧到窮苦農民的理由，而予以否決(Source Mex, 2001)，而這是自一九二三年以來墨西哥總統第一次行使總統否決權(veto power)，福克斯對國會的攤牌作法，使國會十分不滿，揚言將杯葛福克斯所提之稅制改革和電力部門私有化的議案。儘管如此，國會並未以三分之二的絕對多數反否決(override)該法案，僅將退回的條文內容，呈請內政部長加以釐清說明(Reforma, 2001)。

國營石油公司 PEMEX 人事任命案

福克斯總統在二〇〇一年二月行使其人事任命權時，遇到國會強烈質疑與批評，最後遷就了國會意見，撤換原提名人選(Source Mex, 2001)。該事件主要為福克斯總統根據憲法條款，總統有權任命六名董事進入國營石油公司 PEMEX 董事會，但當福克斯總統任命其中四名具有私人企業背景的富賈商人為 PEMEX 董事時，「憲政革命黨」(PRI)和「民主革命黨」(PRD)咸表異議，認為由金字塔頂端的私人企業家入主國營公部門的 PEMEX，使其掌握 PEMEX 如此龐大的預算和資產，是十分不恰當的作法，國會甚至以「不動聲色的私有化」(silent privatization)，批評福克斯總統有放任國家權力和利益予重要富商巨賈之嫌。最後福克斯總統屈服國會的意見，撤回原來提名人選，改以四名政府官員任之(Source Mex, 2001; Reforma, 2001)。

「稅制改革計劃方案」的爭議

這項稅制改革案是福克斯總統在去年三月向國會提案的，為其財政改革的重要代表作，該法案重點在於對原本豁免的食物、藥品和書籍課徵百分之十五的加值稅(impuesto al valor agregado, 簡稱 IVA)，若

該稅制順利通過，將可為墨國增加\$12.4 billion 美金的稅收，福克斯總統聲稱將會運用在社會福利政策上，但國會則認為課徵食物附加稅是倒退的作法，因為大部分墨西哥的貧戶其收入的百分之六十五是用在食品和藥品上，這種稅制對低收入戶的衝擊將是最大，所以該方案在去年八月遭到國會強力凍結，處於進退失據、動彈不得的窘境 (Los Angeles Times, 2001; Reforma, 2001)。

電力部門民營化

福克斯總統在去年五月宣佈聯邦政府計劃允許私人企業公司售予國營電力公司 (Commission Federal de Electricidad, 簡稱 CFE) 所需的電力。聯邦政府的這項「電力民營化」的計劃，激起國會的反彈：認為福克斯總統無權片面做此決策，因為引進私人企業生產能源的電力私有化議題，涉及憲法第 126 條及 135 條的修改，同時也關係到憲法第 73 條和 89 條 有關行政與立法部門在修改憲法時的共同角色，非總統一人可以決定。面對總統不事先與國會協商的不尊重國會之行為，國會最後使出殺手，史無前例地向最高法院控訴福克斯總統違憲，墨西哥的當地報紙評論：此事牽涉行政和立法部門憲法權限的釐清，一時間恐怕難以解決 (Reforma, 2001; CNI onlinea, 2001)。

「原住民權益法案」的爭議 (Indigenous Right's Bill)

二 年十二月間，福克斯總統為能解決墨西哥長年地處南邊的契阿帕斯 (Chiapas) 省原住民的叛變動亂紛爭，特別和「契阿帕斯國家自由聯盟」(Zapatistas de Liberacion Nacional, 簡稱 EZLN) 達成和平協議和對話，並為此制定「原住民權益法案」，明定賦予原住民自決和天然資源所有權等權益，以示聯邦政府對原住民友好，並藉此結束長期的內戰，但此協議卻遭國會刪修，損及若干原住民的權益，致使該法案立意雖美，內容卻被國會稀釋打

了折扣，因而激怒墨國境內四十九個原住民團體結盟，質疑福克斯總統的誠意，EZLN 更是撕毀和平協議，再度出沒游擊山中，與政府對峙 (Reforma, 2001)。

現況分析與政治意涵

從墨西哥二 年總統選舉結果所產生的第二次「分立性政府」，因為總統和國會的對立衝突，事實上已然形成墨國的政治僵局 (stalemate) 和停滯 (deadlock)，進而影響政府表現 (government performance) 與領導效能 (leadership efficiency)。墨西哥七十一年來之全然中央集權的「總統制」，在國會的自主意識抬頭後，行政部門過去所獨攬的「政治統治權」(political governance) 目前似乎有逐漸向立法部門傾斜的趨勢。過去墨西哥政治的危機，來自於「總統制」的結構性角色 (Camp, 1997: 164)，而墨西哥中央集權「總統制」的行政威權建制，在於政黨高度支配性的主導與掌控國會，因此，當總統和國會隸屬同一政黨，而總統和黨領導又為同一人時，則該政治體制與結構，在政黨、總統和國會三位一體的相互強化下，將益形堅實鞏固，設若政黨變項有異，則整個總統制度結構亦將隨之生變 (Levy & Bruhn, 2001; Philip, 1999; Weldon, 1997: 225-258; Mainwaring & Shugart, 1997; Randall, 1996;)。

另外，墨西哥的案例，印證了選舉制度和法規對政黨體系的密切關聯性 (王業立, 1998; 吳文程, 1996; Duverger, 1964, 1968)，一九六 年代一系列持續的選舉制度改革，帶給墨國反對黨更多機會晉身國會，參與政治，從而對政治體制作結構性的衝擊和改變。而一國政黨的制度，特別是政黨數目對於總統制運行順利與否，也有重大的影響，墨西哥多黨分裂的政黨體系，確使福克斯總統無法形成可靠而有效率的統治聯盟，進而也影響到總統和國會的關係。

成果自評

從總統與國會的數項重大政策面互動關係中，可理出指標性的政治意義—如果總統在國會沒有足夠政黨支持力量，總統在立法過程中的影響力，極易被邊緣化，最後總統只好挺而走險採取違憲作為。至於福克斯總統的領導風格與個人特質，目前似乎看不出福克斯總統「說服權」(persuasion)的展現，誠如墨西哥的歷史學家 Enrique Krauze 所言：政治體制結構性的改造初階段，欲建立政治共識，是更加困難而需要時間歲月累積的(Reforma, 2001)。

由蒐集的五個總統與國會互動重大案例進行分析，可使我們瞭解墨國在政黨輪替之後的社會互動關係，也可精確地觀察實際狀況，惟在有限時間(政權輪替第一年)有限案例下，實難以立判結論，甚至研析可能之發展方向(墨國總統任期有六年，第一年的案例觀察，確難有太具體之結論)，若能再蒐集更多案例，並加以區分，應可提升本研究結果之效度與信度。

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