



ROME UNIVERSITY LECTURER LECTURES AT IMLI

Dr. Fiammetta Borgia (Lecturer in International Law at Faculty of Law, University of Rome “Tor Vergata”) visited the Institute and lectured on “The Role of Non-State Actors in International Law”.

In her lecture, Dr. Borgia explained that while States remain the preeminent actors in international law, the balance of powers in the international community has changed. After the Second World War, new actors have emerged at the international level, such as public international organizations established by States (IGOs), non-governmental organizations (NGOs), multinational corporations (MNCs) and even individuals. Thus, such organizations and multinationals are currently playing a key role in international law.

Dr. Borgia provided the students with a historical background and emphasized the need for the definition of these phenomena. She continued by discussing the legal personality of NGOs and multinationals and explained that *“In spite of their relevance in international relations, NGOs and Multinationals have no international legal personality. The lack of autonomy and independence from States does not allow their recognition as subjects of international law. However, considering their key role in the international community, some scholars identify limited and functional international legal personality”*.

Regarding the impact of the activity of non-State actors in international law, Dr. Borgia highlighted the participation of NGOs in the normative function of international law, particularly in the field of cooperation, human rights protection, environmental and humanitarian law, their key role in the implementation of international law through awareness campaigns and their participation in settlement of disputes.

Dr. Borgia explained also the efforts of international law to regulate the activities of multinationals. In particular she referred to the UN Draft Code on Transnational Corporations, the ILO Tripartite Declaration, the OECD Guidelines for MNEs, the Global Compact Initiative and the UN Draft Norms on Human Rights, stressing the *“role of soft law in shaping a control framework on Multinationals”*. She concluded by affirming that *“Globalization of the world economy has increased the opportunity for MNCs to avoid legal control frameworks, especially on issues such as human rights, environment and labour standards. In this context, NGOs play a*

key role in highlighting the lack of control on MNCs, pushing States to regulate economic activities pursued by MNCs. In spite of their nature as non-State actors, international scholars cannot ignore the role of NGOs and MNCs in international law. NGOs take part - although indirectly - in the three functions of the international legal order (normative, implementation and dispute settlement) and MNCs are called to respect the fundamental international rules (human rights, environment and labour standards) in order to avoid the Corporate Social Responsibility”.



Dr. Fiammetta Borgia meeting students of the Class of 2011/2012

Dr. Fiammetta Borgia was awarded her law degree and Ph.D. degree in international law at the University of Rome "Tor Vergata". She is currently a lecturer of international law at University of Rome "Tor Vergata" and at European University of Rome, where she is also in charge of the course of International Economic Law. She is a practicing lawyer of corporate and international law.

Her main research interests are public international law, law of the sea, human rights and international economic law with particular focus on multinational corporations, corporate social responsibility and soft law.

She wrote a monograph on “Corporate Social Responsibility of Multinational Corporations”, and is the author of various articles on public international law, international economic law, international private law and law of the sea in Italian and English. She is involved in research related to human rights and economy and the international regime of Polar Regions, in collaboration with other Italian universities.

** If you do not want to receive IMLI e-News in future, please return this message to the above address with request to DELETE in the subject field.*

*** For further information please contact Ms. Elda Belja (Editor, IMLI e-News) at publications@imli.org*