

Eva Hartmann

Eva Hartmann is currently working as a visiting research fellow at the United Nations University in Bruges/Belgium. Her major research interests focus on trade in services and international standard-setting processes, the relation between the WTO and the UN, the role of the EU as an emerging normative power and in more general terms on international relations and state theory/social theory.

Eva studied sociology in Zurich (Switzerland) and Frankfurt am Main (Germany), where she obtained her first degree. After the completion of her Diploma thesis, she gained major research experience during her work on several research projects. Improving the dialogue between academic research and more policy-oriented consultancy became a major issue during her work for the *Deutsche Gesellschaft für technische Zusammenarbeit* (GTZ, German Agency for Technical Cooperation) in 1998 and for the *International Labour Organisation* (ILO) in 1999.

This summer she submitted her Ph.D. thesis on “*Outlines of a postnational state. The interdependency between GATS and UNESCO in an emerging global labour regime*” to the University of Kassel/Germany. In 2007 she will take up a position at the University of Lausanne/Switzerland. Eva is also actively involved in the *Global Labour University*, a global network of Universities, the ILO, Trade Unions, and Foundations focusing on the political, economic and social dimensions of globalisation for labour.

During her stay at the United Nations University in Bruges she is working on her new project on the role of regional and global standard-setting processes in the framework of the WTO and the interrelation between regionalisation and globalisation. The project aims at contributing to a conceptualisation of the interrelation between the EU, UN and Global Governance. In this respect I also aims at contributing to the network on European Union, Global Governance, Sovereignty and Law.

The project

The project focuses on quasi-judicial mechanisms in the framework of an emerging constitutionalisation of international law. I argue that, in view of the complex relationship between legality, legitimacy and legitimation, constitutionalisation changes fundamentally the terms of international policies and politics. This raises questions about future forms of policy processes at a national, regional and global level. In the light of the important function of law in modern societies in ensuring social cohesion, this major change in international law has consequences not only for the notion of sovereignty but also for processes of *Vergesellschaftung* (societalisation) through political processes.

The failure of GATS to build consensus in sensitive areas

On an empirical level, the project points to the interdependency of the WTO - with its strengthened non-compliance procedures - and international standard-setting organisations, presenting the major findings of a case study recently carried out. In other words, the paper looks at the interdependency between supranational and internationally oriented arrangements.

The case study has two points of departure. First, the deferred establishment of multilateral standards in the GATS agreement in politically sensitive areas like government procurement, subsidies and domestic regulation. The analysis focuses predominantly on necessary disciplines for WTO Members' qualification requirements as applied to the service suppliers of other Members (GATS VI.4). The second point of departure is the major difficulties the Members have encountered in their attempts to reach agreement on such disciplines for domestic regulation. These difficulties can be contrasted with the recent success in establishing a recognition regime in the framework of UNESCO. By comparing the outcomes of these two different processes, the case study points to the limits of standard-setting processes in a more supranationally oriented framework with strengthened compliance mechanisms, and sheds light on the role of international frameworks with no binding power in establishing such norms. The case study also highlights the role of the EU as a normative power in this context. The analysis

then shows how these international standards strengthen supranationally oriented frameworks in the long run.

Outline of a postnational polity

What are the implications of these empirical findings for theorising the complex relation between legality, legitimacy and legitimation at a postnational level? The project will develop a theoretical approach that conceptualises this complex relation at a global level by drawing on two different approaches: a Habermasian perspective that looks at this process in terms of a liberal tradition, and a Neo-Gramscian/Neo-Poulantzian approach that links this process to the organisation of a capitalist mode of production and provides a more critical perspective.