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LUXEMBOURG



MAX-PLANCK-GESELLSCHAFT

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The *Kiobel* judgment of the U.S. Supreme Court and the future of human rights litigation in civil courts

Program

# The *Kiobel* judgment of the U.S. Supreme Court and the future of human rights litigation in civil courts

A lawsuit between Esther Kiobel on behalf of Nigerian residents against Royal Dutch Petroleum and three of its affiliates incorporated in the Netherlands, the United Kingdom, and Nigeria, respectively, was brought in the US under the Alien Tort Statute (ATS), 28 U.S.C. §1350. The Statute, enacted in 1789, states: “The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.” After more than ten years of dispute on procedural matters, in 2011 the US Supreme Court was asked to interpret the ATS, and certiorari was granted. Though originally the Supreme Court was only required to rule on the matter whether corporations can be held liable for international human rights violations under the ATS, it also answered the question whether and under what circumstances US courts may hear a case brought under the ATS, for violations of the law of nations occurring within the territory of a sovereign other than the United States. On a unanimous decision rendered last April the Supreme Court ruled that the ATS is not applicable to actions committed on foreign soil. This judgment seems to put an end to the extraterritorial jurisdiction of the United States for claims brought under the ATS for human rights violations committed by multinational corporations on foreign territory, and that have no evident link to the United States. Voices of willing assent as well as waves of criticism have immediately risen all over the world. This seminar shall discuss the consequences of the judgment and the future prospects of human right litigation in civil courts.

Please register by email to [registration@mpi.lu](mailto:registration@mpi.lu) or contact Martina Winckel at + 352 269 488 923

# Program

## **14:00** Arrival and Registration

## **14:15** Welcome and Introduction to the Topic

Professor Burkhard Hess, Director,  
Max Planck Institute Luxembourg

## **14:30** *Kiobel* through the Eyes of an International Lawyer

Dr. Clemens Feinäugle,  
Max Planck Institute Luxembourg

## **15:00** Current Issues Related to the Role of Treaties in U.S. Law

Professor David Stewart,  
Visiting Professor of Law at the  
Georgetown University Law Center  
Discussion

## **15:45** Extraterritoriality: Understandings and Misunderstandings

Professor Horatia Muir Watt,  
Science Po, Paris

## **16:15** Of *Kiobel* and Human Rights

Professor Patrick Kinsch,  
University of Luxembourg  
Discussion

## **17:00** Coffee break

## **17:20** Round table: The Conflicting Views

Professor Burkhard Hess, Director,  
Max Planck Institute Luxembourg

Dr. Anke Sessler, Chief Counsel  
Litigation of Siemens AG  
(Berlin/Munich)

Professor Donald Earl Childress III,  
Pepperdine University School  
of Law (tbc)

Professor Nicola Jägers,  
Tilburg University

Professor Catherine Kessedjian,  
University of Panthéon-Assas

## **18:30** Open discussion



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