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**Thursday, 4 July 2013  
Understanding “Kiobel”**

**Program**

# Understanding “Kiobel”

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 multinationals 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.

# Program

## **14.15 Welcome and Introduction to the Topic**

Professor Burkhard Hess, Director, Max Planck Institute Luxembourg

## **14.30 – 14.55 Kiobel through the Eyes of an International Lawyer**

Dr. Clemens Feinäugle, Max Planck Institut Luxembourg

## **15.00 – 15.25 Extraterritoriality: Understandings and Misunderstandings**

Professor Horatia Muir Watt, Sciences Po (Paris)

## **15.30 – 15.55 Of Kiobel and Human Rights**

Professor Patrick Kinsch, University of Luxembourg

## **Break**

## **16.20-18.15 Round Table – The Conflicting Views**

Professor Burkhard Hess, Director, Max Planck Institute Luxembourg

Professor Marta Requejo Isidro, 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

Open Discussion