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القانون المطبق على المسؤولية التقصيرية الناشئة عن الطاقة
المتجددة

THE LAW APPLICABLE TO TORT LIABILITY ARISING FROM RENEWABLE ENERGY

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القانون الواجب التطبيق، الطاقة المتجددة، الضرر، تضارب القوانين

Applicable law , Renewable energy , the harm , conflict of laws

Abstract

Repercussions from renewable energy may relate to many social, environmental, and financial effects resulting from the development and running of these projects. Although certain renewable energy sources, like wind power, solar energy, hydropower and biomass, may sometimes have their difficulties or cause harm in particular circumstances, they are clearly more sustainable than fossil fuels. Furthermore included are greenhouse effects: As with large solar farms like the Ivanpah Solar Electric Generating System in California, IR-absorptive gases may have erratic and harmful secondary environmental effects that would need entire biospheres-worth of sacrifice. One topic to be discussed in the framework of cross-border harm produced by renewable energy is law regulating culpability and indemnification. Indeed, for large-scale projects especially, the damage from solar electricity is really severe and may be delayed.

الملخص

قد ترتبط تداعيات الطاقة المتجددة بالعديد من الآثار الاجتماعية والبيئية والمالية الناتجة عن تطوير هذه المشاريع وتشغيلها. على الرغم من أن بعض مصادر الطاقة المتجددة، مثل طاقة الرياح والطاقة الشمسية والطاقة الكهرومائية والكتلة الحيوية، قد تواجه أحياناً صعوبات أو تسبب أضراراً في ظروف معينة، إلا أنها أكثر استدامة من الوقود الأحفوري. علاوة على ذلك، تشمل هذه الآثار آثار الاحتباس الحراري: كما هو الحال مع مزارع الطاقة الشمسية الكبيرة مثل نظام إيفانبا لتوليد الطاقة الشمسية في كاليفورنيا، قد يكون للغازات الماصة للأشعة تحت الحمراء آثار بيئية ثانوية غير منتظمة وضارة تتطلب تعويضات تعادل تضحيات المحيط الحيوي بأكمله. أحد المواضيع التي يجب مناقشتها في إطار الضرر العابر للحدود الناتج عن الطاقة المتجددة هو القانون الذي ينظم المسؤولية والتعويض. في الواقع، بالنسبة للمشاريع الكبيرة على وجه الخصوص، فإن الضرر الناجم عن الكهرباء الشمسية شديد للغاية وقد يتأخر.

the introduction

First the research subject definition is apart from the other disadvantage generating method, renewable energy is a cleaner and more ecologically sustainable alternative for our nation nonetheless, this is not without harm. These could be the result of environmental impact solar panels, wind turbines, and hydroelectric dams may have other environmental consequences even while they cut down on greenhouse gases. So, whereas hydroelectric dams affect water habitats, which may harm biodiversity, wind farms might get in the way



of birds migrating. In a legal system that is based on it, responsibility (or liability) makes it possible to hold someone accountable and get compensation. This has to do with renewable technologies that are not always easy to use and may come with risks when they are put into use . Legal obligation lets lawyers hold corporations accountable and lets individuals who have been hurt get money for things like property damage, health problems, or environmental harm. When the law is worded appropriately, the idea of accountability stops people from being careless or doing things that hurt others . Second, the necessity for research the work supports a basic purpose of legal systems attaining justice, especially for those who were hurt by something they didn't do. This goal is even more crucial since there might be both positive and bad repercussions in the renewable energy business that are not foreseen. To make sure that victims receive enough money, you have to deal with the complicated issue of guilt while also understanding the details of losses associated to renewable energy. Cross-border damage is a unique characteristic of several renewable energy sources .Third, figuring out who is responsible for damages caused by renewable energy relies on understanding which law applies to the particular problems. Traditional liability systems may not be able to deal with the intricate technology, long-term effects on the environment, and cross-border parts that are commonly part of renewable energy projects. The "special nature" of these damages is due to things like their influence on the environment, the possibility of harm not showing up right away, and the fact that they may affect people in other countries .Fourth research methodology a comparative inductive method is an effective approach to ascertain the most suitable law for determining responsibility in renewable energy instances. This method lets you see how various nations' legal systems handle the details of renewable energy damages by looking at and comparing relevant laws from several countries. By concentrating on the distinct requirements of each law, you may discover shared principles and innovative approaches that might guide an appropriate legal solution in these situations . Fifth a framework for research this study will examine both traditional and contemporary approaches to identifying the applicable tort law for losses arising from renewable energy. Each part will look at important concepts and practices that might help you understand how legal systems have changed to deal with problems in renewable energy tort cases both locally and globally.

1. Traditional Trends in Determining the Law Applicable to Tort Liability

2. Modern trends in determining the law applicable to tort liability

1. Traditional trends in determining the law applicable to tort liability

Parameters of tort responsibility are more expansive than those of contractual obligation. Due to the nature of obligations liability in tort law originates from responsibilities mandated by law rather than via contractual agreements. It focuses on activities that inflict harm on others, whether deliberate or negligent, and seeks to provide remedies for injuries or losses incurred by persons. Liability arising from contracts, contractual responsibility arises from explicit agreements between parties. Obligations are delineated by the contract's provisions, and culpability occurs only when one party neglects to meet those contractual stipulations. Additionally extent of liability tortious liability The scope is broader since it includes several offenses, such as carelessness, deliberate injury, defamation, nuisance, and strict responsibility. It pertains to activities that inflict damage on persons, property, or the general public, irrespective of any contractual link. Liability Arising from Contracts: The scope is confined to the terms and conditions specifically specified in a contract. A party may only be held accountable for violations of the explicit responsibilities stipulated in the contract. Additionally categories of damages tortious liability damages may be compensatory (to address real losses), punitive (to penalize improper action), or nominal (to acknowledge a violation without significant loss). Tort law aims to reinstate the aggrieved person to the status they would have occupied had the tort not transpired ¹Contractual Liability Usually restricted to what was known at the time the contract was signed, damages seek to place the aggrieved party in the same situation they would have been in should the contract have been fulfilled. Scholars on private international law have tried to modify Traditional Rule. Scholars are looking at the ancient notion of *lex loci delicti* (law of the location where the injury happened) (Cook, W. W. (1933). to see if it applies in circumstances involving cross-border renewable energy projects. This entails determining whether the location of the damage should determine the relevant legislation, particularly in cases when the cause of the damage is outside of a jurisdiction. Broadening Interpretations Concerning the reality of renewable energy projects, traditional regulations are being read more broadly

to allow for the possibility of harm occurring in many jurisdictions and examining the links between parties and the damage. suggesting contemporary frameworks Scholars are pushing for the acceptance of the "most significant relationship" test, which takes into account many elements to identify which jurisdiction has the most relevant link to the tortious activity. This method seeks to provide a more nuanced examination in situations involving many jurisdictions. Mix Models Researchers suggest hybrid models combining aspects of conventional and current techniques to enable more adaptable solutions to the particular difficulties presented by damages associated to renewable energy sources. Promoting Global Standards Scholars underline the need of incorporating worldwide environmental concepts, including the "no-harm" ethic, into private international legal systems. Particularly pertinent for the environmental effects of renewable energy projects, this concept commits nations to avoid transboundary damage² The need for transnational legal frameworks is rising, seeking to provide uniform liability criteria beyond national boundaries and hence support state collaboration .Scholars are investigating how private international law may strike a compromise between national interests and the need of a unified worldwide tort liability in renewable energy settings (Van Loon, H. 2018). This entails evaluating how home public policies could be in line with foreign responsibilities as Encouragement of Sustainable Development , Emphasizing the inclusion of sustainable development concepts into tort liability systems helps to match legal norms with the worldwide move toward environmentally friendly energy sources. Examining both the theory of applying local law and the issue of spreading elements of responsibility can help one to solve the question of which law applies in circumstances involving the distribution of components of responsibility across many nations. Here is a summary of possible structures for these two parts.

1.1. Definition of the local law concept, usually known as *lex loci delicti*, which controls the tortious responsibility by means of the law of the location where the detrimental conduct happened .Emphasizing the importance of the jurisdiction where the behavior started, historical background and justification for using local law principles in tort cases Local law used in cross-border tort matters in Iraqi law follows a framework defined in Iraq's civil code and influenced by ideas of private international law. Especially in instances involving



foreign components, including cross-border renewable energy projects, the identification of applicable law in circumstances where the tortious conduct and subsequent injury transcend many countries is complex. Generally speaking, Iraqi law determines which law controls tortious responsibility using the *lex loci delicti* (the law of the place where the injury happened) concept³. Generally in line with the conventional approach seen in many legal systems, under this approach the relevant law is generally that of the jurisdiction in which the injury was incurred. Article 25 of the Iraqi Civil Code supports this idea by stating that, save when otherwise stated or agreed upon by the parties concerned, the law controlling tort liability is usually the law of the nation where the damaging conduct happened. certain circumstances Under some circumstances, Iraqi law permits exceptions if applying the law of the country where damage happened would produce unfair outcomes, or if the relationship to Iraq is judged greater. If the detrimental conduct was carried out in Iraq, this might happen; in such event, Iraqi courts could take consideration of Iraqi law relevant to maintain conformity with domestic legal norms as the damage extended to a neighboring nation⁴. Should a foreign legislation contradict Iraq's public order or greatly deviate from basic Iraqi legal standards, Iraqi courts may also refuse to implement it. Iraqi courts may give Iraqi public policy first priority in situations of serious environmental or cross-border damage connected to renewable energy, particularly if the actions directly affect Iraq's environmental or public health standards. Iraqi law may need a twofold analysis to ascertain the most suitable applicable law in situations when the harmful conduct and the ensuing damage take place in separate nations. Particularly in cases where cross-border activities, such as energy projects impacting common resources (such rivers or air), courts take into account the jurisdiction with the closest link to the parties and the damage particularly if the damage was predictable⁵. In these situations, the "most significant relationship" test might be applied implicitly to let Iraqi courts balance the links of every jurisdiction to choose the law most suited for the complexity of the matter. Iraq is a signatory of many international accords, some of which deal with environmental standards, which might influence the perspective of cross-border tort responsibility among Iraqi courts. Although these treaties may not directly control tort liability, they regularly affect Iraqi court rulings, particularly in situations of environmental harm wherein common resources are affected (Churchill, R. R. 2002). Though Iraq is not bound by conventions specifically addressing cross-border torts in renewable

energy, principles from international environmental law are sometimes considered when interpreting domestic law, particularly in cases where renewable energy projects or environmental harms create a cross-border impact⁶. Iraq's limited case law specifically addressing cross-border torts within the framework of renewable energy is Nonetheless, with an eye toward the protection of domestic interests and the implementation of Iraqi law when it significantly interacts with public policy, Iraqi courts often follow civil law traditions in their thinking⁷. For cross-border renewable energy projects, Iraqi law generally indicates that the nation affected by the harm (such as environmental degradation or health issues caused by a neighboring country's renewable energy activity) may have jurisdiction if the defendant has strong ties to Iraq or if the harmful activity had significant effects inside Iraq. Iraqi courts have historically prioritized Iraqi jurisdictional competency and applied Iraqi tort law in cases whereby they have faced cross-border tort claims. Iraqi law, however, may claim authority to provide a remedy within its legal framework should public resources or persons be greatly affected⁸ Investors or operators in renewable energy are encouraged to be aware of Iraqi tort law standards and public policy, particularly addressing the potential for cross-border damage that might trigger Iraqi jurisdiction and responsibility. Using the local law approach (lex loci delicti) for renewable energy projects has numerous clear benefits, especially in cross-border situations when efforts may affect communities or the environment beyond national lines. Here is a closer view of the benefits within the framework of renewable energy:

A) Compliance with Environmental Guidelines and Laws : Applying the legislation of the nation where the impact occurs guarantees that the local environmental requirements are maintained, therefore matching renewable energy methods with the sustainability and conservation criteria particular to the jurisdiction in effect⁹ b).Correspondence with Community Values and Protection of Local Interests The local law approach preserves communal values and interests.. It guarantees that initiatives answer to the social and environmental standards of the local populations immediately impacted by hydropower plants or wind farms. Indigenous people other groups with particular cultural or environmental links to the ground particularly depend on this¹⁰

c) Improved corporate tasks and accountability greater corporate responsibility results when renewable energy firms understand they are bound by the rules of the jurisdiction where their projects have clear effects. Businesses are encouraged to be proactive in following local regulations and avoiding environmental damage promoting a culture of responsibility in the renewable energy industry ¹¹

d) Promotes ecological development methods the local legal approach guarantees that renewable energy projects are developed and carried out considering the local environmental effect, therefore supporting sustainable development .This lowers the possibility of negative effects such disturbance of habitat or water contamination and supports behaviors in line with the sustainability objectives of the host nation ¹²

E) Advocates local legal and economic stability following the rules set by the host nation which might include local labor laws, tax policies, and environmental protection statutes renewable energy firms help to contribute to economic stability by implementing the local legislation. This may support employment, enhance local investment environments, and result in more steady long-term project results ¹³

f)Advices transboundary environmental protection projects using renewable energy close to borders may impact resources shared by many nations, such rivers or migratory animals. Following local laws of the impacted nations helps renewable energy projects to better fit transboundary environmental accords and avoid conflicts over shared resources, therefore promoting cooperation ¹⁴

g) Helps affected parties use legal recourse for those affected by renewable energy projects, the local legal approach facilitates the search for compensation or demand of corrective action. For local plaintiffs who may lack means to participate in international legal fights specifically, being able to initiate legal action under local laws offers a fair road to justice.¹⁵

h)Boosts public trust in renewable energy public confidence in renewable energy projects increases when one shows dedication to local rules and norms. Projects that track regulatory frameworks and give environmental stewardship first priority are more likely to be supported by communities improving the reputation of renewable energy firms and enabling more seamless project execution. Nonetheless there are limits and criticisms on using the local

law method (lex loci delicti) about possible inequities where local laws vary greatly from those of the nation where the harmful activity started arguments against the relevance of local law in situations where cross-border factors confound the identification of responsibility. The second necessity is Given the special character of these projects, which frequently include environmental effects beyond national boundaries, deciding the local law relevant to tort liability n cross-border renewable energy situations is vital .This part discusses particular issues in the local law approach (lex loci delicti) application in the framework of renewable energy torts¹⁶.

- The Lex Loci Delicti Principle Applied to Renewable Energy
 In tort proceedings, the lex loci delicti principle often known as "law of the location where the injury occurred—is extensively used to ascertain the relevant law. Under this concept, responsibility is governed by the law of the jurisdiction where the harm shows up, usually the site of operation for renewable energy projects or where their influence is felt. This method guarantees respect of the local environmental, health, and safety criteria of the impacted region. It also takes into account the possible effects on ecosystems, land usage, and public health resulting from renewable energy projects as solar fields, hydropower facilities, or wind farms¹⁷

- Special Attributes of Tort Liability in Renewable Energy , Projects utilizing renewable energy, especially those involving common resources (such as rivers for hydroelectric facilities or wind corridors), may inflict damage that cuts beyond national borders. The issue therefore becomes whether to apply the legislation of the nation suffering the environmental damage or the one where the project is situated. In renewable energy, tort liability usually relates to environmental protection legislation, which vary greatly depending on the country. Applying local law helps courts make sure the rules of environmental protection reflect the values and laws of the impacted community .Projects using renewable energy may have long-term and cumulative environmental effects that local governments are especially qualified to control . this makes municipal legislation important in handling the long-lasting consequences of energy projects on confined ecosystems and populations¹⁸

- Local law determining cross-border renewable energy torts

Following the *lex loci delicti* concept, courts usually give the law of the location where the damage happened first priority if the damage is environmental and thereby affects local natural resources or public health. Two thoughts in cross-border situations courts may take dual consideration where both the detrimental act and its effects take place in separate nations including the location of the renewable energy source and where the resultant damage is most notable . This method lets one have a balanced judgment of relevant law . Some countries, like Iraq might substitute indigenous public policy norms for international legislation failing certain environmental protection requirements. Applying foreign legislation might compromise local environmental, social, or financial interests, so this factor is very important¹⁹

- Useful Connotations and Legal Interpretive Notes : When deciding the appropriate law for tort liability, courts can consult case law as well as international treaties on environmental protection and transboundary impact. Although Iraq may not be bound by particular agreements, when determining situations with cross-border relevance, Iraqi courts are swayed by international norms and values. In cases where renewable energy projects affect many nations, international agreements and cooperation frameworks might help to harmonize the relevant regulations. By clarifying jurisdictional concerns, bilateral or regional agreements might help to lower conflict-of- law conflicts in international renewable energy projects

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1.2. Application of the chosen law : It is noteworthy that another jurisprudential tendency has developed supporting giving the injured party the choice to choose between two laws , the law of the location where the unlawful conduct was performed or the law of the place where the damage happened. Often called party autonomy in tort cases, this strategy is meant to provide the injured party more control over their legal action, hence improving access to justice . And the advantages of the choice of law made by the injured party Enhanced adaptability and justice, This strategy gives flexibility in situations where one jurisdiction's legal rules may more suit the kind or degree of damage experienced by letting the injured party choose the relevant legislation. Particularly helpful in cross-border renewable energy conflicts when local laws may vary greatly in terms of environmental regulations, compensation limitations, or procedural requirements is this alternative for enhanced compensation and protection for the injured party. In certain situations, the choice-of-law flexibility may simplify litigation by cutting the time spent on jurisdictional problems, thereby perhaps resulting in a faster settlement and better use of resources . Regarding the legal choice made



by the injured party, challenges. Allowing the aggrieved party to pick the relevant legislation might result in forum shopping, in which case plaintiffs choose the jurisdiction best suited for their case, hence perhaps overburdening courts in areas with more favorable laws. Granting the injured party a choice might result in discrepancies in case results as comparable circumstances could be considered under various legal criteria depending on the plaintiff's decision compromising legal predictability²¹

2. Modern trends in determining the law applicable to tort liability legal academics and courts have shifted in recent years toward more flexible and context-sensitive methods to decide the appropriate law in situations of tort liability considering the growing complexity of cross-border problems . Modern techniques stress justice relevance and the individual circumstances of every case unlike conventional approaches that often rigorously followed the law of the area where the injury happened . These are some main developments in contemporary tort liability theories:

2.1. Judge's law application applying the judge's law (lex fori) in cases involving tort responsibility resulting from renewable energy brings special issues related to the cross-border effect and environmental consequences usually connected with renewable energy projects. although ecologically favorable, renewable energy sources as wind solar hydroelectric power may cause global problems including pollution land damage or animal effects across many jurisdictions, therefore complicating the identification of relevant legislation . Applying the judge's domestic law in this framework may help to protect public policy goals and expedite procedures it also has to be balanced with fairness and international collaboration .

By eliminating the procedural and interpretive obstacles of foreign laws using lex fori may ease difficult international renewable energy situations . Given the intricacies of renewable energy rules courts may find it more expedient to use known domestic laws where conflicts concern technical requirements or safety rules particular to the judge's jurisdiction . For a court in a nation with strong wind turbine noise restrictions might use its domestic law in a dispute involving noise pollution from a cross-border wind farm as the local laws may better represent the criteria required to safeguard its people . Many times renewable energy entails important environmental issues where using the judge's law might aid to preserve national environmental standards. Many countries give environmental sustainability top priority, so

it is essential to take domestic legislation that mirror these public policy objectives under careful thought. Local environmental tort rules guarantee that cross-border or international projects do not avoid national environmental regulations. In a case involving a foreign-owned solar project that affects local water sources, for instance, a court might use its own environmental rules to make the firm responsible for damages, thereby demonstrating its dedication to water resource conservation. Particularly in nations funding energy transition projects, renewable energy projects are typically linked to a nation's environmental objectives or climate pledges. Particularly when cross-border initiatives affect national resources or inhabitants, courts may use domestic law to support these policies. Lex fori allows the court to actively promote national goals in sustainability and renewable energy²². For instance, a nation substantially committed in solar energy might apply its local tort law to conflicts involving foreign businesses who neglect to follow the environmental impact criteria of the nation, thereby safeguarding both national investments in sustainable energy and resident rights. The technical character of renewable energy might make implementing international law difficult as courts could lack the knowledge or tools to decipher the complexities of another nation's renewable energy policies. Particularly in circumstances where the international rules contradict local interests, the complexity in interpreting foreign law often results in courts using their own laws to guarantee equitable processing of such matters. In a cross-border wind energy project where noise and animal disturbance are at issue, for instance, a court could decide to use domestic noise regulations and wildlife protection legislation should the foreign jurisdiction lack such similar criteria. Although lex fori might streamline matters, it could also promote forum shopping—that is, seeking courts with more favorable rules for environmental disputes. Courts may therefore use the judge's law only in cases with strong local ties, such as the presence of local plaintiffs or major environmental effects in the forum . For instance, if the plaintiffs and most impacts are located outside and only use lex fori when the renewable project directly affects the population or environment of the forum state, a court may take consideration adopting foreign law ²³

2.2.applying the "most closely related law" : Especially in situations involving cross-border aspects, the present method in private international law to handle complicated tort

liability is the "most closely related law" (also known as the "closest connection" or "most significant relationship" test). This strategy seeks to determine the jurisdiction with the closest and most important link to the tort rather than just enforcing the law of the place where the injury happened. This adaptability enables a more equitable and context-sensitive conclusion by allowing circumstances wherein conventional wisdom could produce unfair or impracticable outcomes to be accommodated. Courts using the closest relationship concept consider many elements to determine which law from which jurisdiction ought to apply. Among these elements might be: the location of the damage or injury. The site of the erroneous behavior or activity generating the injury. The parties' country, abode, or place of residence. The location of the center of the relationship if any between the parties. The pertinent public policy issues facing the engaged governments. In a situation wherein a product made in Country A injures a user in Country B, courts may take into account both the site of harm (Country B) and the place of the manufacturer's behavior (Country A) in determining the most fitting legislation to apply . The closest link test gives judges freedom to customize the relevant legislation to the particular circumstances of every case. But it also adds some uncertainty as the result relies on the particular situation. Many legal systems strike a balance in this by creating criteria or rules for implementing the nearest connection rule to boost uniformity. For instance, a court may rely on earlier instances involving cross-border environmental torts to ascertain which jurisdiction had the closest link, therefore guaranteeing some consistency²⁴ Courts could take into account the governments' public policies or governmental interests of the engaged jurisdictions. If a nation has strong interests in controlling certain activities (like consumer safety or environmental preservation), its laws might be followed even in cases of damage abroad. This guarantees that in cross-border tort proceedings domestic policies are honored . In a cross-border pollution case, for instance, a court may apply the laws of a nation if they have a strong link to the tort even if the pollution event legally happened abroad if that nation has tight environmental rules and a great interest in resource protection. The closest connection method uses the law that most really relates to the issue instead of automatically favoring the law of any given jurisdiction, therefore discouraging forum shopping. This improves justice by matching the relevant legislation with the situation of the conflict instead

of favoring one side depending on the location of the lawsuit . In a defamation action involving internet material available internationally, for instance, a court may decide to apply the law of the nation where the plaintiff's reputation is most impacted rather than just the location of publication, therefore targeting the jurisdiction with the closest relationship to the damage. In complicated, multi-jurisdictional torts—that involving international firms or worldwide supply chains—the closest connection technique is especially helpful. This approach lets courts fit the worldwide character of many torts, including environmental harm, intellectual property infringement, and product responsibility . For instance, a court may apply the law of the nation with the most relevant connection to the manufacturing or decision-making process if a defective product produced in one nation causes injuries in several countries, particularly if the company's operations center on this one nation ²⁵

2.3. the application of the "law of the parties' will : Applying the "law of the parties' will" in tort liability in the framework of renewable energy projects brings a contemporary approach that acknowledges the special complexity and interdependence of this industry. Choosing the controlling legislation for tort liability may give clarity and certainty as renewable energy increasingly incorporates cross-border investments, partnerships, and technology cooperation allows parties to select. In this fast changing industry, this approach may especially help to reduce risks and handle conflicts. Projects involving renewable energy can include many players across several countries , governments, commercial investors, and technology suppliers. To enable better operations and simpler liability structures the parties might choose to choose a law that fits their commercial interests technology standards regulatory environment instance a solar energy firm employed with a foreign investor might consent to follow laws of a country recognized for their favorable renewable energy policies and investment safeguards ther assuring all parties properly understand their rights and duties . Applying the legislation of their choosing allows participants to preload possible responsibilities related to the inherent risks of renewable energy projects like environmental effects equipment failures construction accidents . In event of tortious claims this foresight might assist specify roles and expectations for indemnification or reimbursement . In a wind farm project involving many contractors the parties might agree on the law of a particular



country to control tort claims connected to worker safety defining culpability for accidents resulting from construction .The capacity to implement the law of the parties' will becomes crucial as the renewable energy industry depends more and more on worldwide partnerships and joint ventures. This adaptability lets participants from several legal backgrounds find common ground on culpability, therefore lowering the chance of conflicts resulting from opposing legal systems. For instance, a joint venture between a local renewable energy company and an international technology supplier can specify that any tort liability concerns would be controlled by the law of a country where both sides have significant activities, therefore guaranteeing fairness and mutual understanding . Although party autonomy is usually valued, courts may restrict the execution of the selected legislation if it conflicts public policy or regulatory criteria in countries where the renewable energy projects are carried out. Maintaining environmental safeguards and safety rules that would be vital for nearby populations depends on this. For instance, a court can refuse to enforce a choice of law between parties that seriously compromises local environmental standards in favor of the laws of the jurisdiction to preserve local ecosystems .In the framework of renewable energy where projects may impact local ecosystems and populations courts might be more attentive to the consequences of letting parties decide the appropriate legislation . it is important to make sure that such decisions do not compromise consumer protection or environmental requirements while implementing the law of the will of the parties . In circumstances involving consumer claims against a renewable energy supplier a court may take local consumer protection legislation into account even if the parties agreed to follow the law of another country thereby guaranteeing that local citizens are not deprived . Those involved in renewable energy projects should carefully create choice-of- law provisions taking into account not just their own interests but also possible consequences for public policy and regulations . Well specified provisions serve to reduce risks and provide a strong basis for controlling tort liability. For instance, a thorough choice-of- law provision can provide that while parties choose the law of a certain jurisdiction to control tort liability, they also consent to follow all required local laws influencing environmental safety and community welfare²⁶



2.4.apply the law that is most favorable to the injured party : Particularly in complicated, cross-border settings like renewable energy projects, using the law most beneficial to the injured party in tort liability proceedings is a strategy that fits with ideas of justice and fair recompense. In private international law, this approach known as the "favor laesi" principle seeks to safeguard the injured party by means of the law providing the most advantageous result for them. In situations involving renewable energy, where environmental implications, safety issues, and cross-jurisdictional activities may complicate responsibility, this strategy might especially be pertinent . Often less strong than big businesses or governmental agencies, the favor laesi strategy seeks to guarantee that the aggrieved person gets sufficient protection and reimbursement. Applying this idea may assist balance the power dynamics between corporate stakeholders and impacted people or communities in the framework of renewable energy, where damages might include environmental damage, health hazards, or community disturbance. For instance, if pollution from a solar panel manufacturing facility affects the health of a nearby community, adopting the law best suited to the harmed party might lead to stronger responsibility rules or more compensation, therefore safeguarding the interests of the community ²⁷ Courts usually review the legal standards and compensation policies of all pertinent jurisdictions, including the place of the injury occurrence, the location of the wrongful act, and the jurisdictions where the involved parties are based, so deciding which law is most advantageous to the injured party. The court then implements the legislation using the most favorable terms for the harmed party. For instance, a court may analyze labor and safety rules from the many nations involved and choose the one with the best worker protections or compensation requirements if a collapse of a wind turbine results in injuries to workers from several countries . In renewable energy situations with environmental or community effects, the favor laesi method may be very helpful. Laws in certain countries could provide more strong environmental safeguards, tougher liability rules, or more rights to compensate for impacted populations. Using the most favorable legislation guarantees that harmed parties get sufficient compensation for losses that could otherwise go unpackled. In a cross-border hydroelectric project, for instance, following the legislation most beneficial to the harmed downstream population might mean implementing a jurisdiction's law that holds corporations strictly liable for environmental damage in case of downstream floods in a neighboring nation ²⁸ The most favorable law concept also

facilitates access to justice, therefore enabling the aggrieved person to sidestep judicial systems that could otherwise restrict their recompense. For people or small towns affected by big, well-funded renewable energy corporations running across many countries, this may especially be crucial. For instance, using the legislation best suited to the injured party in a situation when homeowners suffer property damage from a nearby biomass energy plant might entail a jurisdiction with more property rights safeguards, therefore guaranteeing equitable recompense for the loss in property value . While using the most advantageous legislation may be difficult as it forces courts to assess and compare many legal systems, even if it helps harmed parties. Furthermore, some governments could restrict the application degree of foreign laws, particularly in cases where the laws contradict with local public policy. For instance, courts may object to enforcing foreign laws more beneficial to the injured party if they contradict national economic or policy objectives in circumstances when the laws of a jurisdiction heavily favor corporate interests . Although the favor laesi principle emphasizes injured party safeguards, it has to be managed to avoid too much liability or discourage investments in renewable energy sources. By evaluating the individual facts of the case and the effect of implementing a certain legislation on future energy initiatives, courts might try to find this equilibrium . For a wind energy project spanning many nations, for instance, a court may adopt the legislation best suited for affected local citizens in tort claims, while acknowledging fair restrictions on responsibility to prevent deterring future initiatives. ²⁹

Conclusion

At the end of our research, we reached a set of results and proposals, which we show as follows:

Results

1-Projects using renewable energy can span national boundaries and include many legal jurisdictions, therefore complicating the identification of relevant tort law. Such initiatives may cause harm in one nation while their consequences are perceived in another, which creates difficulties determining the suitable legal structure for responsibility.

2-In cross-border tort cases, different nations use different standards for deciding the appropriate law , the law of the location where the injurious conduct happened, the law where the damage is felt, or the law the parties engaged in selected. There is no general criterion, however, which could provide contradictory results (Protection of the Injured Party)

3-In circumstances when harm affects people or groups, the "favor laesi" principle—that which most benefits the injured party—has shown to be a pragmatic means of attaining justice. This strategy reduces the effect of power imbalances in international renewable energy projects and encourages fair pay.

4-Trends like using the law most closely related to the case or the law of the judge's nation are catching hold. These approaches provide adaptability and flexibility that fit the complicated and changing character of renewable energy technology and their effects on the surroundings.

5. Although party autonomy lets stakeholders choose the relevant legislation, public policy issues typically restrict this, particularly in cases involving local environmental standards, health rules, and safety laws. Courts could supersede decisions made by parties to guarantee adherence to these protective policies.

Proposals

1. Making a consistent legal framework for tort claims around renewable energy international organizations should work on creating standard norms or model laws for tort liability in cases involving renewable energy. A unified framework would help bring together different ideas of responsibility would make the law less confusing and lead to fairer outcomes.

2- Putting the law that is most closely related to the harmful event first using the law of the place that is most closely connected to the harm, "most closely related law" could be a way to balance justice with common sense. This method takes into account that every circumstance is different, particularly when it comes to worldwide renewable energy projects.

3-Adding community and environmental protection to choice-of-law agreements choice-of-law agreements in renewable energy contracts need to include commitments to local environmental norms and protections for affected communities, ensuring that corporate interests do not overshadow environmental or community rights. This might be done with the support of legally binding rules or industry standards .

4-The favor laesi principle gives injured parties better protections. The favor laesi concept should be the most important thing for courts to think about when it comes to vulnerable groups or serious damage to the environment . This plan would make sure that those who have been wronged had access to the best legal protections, which would promote justice and accountability .

5-Using special courts or panels to settle disputes around renewable energy sources countries or regions that know a lot about both environmental law and cross-border tort liability might set up special courts or panels to handle disputes over renewable energy. These groups could make judgments that are always the same and provide tailored solutions to tough challenges .

6-Using liability insurance to encourage compliance and preventive actions governments could want global renewable energy companies to get liability insurance. This kind of insurance would make sure that money is available to cover any damages would make things easier for local governments and make people more responsible in case of a catastrophe .

7. Support for public-private partnerships for ecological development governments and international organizations working together might help make best practices in renewable energy that focus on safety and sustainability . This would lower the risk of environmental harm and, as a result, the risk of tort liability claims.

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