



UNCITRAL COLLOQUIUM ON "HARMONIZING LAW IN THE AGE OF DIGITAL TRADE AND
FINANCE"
THU 12 FEB 2026 | UNHQ, NEW YORK

**Digital Platforms as
Legal
Infrastructure:**
*The HCCH and private international
law for cross-border interoperability*

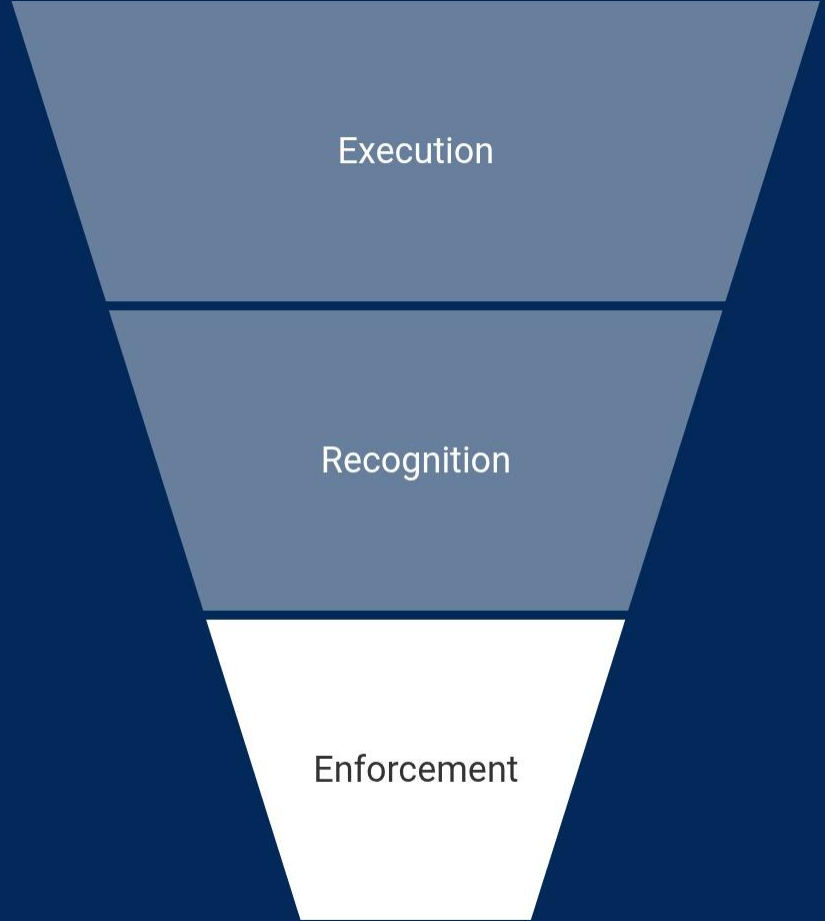
Dr Gérardine Goh Escolar

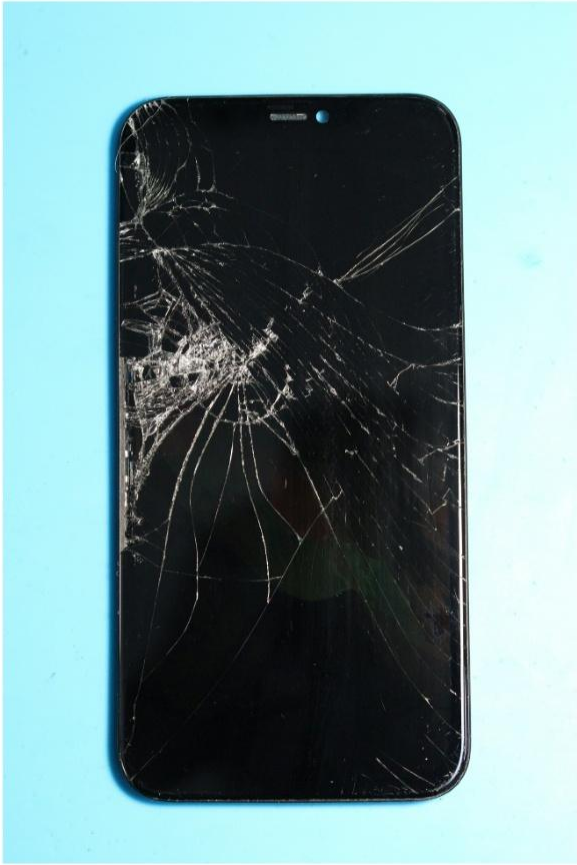
Deputy Secretary General

Hague Conference on Private International Law (HCCH)

A close-up photograph of a grey concrete surface with several prominent, irregular cracks. The cracks are dark and run across the frame, creating a fragmented appearance. The concrete has a granular texture with small pebbles visible.

How do global digital platforms fail?





Execution

Recognition

Enforcement

Risk Displacement

Displacing risk down the chain



- Private ordering
- Design choices
- Governance rules
- Contractual exclusion clauses

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- Margin requirements

Risk absorption through deferred legal complexity

- ⚠ Jurisdictional conflict
- ⚠ Conflicts of laws
- ⚠ Refusals of recognition
- ⚠ Failures of enforcement





“Scale without
**legal
interoperability**
produces
fragility.”

Platforms become legally significant when...



they determine rights, obligations
and entitlements

including settlement and finality



their operations have effects vis-
à-vis third parties

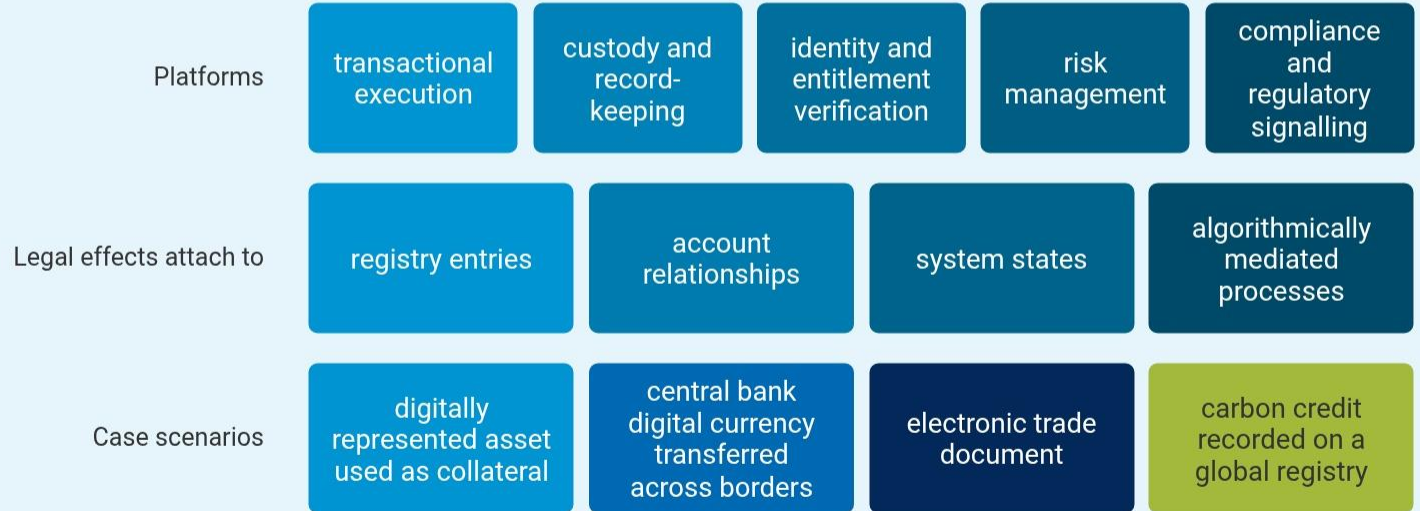


they can cause, unwind, or
disrupt transactions
especially in ways that are difficult or
impossible to reverse



Platform \neq Intermediary

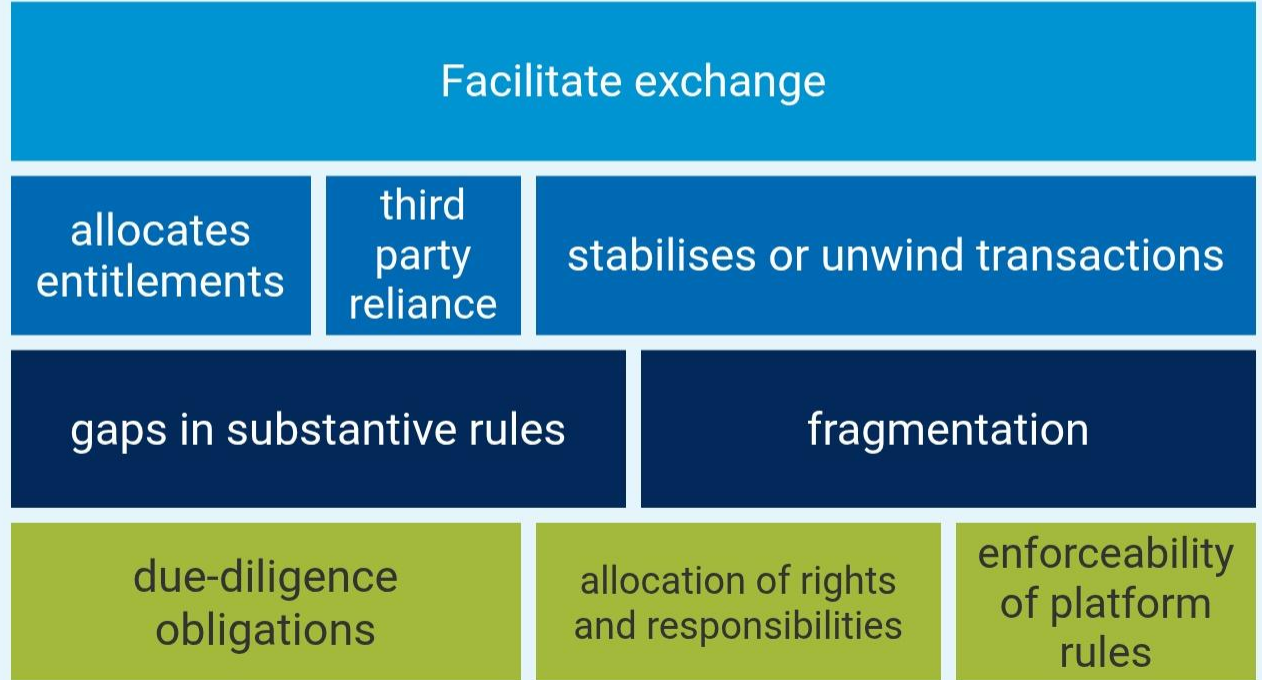
Platform = Composite Legal Infrastructure





“ In a platform-based global economy, **private international law is the legal architecture** that determines whether digital systems can interoperate across borders. When technology scales, can legal systems still recognise one another? ”

Why private law and trade law alone may be insufficient



Private law and trade law work with private international law for platforms to scale





HCCHE Experts Groups

RWANDA

ONE

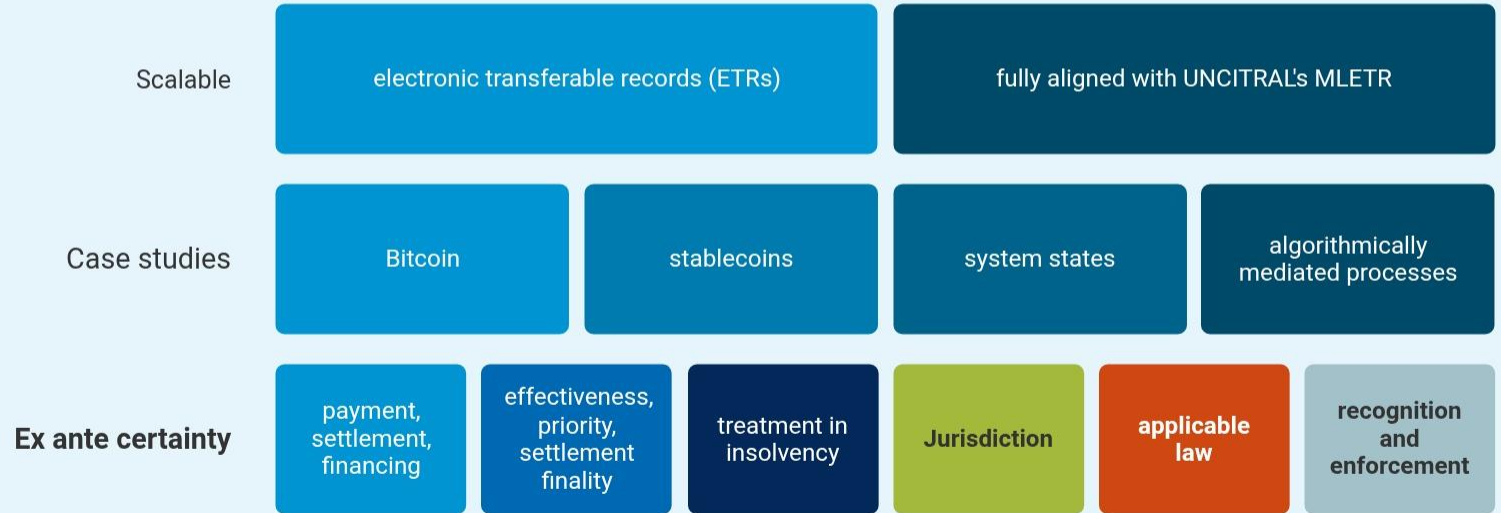
INNOVATION



The HCCH Experts' Group on Digital Tokens

HCCH Experts' Group on Digital Tokens

Work streams and considerations



Private international law pressure points in platform disputes

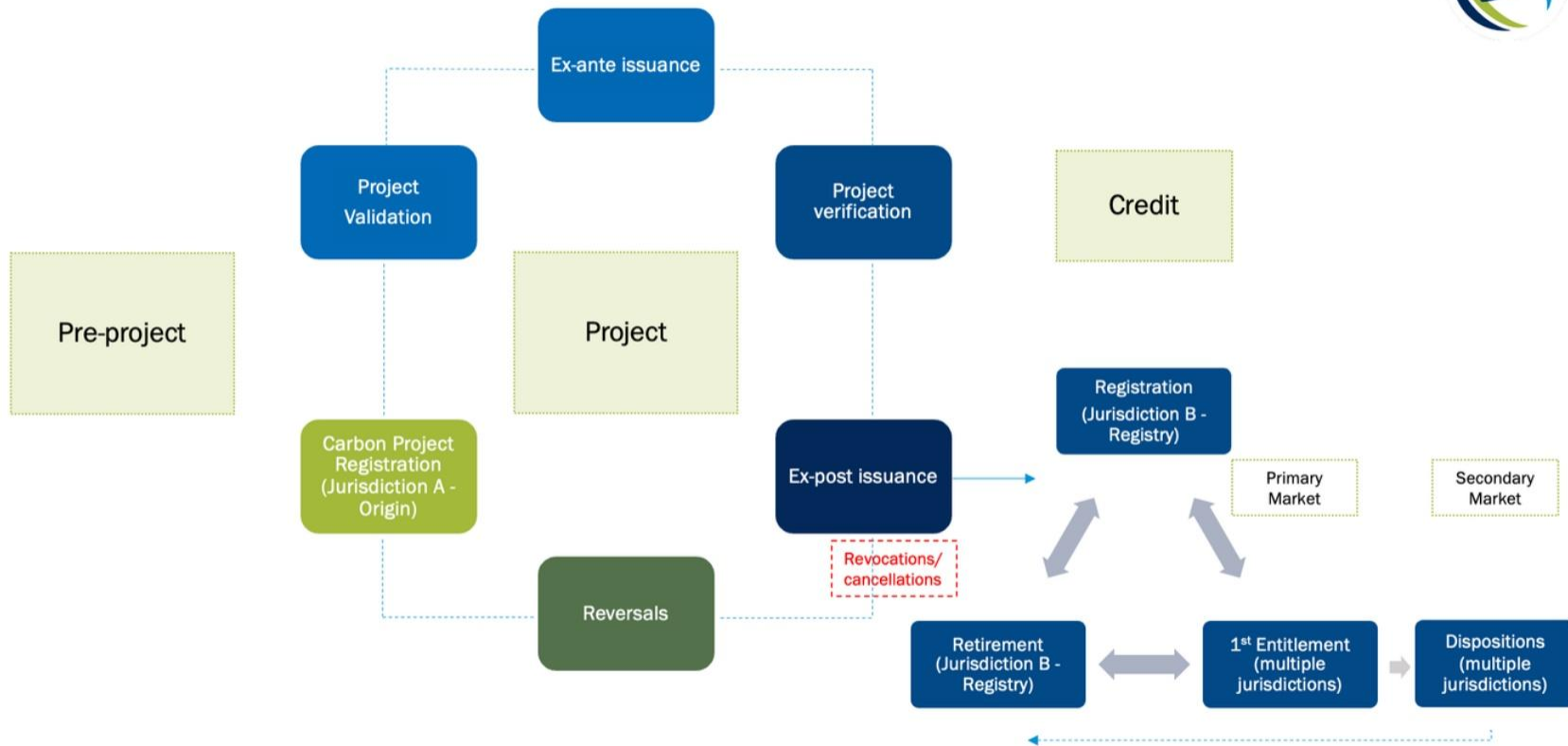




Platforms Under Stress: The HCCH EGs on Carbon Markets and on CBDCs



Platforms Under Stress: The HCCH EG on Carbon Markets



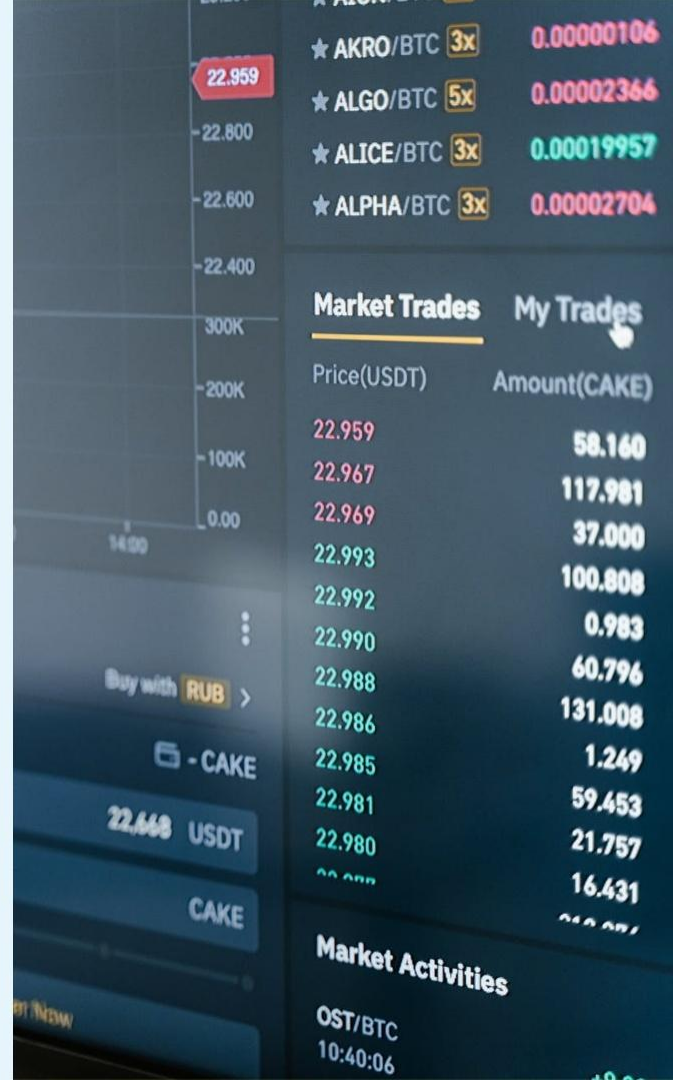
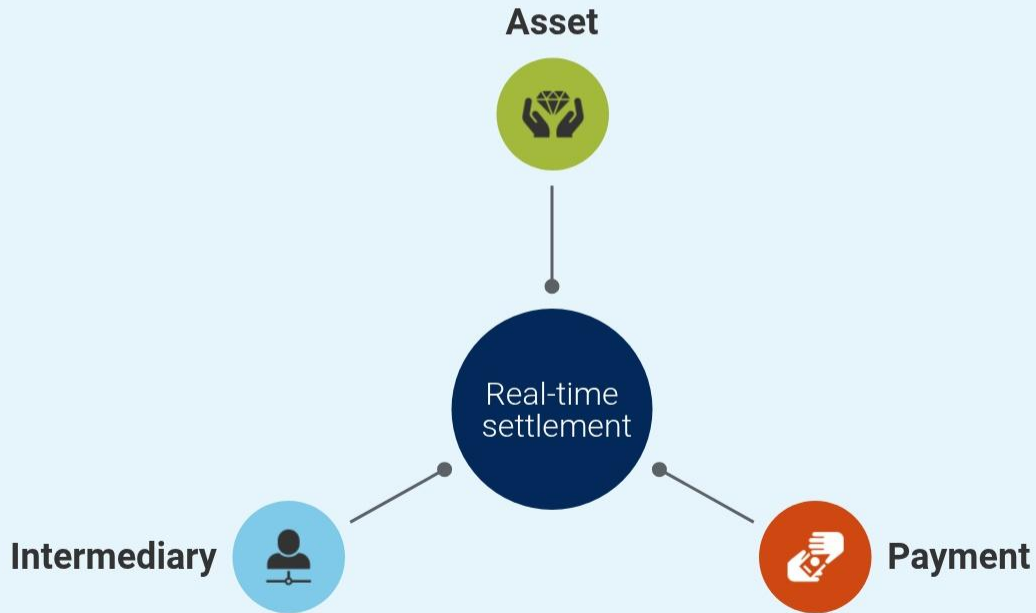
Article 6 (Paris Agreement) considerations

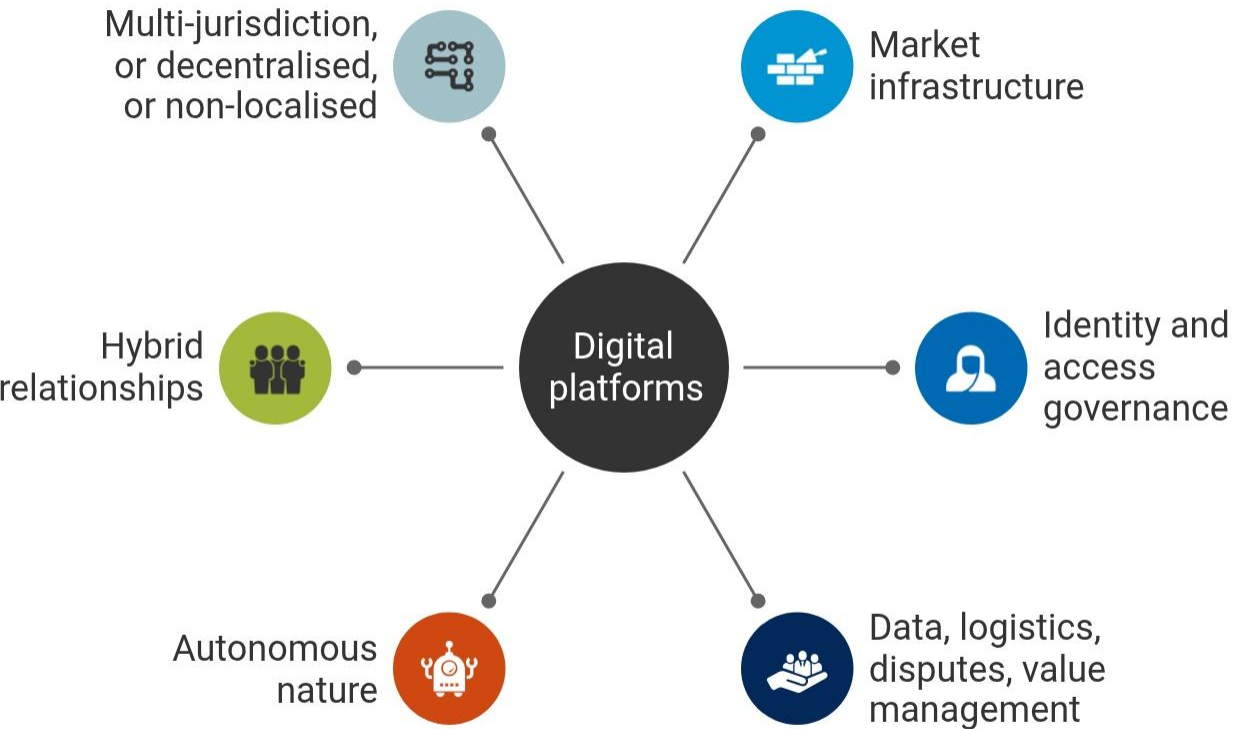


Platforms Under Stress: The HCCH EG on CBDCs

Platform-enabled markets

In platform-based, tokenised, or CBDC-enabled environments, we increasingly see





Platforms are rewriting the legal grammar of commerce.
Private international law provides the syntax.



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