Title	信頼に値する規制の独立性と透明性
Author(s)	村上, 裕一
Citation	北大法学論集, 73(6), 23-53
Issue Date	2023-03-31
Doc URL	http://hdl.handle.net/2115/88683
Туре	bulletin (article)
Additional Information	There are other files related to this item in HUSCAP. Check the above URL.
File Information	lawreview_73_6_02_Murakami_suppl.pdf (SUMMARY OF CONTENTS)



THE HOKKAIDO LAW REVIEW

Vol. 73 No. 6 (2023) SUMMARY OF CONTENTS

Independence, or Autonomy, and Transparency in Ensuring Trustworthy Regulations

Yuichi Murakami*

Trustworthy regulatory agencies must be independent and transparent concerning politics or the elected administration, other competing promotive ministries, and regulated parties. It is more relevant to nuclear regulation, with references to the International Atomic Energy Agency guidelines and lessons learned from the catastrophic Fukushima disaster. This paper proposes a new framework for assessing a nuclear regulatory body's autonomy and transparency. It works to avoid 'regulatory capture' while also ensuring regulatory accountability and responsibility by maintaining a certain 'distance' from other institutions, on the one hand, and making balanced decisions, paying attention to non-homogeneity and non-controlling relations between well-specialized members in the open collegiate body, on the other hand. Continued and appropriate regulatory implementation. enabled by such autonomy and transparency, will result in a good reputation and thus public trust. The framework is used to examine nuclear regulations in East Asia and in France and conclude that the composition of their agencies varies depending on the type of autonomy (e.g. political, organisational, or technological) that each country seeks.

I 北法73(6·233)1045

^{*} Associate Professor, Hokkaido University School of Law, and Public Policy School