

民主治理中準政府組織的 公共性與課責性： 對於我國政府捐助之 財團法人轉型的啓示*

孫 煒

中央大學法律與政府研究所教授

在民主治理爲主導的學術思潮與政府改造之下，當代民主國家行政部門的範疇與職能發生顯著轉變，介於公部門與私部門之間的準政府組織大量出現，其具備授權化與彈性化的特質，成爲政策執行的主要機制，但也引發反映人民主權的立法機關對於準政府組織，進行有效政治控制的疑慮。本文首先界定準政府組織的意義與特性。其次，本文根據民主政治的授權理論，探討由立法機關授權準政府組織執行公共政策的理由，以及可能衍生的問題，並分析以公共性作爲判斷準政府組織設置使命的基礎，以及課責性作爲考核準政府組織績效的準據，以落實對於準政府組織進行政治控制的機制。之後，本文將以我國中央政府捐助之財團法人爲例，分析此種特殊的準政府組織的發展系絡與性質，並討論如何在符合民主治理的原則之下，應用相關的理論建構與制度設計，提升政府捐助之財團法人的公共性與課責性，並提出具體政策建議以及最新發展，以更適當地設計我國政府捐助之財團法人的制度安排。

關鍵字：準政府組織、民主治理、公共性、課責性、政府捐助之財團法人

Publicness and Accountability of Quasi-autonomous Non-governmental Organizations in Democratic Governance: The Inspiration for Reinventing the Government- sponsored Non-governmental Organizations in Taiwan

Way Sun

Professor

Graduate Institute of Law and Government, National Central University

ABSTRACT

With the academic thinking and the reinventing government of democratic governance, the executive branch's scope and function are also undergoing apparent changes in democratic states. There has been a massive surge of quasi-autonomous non-governmental organizations (Quangos) having qualities such as delegation and flexibility, while becoming the main mechanism in policy implementation. However, this also raises concern in the legislative branch about controlling Quangos. This article will first provide the definition and features of Quangos. Secondly, this article will use the theory of delegation to discuss the reasons for the legislative branch delegating authority to Quangos to implement public policies and the problems derived from them, and will analyze the use of publicness as the basis for the missions of such organizations, as well as the use of accountability to evaluate the performance of such organizations. Furthermore, this article will use Taiwan's government-sponsored non-governmental organizations to analyze the development and characteristics of this kind of special organization. There will also be discussion on the establishment of related theories and the designation of systems to increase the publicness and accountability of these organizations and provide concrete suggestions for more

adequate institutional arrangement of Taiwan's government-sponsored non-governmental organizations.

Key Words: quasi-autonomous non-governmental organizations,
democratic governance, publicness, accountability,
government-sponsored non-governmental organizations