



United States Department of State

Washington, D.C. 20520

December 6, 2013

Christophe Bernasconi
Secretary General
Hague Conference on Private International Law
Scheveningseweg 6
2517 KT THE HAGUE
Netherlands

Dear Mr. Secretary General:

As we discussed, I am writing in response to your letter of August 15, 2013, regarding the work on the Judgments Project, by which we received the Permanent Bureau's "Process Paper on the Continuation of the Judgments Project."

The United States very much appreciates the Permanent Bureau's work in preparing the Process Paper. The Process Paper usefully summarizes the debate among delegations as to how the Judgments Project should proceed – in particular, whether the Conference should focus first on the recognition and enforcement of judgments alone, or whether work should proceed on a dual track including negotiations on direct jurisdiction. The Process Paper proposes certain recommendations on a path forward for the Judgments Project.

As you know, the U.S. delegation has expressed its views on the Judgments Project at prior meetings of the Council on General Affairs and Policy. We believe that we must first see if an agreement can be reached on the fundamental objective of the Judgments Project (the recognition and enforcement of judgments) before the Council decides whether it makes sense to pursue work on direct jurisdiction. Further, we believe that the Permanent Bureau and the Member States should focus their limited resources in an area where the prospects for success are more promising.

Accordingly, the United States can accept the recommendations made by the Permanent Bureau in paragraph 20 of the Process Paper, subject to certain clarifications. First, we agree that the Working Group should resume its work in

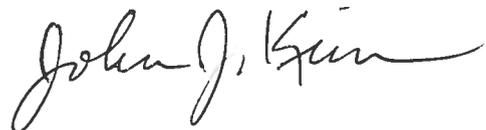
response to its mandate and report to the Council on General Affairs and Policy in April 2014.

Second, we agree that the Experts' Group should refrain from the study and discussion of the desirability and feasibility of work on international jurisdiction until all Members of the Hague Conference have a clearer idea as to the evolution of the work on recognition and enforcement. The Experts' Group should not meet again until there is a consensus by the Members of the Hague Conference that it is appropriate for the Experts' Group to meet.

Third, we appreciate the Permanent Bureau's recommendation that "at the appropriate time" the Council can consider the results of the work of the Working Group and the recommendations of the Experts' Group in order to determine the scope and nature of the future instruments. We wish to make clear, however, that the Council should consider the work product of the Working Group and the Experts' Group at such times as the relevant group presents its findings to the Council. The presentations of these two groups, which have very different mandates, need not be, and should not be, made in tandem. As stated above, the Members of the Hague Conference should decide when it would be appropriate for the Experts' Group to meet again.

In closing, the United States has been and remains a strong supporter of the Hague Conference on Private International Law and places great value on its work. We hope that a consensus can be reached and that work can proceed on recognition and enforcement of judgments with active input from Member States and the Permanent Bureau.

Sincerely,

A handwritten signature in black ink, reading "John J. Kim". The signature is fluid and cursive, with the first name "John" and last name "Kim" clearly legible.

John J. Kim
Assistant Legal Adviser
for Private International Law