

WWI and Migrant Workers' Social Rights: The Case of Italy, Between Bilateralism and Multilateralism

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The article is aimed at analysing wartime and postwar Italian attempts to improve the social conditions of migrant workers. In particular, it deals with Italy's quest to provide social protections for its emigrant workers living in France, whose number reached a peak during the Great War and the postwar years.

By taking into account the negotiation process, which led to the Franco-Italian Labour Treaty signed in September 1919¹, and further developments in the following years, this essay places the topic within the wider context of competition among workforce-exporting countries, on the one hand, and among workforce-importing countries, on the other (a double compe-

tion, exacerbated by the socio-economic consequences of the conflict). The history of the Franco-Italian agreement makes it possible to highlight the causal link between warfare and welfare in shaping migrant workers' rights through the instrument of bilateral treaties. In so doing, the article points out the role played by migrants as «mobile actors»² in expanding the borders of post-WWI European welfare policies.

Moreover, this essay emphasizes the multilateral as well as the bilateral dimension, drawing attention to the position of Italy in supranational forums, such as the 1919 Commission on International Labour Legislation³, the 1921 Emigration Conference

¹ On the history of the treaty see Z. Ciuffoletti, *Il trattato di lavoro tra l'Italia e la Francia del 30 settembre 1919*, in É. Témime, T. Vertone (eds.), *Gli italiani nella Francia del Sud e in Corsica (1860-1980)*, Milano, FrancoAngeli, 1988; C. Douki, *Accords franco-italiens: des accommodements d'urgence à l'administration partagée du travail immigré*, in L. Machu, I. Lespinet-Moret, V. Viet (eds.), *1914-1918. Mains-d'œuvre en guerre*, Paris, La Documentation Française, 2018; G. Francisci, *Planifier la politique migratoire de l'après-guerre: les perspectives du «traité de travail» en France et en Italie (1915-1919)*, «Revue historique», 2020, 4.

² C. Conrad, *Social Policy History after the Transnational Turn*, in P. Kettunen, K. Petersen (eds.), *Beyond Welfare State Models: Transnational Historical Perspectives on Social Policy*, Cheltenham, Edward Elgar Publishing, 2011, p. 228.

³ The Commission on International Labour Legislation was established by the Paris Peace Conference to deal with postwar labour and social policies, drafting the constitution of a permanent international

and the 1924 Emigration and Immigration Conference⁴. Due to its «sending state» status⁵, Italy employed both bilateral and multilateral strategies to improve its migrant workers' conditions, a long-term political goal. Although multilateral agreements could indeed be a powerful tool for ensuring migrant workers' social rights, during the postwar period multilateralism had to face various obstacles.

Recent research has shed light on how the Great War had a fundamental impact on the development of social policies at both the national and international level. The conflict fostered the expansion of a new administrative and governmental apparatus and led to increased centralization,

encouraging the implementation of social reforms and changing relations between the state and trade unions, which, during the war, played a growing role in defining labour and social policies⁶. Furthermore, historiography has widely examined the emergence of a kind of multilateral diplomacy that was theorized before the war and materialized during the preparatory meetings for the Treaty of Versailles, which led in 1919 to the founding of the International Labour Organisation (ILO). Within this multilateral diplomacy, improvements to migrants' working and living conditions were seen as a tool for creating a fair and balanced international economic system, as the foundation for lasting peace⁷. How-

organization. It was chaired by Samuel Gompers, founder and president of the American Federation of Labor. See E.J. Phelan, *The Commission on International Labor Legislation*, in J.T. Shotwell (ed.), *The Origins of the International Labor Organization*, New York, Columbia University Press, 1954, pp. 145 ff. An online version of the Proceedings of the Commission is available at https://labordoc.ilo.org/discovery/collectionDiscovery?vid=41ILO_INST:41ILO_V2&collectionId=8154647730002676&lang=en.

⁴ The first conference (20-25 July 1921) brought together some European emigration countries (Albania, Austria, Bulgaria, Czechoslovakia, Italy, Hungary, Kingdom of Serbs, Croats and Slovenes, Poland, Portugal, Romania and Spain). The second (15-31 May 1924) gathered both emigration and immigration countries (more than 59 national delegations took part in the conference, including the USA) in order to coordinate migration policies. See Conferenza Internazionale dell'Emigrazione e dell'Immigrazione. Roma 15-31 maggio 1924, Voll. I, II, III, Commissariato Generale dell'Emigrazione, 1924.

⁵ M.I. Choate, *Emigrant Nation: The Making of Italy Abroad*, Cambridge MA, Harvard University Press, 2008; B. Schmitter, *Sending States and Immigrant Minorities – The Case of Italy*, «Comparative Studies in Society and History», 1984, 2.

⁶ On Italian wartime and postwar social legislation, see I. Pavan, *War and the Welfare State: The Case of Italy, from WWI to Fascism*, «Historia Contemporánea», 2019, 611. On the French context, A. Rasmussen, *Introduction. Protéger la société de la guerre : de l'assistance aux «droits sur la nation»*, «Revue d'histoire de la protection sociale», 2016, 1, *Grande guerre et protection sociale*; T.B. Smith, *The Two World Wars and Social Policy in France*, in H. Obinger, K. Petersen, P. Starke (eds.), *Warfare and Welfare: Military Conflict and Welfare State Development in Western Countries*, Oxford, Oxford University Press, 2018; P. Mattera, *Il conflitto ben temperato: Le assicurazioni sociali in Francia negli anni Venti, tra riforme e lotta politica*, Soveria Mannelli, Rubbettino, 2018.

⁷ J. Van Daele, *Engineering Social Peace: Networks, Ideas, and the Founding of the International Labour Organization*, «International Review of Social History», 2005, 5; R. Tosstorff, *The International Trade-Union Movement and the Founding of the International Labour Organisation*, «International Review of Social History», 2005, 3; S. Kott, *From Transnational Reformist Network to International Organization: The International Association for Labour Legislation and the International Labour Organization 1900-1930*, in D. Rodogno, B. Struck, J. Vogel (eds.), *Shaping the Transnational Sphere – Experts, Networks and Issues from the 1840s to the 1930s*, New York, Berghahn, 2015; N. Souamaa, *Les origines de l'OIT (1890-1950): premières expérimentations d'un modèle d'Europe sociale*, «La Revue de l'Ires», 2015, 4.

ever, the conflict had a major effect not only at the multilateral level, but at a bilateral one. After the war, bilateral schemes became part of a new form of «social diplomacy»⁸, which played an important role in regulating labour migration (and especially recruitment systems) across the continent up to the mid-Seventies⁹.

As far as this «social diplomacy» is concerned, the 1919 Franco-Italian Labour Treaty must be considered an important milestone, owing to its content and its function as a model for subsequent treaties of this kind. As pointed out in 1925 by the Belgian prime minister and former and future president of the Assembly of the League of Nations Paul Hymans:

It is worth pointing out here that the idea of codifying the conservation of rights by migrants who move to another country is a milestone in the application of international labour laws. This idea was first implemented with the conclusion of the Franco-Italian Labour Treaty, which was signed on 30 September 1919¹⁰.

The agreement between Paris and Rome was preceded some weeks before by the Franco-Polish Emigration Treaty, signed on 3 September 1919. This treaty was limited to defining workforce recruitment mecha-

nisms, however. By contrast, the Franco-Italian treaty sought to control migration flows while extending workers' rights (social insurance, access to trade unions). In the next decade, this model was followed by various emigration countries, and these kinds of treaties quickly increased in number: France signed similar agreements with Poland on 14 October 1920 (Treaty on Assistance and Social Protection); with Belgium on 30 November 1921, followed by a labour treaty on 24 December 1924; with Czechoslovakia on 20 March 1920; with Luxembourg on 3 January 1923 and then a new one on 31 March 1930; with Yugoslavia on 30 January 1929; with Romania on February 1930. These treaties often followed the Franco-Italian model practically verbatim: for example, the first twelve articles of the new Franco-Polish Treaty of 14 October 1920 slavishly copied the same articles in the Franco-Italian one.

France decided to sign this plethora of agreements due to the demographic and economic conditions that it was experiencing at the end of the conflict. While birth rates had already been particularly low before the war, the conflict made the situation even worse, by causing the loss of about one tenth of the country's working population¹¹. Securing foreign workers was

⁸ S. Kott, *Constructing a European Social Model: The Fight for Social Insurance in the Interwar Period*, in J. Van Daele, M. Rodriguez-Garcia, G. van Goethem, M. Van der Linden (eds.), *ILO Histories: Essays on the International Labour Organization and Its Impact on the World during the Twentieth Century*, Bern, Peter Lang, 2010, p. 176.

⁹ C. Rass, *Temporary Labour Migration and State-Run Recruitment of Foreign Workers in Europe, 1919-1975: A New Migration Regime?*, «International Review of Social History», 2012, S20.

¹⁰ Archivio storico diplomatico Ministero Affari Esteri (hereafter: ASDMAE), Rappresentanza italiana in Francia 1861-1950 (hereafter: Rappresentanza), b. 135, copy of the Belgian Parliamentary debate on the Franco-Belgian Treaty, 2 February 1925.

¹¹ G. Mauco, *Les Étrangers en France, leur rôle dans l'activité économique*, Paris, Armand Colin, 1932, p. 18; R. Schor, *Histoire de l'immigration en France*, Paris, Armand Colin, 1996, p. 46; P. George, *L'immigration*

thus a necessity for French economy. Italy decided to sign the Franco-Italian Labour Treaty to protect the huge Italian community in France, which grew further after the war. There were already 420,000 Italians in France in 1911¹², a number that rose to almost 451,000 in 1921¹³, and 760,000 in 1926¹⁴. By the early 1930s, there were between 800,000 and one million Italians living in the *Hexagone*, as the country's largest foreign expat community, followed by Poles, Belgians and Spaniards¹⁵. Indeed, the closing of American borders and the persisting German crisis turned France into the main emigration outlet for many countries¹⁶.

In any case, bilateral treaties were not only a form of protection; on the contrary, they could even be a means of discrimination. Indeed, bilateral agreements presented an obstacle to the universalization of social rights at a global level. National governments could prioritize signing bilateral labour treaties with particular countries. As a consequence, they could choose which communities of immigrants to grant or deny access to national social policies. For instance, in France, the bilateral regime established hierarchies between different groups of foreign workers – between those

who were protected by particular treaties and those who were not – especially during the crisis of the thirties, when the French government tightened its immigration policies by introducing quotas of foreigners in every industrial sector and by increasing expulsions. So bilateralism could sometimes be preferred to multilateralism.

The goal of the first part of this essay is to analyse the complex relationship between bilateralism and multilateralism, providing a comprehensive picture of the historical context. The second part contains a number of texts which bring into focus the main aspects of wartime and postwar Italian attempts to enforce a migration protection policy. These texts show the importance of a series of factors, including citizenship, national sovereignty and competition among workforce-exporting countries on the one hand and workforce-importing countries on the other hand. Finally, the last text presented here provides useful insights into the dialectic between bilateralism and multilateralism in treaties on social policy, taking inspiration from the case of France.

As far as sources are concerned, this article relies on documentation from the *Commissariato generale dell'emigrazione (CGE)*¹⁷

italienne en France de 1920 à 1939: aspects démographiques e sociaux, in P. Milza (ed.), *Les Italiens en France de 1914 à 1940*, Roma, Collection de l'école française de Rome, 1986.

¹² E. Vial, *In Francia*, in P. Bevilacqua, A. De Clementi, E. Franzina (eds.), *Storia dell'emigrazione italiana*, vol. 2 – *Arrivi*, Roma, Donzelli, 2002, pp. 133-154.

¹³ R. Schor, *L'opinion française et les étrangers 1919-1939*, Paris, Publications de la Sorbonne, 1985, ch. 1.

¹⁴ *Ibidem*.

¹⁵ P. Milza, *L'immigration Italienne en France d'une Guerre à l'autre*, in Id. (ed.), *Les Italiens en France de 1914 à 1940*, Roma, École française de Rome, 1986; M.-C. Blanc-Chaléard, *Les mouvements d'Italiens entre la France et l'étranger*, in P. Milza, D. Peschanski (eds.), *Exils et Migration. Italiens et espagnols en France 1938-1946*, Paris, L'Harmattan, 1994.

¹⁶ G. Noiriel, *Le creuset français: histoire de l'immigration XIX-XX siècles*, Paris, Seuil, 1988, p. 21.

¹⁷ The General Commissariat for Emigration was a body under control of the Minister of Foreign Affairs, which was set up in January 1901 to coordinate and centralize the management of all emigration issues. See M.R. Ostuni, *Momenti della «contrastata vita» del Commissariato generale dell'emigrazione (1901-1927)*,

– General Commissariat for Emigration – and the Italian Embassy in Paris¹⁸. Furthermore, useful insight into migration matters is provided by the archives of the Confédération générale du travail (CGT) (French General Confederation of Labour)¹⁹, which was particularly active in the debates over the extension of migrant workers' rights, both during the war and in the years that followed.

Before the Labour Treaty: Franco-Italian relations from 1904 to 1914

The treaty of 1919 did not come out of nowhere. The foundations for it had already taken shape in the previous decade and entered the vocabulary of bilateral diplomacy. The Franco-Italian Convention of 1904 on worker's protection had paved the way to subsequent diplomatic agreements about migration and social protection. Historians have fully illustrated its role as a model²⁰ that drew the interest of many jurists after its adoption²¹.

We shall not dwell here on the details of this convention. What interests us is that it set a precedent for the 1919 treaty in two ways. First, it opened the door to future agreements on matters which – though they were on the agenda of legislators in both countries – remained unresolved, such as old-age and involuntary unemployment insurance. In other words, at the core of the agreement was a desire to progressively broaden the scope of social welfare. Secondly, the convention introduced the notion of reciprocity, a legal concept that came to be widely debated during the negotiations which led to the signing of the new treaty in 1919. Reciprocity was a means of encouraging the development of social legislation, because it connected improvements in the social rights of foreigners to the implementation of equivalent social policies in their home countries. Although the Convention of 1904 served as a paradigm for regulating foreign workers' rights, since it was

in B. Bezza (ed.), *Gli italiani fuori d'Italia: gli emigrati italiani nei movimenti operai dei paesi di adozione (1880-1940)*, Milano, FrancoAngeli, 1985.

¹⁸ This documentation can be found in the Diplomatic Archives of the Italian Foreign Ministry in Rome (Archivio storico diplomatico del Ministero degli Affari Esteri).

¹⁹ The archives of the CGT are collected at the CGT Institute of Social History (Institut CGT d'Histoire Sociale) in Montreuil (Seine-Saint-Denis).

²⁰ L.E. Troclet, *Législation sociale internationale*, Brussels, La Librairie encyclopédique, 1952, pp. 136-149; M. Cointepas, *L'entrée de la direction du Travail dans les relations internationales à travers la naissance du droit international du travail* (Extraits des *Cahiers du Chateauf*, 7, March 2007); P.A. Rosental, *Migrations, souveraineté, droits sociaux – Protéger et expulser les étrangers en Europe du XIXème siècle à nos jours*, «Annales – Histoire, Sciences Sociales», 2011, 2.

²¹ For some coeval analysis, see B. Raynaud, *Droit International Ouvrier*, Paris, Arthur Rousseau Éditeur, 1906, p. 23; E. Mahaim, *Le droit international ouvrier : leçons professées à la Faculté de droit de l'Université de Paris, en février 1912*, Paris, Librairie de la Société du Recueil Sirey, 1913, p. 221; S. Bauer, *International Labor Legislation and the Society of Nations*, «Bulletin of the United States Bureau of Statistics», 1919, 254, Washington, May, p. 9; M. Delevingne, *The Pre-war History of International Labor Legislation*, in J.T. Shotwell (ed.), *The Origins of the International Labor Organization*, New York, Columbia University Press, 1954, p. 52; for an historiographic overview, see V. Amorosi, *Migration, Labour and Legal Discourse in the Early XX century: A French-Italian Example in the Making of International Labour Law*, «Beiträge zur Rechtsgeschichte Österreichs», 2013, 2.

followed by other international reciprocity treaties on industrial accident insurance²², the means of enforcing them remained very vague.

Many areas were left out of the Convention of 1904, such as other branches of social insurance related to disability, health care and old-age pensions. In these areas, Italy did not reach a new agreement with France, while it did sign a specific convention with Germany, in 1912²⁵. Before the outbreak of the war, the mechanisms set up to ascertain living and working conditions also greatly differed between France and Italy. In 1913, the CGE asked French authorities to grant Italian officials the authority to investigate workplaces where Italian workers were employed, and to recognize Italian jurisdiction over disputes where Italian workers were involved. The CGE threatened to reject French demands for workers until its claims were accepted. These requests were called a «capitulation system» by French jurist William Oualid²⁴, because if approved, they would have rec-

ognized the existence of a unique juridical status for migrant workers²⁵.

Before the outbreak of the war, France and Italy thus had conceptual and juridical tools in place to reach an agreement on social rights for migrant workers, but the unresolved issues acted as an obstacle to developing further agreements. We would suggest that the specific dynamics of World War I played an essential role in creating new conditions that encouraged bilateral diplomacy regarding migrant workers' rights. As Gary Cross has said, with the war, «what had been previously a matter of the market, now become an affair of international relations»²⁶.

Citizenship, social rights and competition between workforce-importing countries: The Italian stance

In 1916, the Italian ambassador to France, Tommaso Tittoni²⁷, began preparing the Italian proposal, drawing up a five-point text which addressed some issues raised

²² J. Moses, *Foreign Workers and the Emergence of Minimum International Standards for the Compensation of Workplace Accidents 1880-1914*, «Journal of Modern European History», 2009, 2. On industrial accident insurance, see Ead., *The First Modern Risk – Workplace Accidents and the Origins of European Social States*, Cambridge, Cambridge University Press, 2018.

²⁵ Convention between the German Empire and the Kingdom of Italy with respect to workmen's insurance (31 July 1912-25 January 1913).

²⁴ Quoted in G. Mauco, *Les Étrangers*, cit., p. 66.

²⁵ On the international debate among jurists, see P. Rygiel, *Une impossible tâche? L'institut de droit international et la régulation des migrations internationales 1870-1920*, Paris, Habilitation à diriger de recherches. Université Panthéon-Sorbonne – Paris I, 2011. Online at: <https://tel.archives-ouvertes.fr/tel-00657654>; P. González Bernaldo de Quirós, *Primeras iniciativas de regulación global de las migraciones: Estanislao Zeballos y la doctrina argentina del «derecho privado humano» (1873-1923)*, «Historia Unisinos», 2018, 2.

²⁶ G. Cross, *Towards Social Peace and Prosperity: The Politics of Immigration in France during the era of World War I*, «French Historical Studies», 1980, p. 614.

²⁷ Tommaso Tittoni (1855-1931) was an Italian diplomat and a leading liberal-conservative politician. He served as MP (1886-1897 in the Chamber of Deputies, 1902-1913 in the Senate), minister of Foreign Affairs (1903-1905; 1906-1909; June-December 1919), prime minister (March 1905), ambassador to France (1910-1916) and head of the Italian delegation at the Paris Peace Conference.

by the Italian inspector of emigration Silvio Coletti²⁸. The draft provided for giving Italian and French workers the same social and trade union rights, as well as creating Italian schools for Italian emigrants and recognizing diplomatic functions for Italian immigration agents. These officials were supposed to stay in touch with the French administration in order to manage migration flows and supervise French labour market conditions, by preventing Italian migrants from being exploited as strike-breakers, for instance.

The text was reviewed by various institutional actors such as the General Commissariat for emigration and the Labour Office, an institution connected to the Ministry of Trade and Industry. These institutions, drawing on their technical expertise, clarified and broadened the content of the draft agreement. For example, the Labour Office and the CGE proposed enlarging the scope of the negotiation to include healthcare. In France, at the time, free healthcare was given only to French citizens in need, under a law of 1895 (*Loi sur l'assistance médicale gratuite*). Foreigners could benefit from it only if their country had signed a specific bilateral treaty with France. This provision was a major problem for the Italian com-

munity in France, who were not entitled to free healthcare there. In a report for the Italian Ministry of Foreign Affairs, the CGE asserted:

In the opinion of this Commissariat, the issue of healthcare, which implies a financial burden, especially for France, ought to be in pre-eminent in the treaty among the issues to be solved. The need for Italian manpower which France is now experiencing gives us an edge in negotiations²⁹.

In the CGE's view, Italy would be advised to address this problem by taking advantage of France's postwar situation. The CGE therefore proposed a wide-ranging text that included provisions regarding social and trade union rights, as well as civil rights and the right to citizenship³⁰. However, the Italian Ministry of Foreign Affairs would not accept such a broad proposal, and decided to remove the non-labour related clauses in order to increase the chance of success. The Italian government thus proposed a narrower treaty, highlighting only matters regarding social insurance, trade union rights and Italian inspection powers. In particular, the Italian proposal focused on the principle of «equality of treatment», which had to be applied both to trade union

²⁸ Silvio Coletti began working for the CGE in 1904. He was appointed inspector of emigration in Brazil (1908), Argentina (1909) and France (1912). Before, during and after World War I he carefully monitored Italian migrants' working conditions in France, serving as inspector of emigration and emigration adviser at the Italian embassy in Paris.

²⁹ ASDMAE, Commissariato generale dell'emigrazione (hereafter: CGE), b. 46, «Relazione a S.E. il Ministro degli Affari Esteri», Roma, 25 September 1917, signed by Giuseppe De Michelis.

³⁰ On French citizenship policy see P. Weil, *Qu'est-ce qu'un Français? – Histoire de la nationalité française depuis la Revolution*, Paris, Gallimard, 2004. On Italian citizenship policy see G. Tintori, *Cittadinanza e politiche di emigrazione nell'Italia liberale e fascista: Un approfondimento storico*, in G. Zincone (ed.), *Famulismo legale: Come (non) diventare cittadini italiani*, Roma-Bari, Laterza, 2006; M.I. Choate, *Emigrant Nation*, cit.

rights (the right to vote and the right to stand for election in relation to trade unions boards, mutual aid societies and labour courts, such as the *prud'hommes*⁵¹), and social rights (equal access to the benefits associated with social insurance and healthcare). The choice to use the wording «equality of treatment» was strategic: according to the Italian diplomats and legal experts involved in drawing up the agreement, this language conveyed in diplomatic terms the idea behind article 3 of the Italian Civil Code of 1865, which stated that «foreigners enjoy the same civil rights granted to Italian nationals». As Giuseppe De Michelis⁵² said, «conventions must go beyond the former criteria of specific reciprocity or equivalent benefits, and instead adopt the principle of equal treatment»⁵³. A French economist had the following response to this Italian demand:

They claim that foreign workers who come to France should enjoy the same rights granted to French workers. Until now, international labour conventions have been based only on the principle of reciprocity. According to

this principle, foreign workers cannot enjoy a particular right unless this right – or an analogous one – is granted by their home country to French nationals. That is the method which should be amended⁵⁴.

One possible strategy for encouraging France to accept the Italian proposal was to draw comparisons with benefits that Italian migrant workers received in other countries. In September 1917, for example, the new Italian ambassador to France, Salvatore Raggi, suggested forwarding a document on the matter to leading French politicians⁵⁵. The inspector of emigration, Silvio Coletti, had in fact prepared a paper about the conditions of Italian workers in France and Germany, aiming to highlight the relatively generous benefits offered in Germany⁵⁶. Such benefits were also stressed by the French parliamentarian Ernest Laroche, who highlighted, in a 1917 report, how German social legislation strongly encouraged the arrival of Italians before the war, making it necessary for France to offer comparable benefits⁵⁷.

⁵¹ *Prud'hommes* are the French labour courts; at that time they were composed of non-professional judges, equally appointed among workers and employers.

⁵² Giuseppe De Michelis (1872-1951), after getting his degree in medicine, began working with the CGE in 1902, to study the conditions of Italian workers in Switzerland (from 1894 on he was active in providing assistance to Italian emigrants in Switzerland). Afterwards, he served as Italian emigration official in Geneva (1904-1912), emigration commissioner (1912-1919), general emigration commissioner (1919-1927), member of the Governing Body of the International Labour Office (1920-1936), vice-chairman of the International Emigration Commission (1921), senator (1928-1943), and president of the International Labour Office (1935). See M.R. Ostuni, *De Michelis Giuseppe*, in *Dizionario biografico degli italiani*, vol. 38, Treccani, 1990.

⁵³ G. De Michelis, *I capisaldi di un trattato di lavoro colla Francia*, «La Vita Italiana», 15 December 1916, p. 558.

⁵⁴ E. Lemonon, *L'opinion italienne et l'émigration*, «La Revue de Paris», 1 April 1918, p. 653.

⁵⁵ ASDMAE, CGE, b.46, letter from Salvago Raggi to Emigration General Commissioner Giovanni Gallina, Paris, 22nd of September 1917.

⁵⁶ For quotes, see Appendix.

⁵⁷ Commission des Traités Internationaux de Travail, séance du 15 décembre 1917, *Rapport de M. Ernest Laroche sur la Réciprocité des Lois de Prévoyance entre la France et les Nations Alliées* (online: <http://gallica.bnf.fr/ark:/12148/bpt6k5691640t/f5.image.r=Les%20trait%C3%A9s%20internationaux%20assistance>).

Colletti and Lairolle pointed out the risk that, after the end of the war, Italian migrants would rather go to Germany than to France. The Italian government was aware of the French workforce shortage due to the war, of the Germanophobia that was spreading all over the country, and of the French desire to recover speedily from the conflict. Italy thus tried to use the generous labour and social conditions that Germany had granted to Italian workers in the 1912 convention to increase its bargaining power with France and obtain broader rights for Italian emigrants working there. However, this diplomatic operation proved difficult, and in 1919 formal negotiations had not yet begun.

A multilateral solution?

In 1919 the Italian Ministry of Foreign Affairs tried to exploit the peace talks at the Versailles Conference to enhance protection measures for migrant workers. In fact, the aforementioned Commission on International Labour Legislation – which met 35 times between February and March 1919 to draft the ILO constitution – had the potential to be an useful forum for reaching the goals that Italian diplomats were attempting to achieve, at a bilateral level, through negotiation of the Franco-Italian Treaty.

As soon as the official talks started in Paris, each delegation submitted its own proposals. Not surprisingly, the Italian one – made up of Emigration General Commissioner Edmondo Mayor des Planches and parliamentarian Angiolo Cabrini – emphasized migrant workers' social rights, echoing the

same requests that Italian officials had presented regarding Italian citizens living in France.

In particular, the Italian delegation wanted the officials of emigration countries to be entrusted with investigative powers to aid migrant workers. The aim was to grant migrants specific assistance, and the authorities of immigration countries needed to support these efforts. Moreover, the Italian delegation asked for the principle of «equal treatment» to be extended to social insurance, assistance programs, wages and working conditions. Migrant workers and their families had to enjoy the same rights that national workers and their families were entitled to. Finally, another Italian proposal stressed that no taxation should be imposed on foreign workers⁵⁸. The Italian proposals gave rise to an extensive debate centred on the principle of national sovereignty. Due to lack of support, however, the Italian delegation decided to withdraw these proposals. Only the second recommendation (equality of treatment) did not meet with strong opposition and was only slightly reformulated.

One should note that the Labour Section (Part XIII) of the Versailles Treaty did not give much space to migration issues. In fact, they are only mentioned in the preamble («protection of the interests of workers when employed in countries other than their own») and in article 427 («the standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident

⁵⁸ For quotes, see Appendix.

therein»³⁹. The first Italian multilateral attempt in this domain was thus unsuccessful. Consequently, a bilateral perspective came back into vogue in the months that followed.

Competition between workforce-exporting countries: Germany and Poland as possible competitors

In the view of Italy's general commissioner of emigration, Edmondo Mayor des Planches, it would have been useful to postpone the beginning of negotiations. The French proposals were not fully satisfactory at the time, and the international position was not a good one, since the Italian delegation abandoned the Versailles Conference. Moreover, it might have been beneficial to wait until two other Italian social laws, which were discussed during the war, came into effect (i.e. the laws on compulsory insurance against accidents in agriculture, which was passed in 1917, and on health insurance, which was under discussion)⁴⁰.

However, the Italian government decided not to stop the whole diplomatic process, and the resolution of these problems was postponed to the negotiation meetings. In the meantime, in the summer of 1919, newspapers reported that German workers might be involved in the French reconstruction effort. In August 1919, talks regarding

such an agreement did indeed begin, involving government representatives, employers and trade unionists. It is possible to reconstruct this event through documents from the CGT archives, which shed light on how the negotiations unfolded⁴¹. The presence of directly related newspaper clippings in the archives of the Italian Embassy in Paris shows how the Italian administration expressed an interest in understanding the conditions granted to German workers in France.

The Franco-German draft conceded some rights to German workers that were, in fact, based on those granted to Italian workers in France. German workers would preserve membership in their own national trade unions, which could inspect workplaces or mediate when there were conflicts about compliance with collective bargaining agreements. Moreover, German workers would continue to receive benefits from Bismarckian social insurance. The peculiar aspect was that French workers and foreigners employed by German contractors in reconstruction projects would not benefit from it. This meant that the Franco-German draft established a sort of extra-territoriality for the social rights of German workers.

Although France and Germany never reached an agreement, this case showed that there was competition between workforce-exporting countries. Indeed, in the summer

³⁹ For an online version of the Labour Section (Part XIII) of the Versailles Treaty see <https://avalon.law.yale.edu/imt/partxiii.asp>.

⁴⁰ ASDMAE, CGE, b. 46, letter from Mayor des Planches to Bonin Longare, Roma, 23 May 1919.

⁴¹ Archives Confédération générale du travail (hereafter ACGT), b. 97CFD5, «LES ORGANISATIONS OUVRIÈRES FRANÇAISES ET ALLEMANDES ET LE PROBLÈME DES REPARATIONS: Compte rendu des négociations qui ont eu lieu en 1919 (Août à Octobre)».

of 1919 French diplomats developed contacts with the new Polish government, which led to the migration treaty signed on 3 September 1919⁴². France could also rely on sources of migrant labour other than the traditional ones, since the war had partly changed the geography of migration flows.

Because of these events, the Italian government decided to finalize negotiations even if the French Government was unwilling to accept all Italian claims. For instance, there was no consensus on the possibility for Italian workers to lead trade unions and the control functions for Italian officers. Focusing on the latter, the French minister of Foreign Affairs Stephen Pichon pointed out:

The French Government considers that the acceptance of such provisions would enshrine foreign interference in the French administration and the substitution of Italian officials for French officials on French territory. I have no doubt, moreover, that the implementation of such provisions would create difficulties between our two countries; it is possible that the health and safety measures deemed necessary by the Inspectors of Emigration were in fact in conflict with those deemed necessary by the Labour Inspectors under the laws which protect both French nationals and foreigners; that the action of the Consuls and the Inspectors of Emigration was not consistent with that of Justices of the Peace and other French authorities in matters of conciliation and arbitration; and there would be serious

and dangerous clashes, in conflicts on a large scale beyond the Italian Colony, between the conciliatory solutions pursued by the French Government and those, based on fragmentary data, by the Italian Consuls⁴⁵.

Despite Pichon's refusal to accept inspections by Italian officials, the new Italian ambassador Bonin Longare recommended continuing negotiations, since there was a mutual interest in signing a labour treaty to address the main postwar issues⁴⁴. The formal talks, which started on 15 September 1919, led to the signing of the treaty on 30 September 1919.

Warfare-welfare and the Franco-Italian labour treaty

The final version⁴⁵ of the treaty reflected the long efforts of Italian representatives to improve conditions for subjects of the kingdom who emigrated to France. The text stated that the wages of the migrant workers were not to be lower «than those which nationals of the country» received (art. 2). Furthermore, the treaty recognized that migrant workers were to enjoy «the same protection as is accorded to nationals by the laws and customs of the country, in all that relates to conditions of work and of livelihood» (art. 3). However, the Italian negotiators failed to obtain their request for diplomatic personnel to have the power to inspect workplaces where Italian workers

⁴² J. Ponty, *Polonais méconnus – Histoire des travailleurs immigrés en France dans l'entre-deux-guerres*, Paris, Publications de la Sorbonne, 1985, pp. 35-50.

⁴³ ASDMAE, Rappresentanza, b. 31, letter from Pichon to Bonin Longare, Paris, 21 August 1919.

⁴⁴ For full quotes, see Appendix.

⁴⁵ The full text of the treaty is available at <https://gisti.org/IMG/pdf/convention-france-italie-1919.pdf>. For the English text see *Translation – Labour Treaty between France and Italy signed at Rome September 30, 1919*, in *League of Nations Treaty Series*, 1921, pp. 281-295.

were employed. Indeed, according to the convention:

all complaints of workmen of the other country in connection with the conditions of work and of livelihood which may be offered them by their employers, or with regard to difficulties of all kinds, shall, where such complaints entail action on the part of the authorities, be addressed or transmitted either directly or by diplomatic channels to the competent authorities; the authorities qualified for the purpose in the country to which the workmen proceed shall make the necessary enquiries and shall alone be competent to intervene (art. 5).

The only concession was that either government could equip its embassy with an expert adviser «entrusted with the duty of dealing with labour questions and relations with the central competent authorities of the country» (art. 5). Although Italians would be allowed to sit on the boards of French mutual aid societies (art. 10) and on conciliation and arbitration committees (art. 18) – the same provisions applied to the French in Italy – they could not be elected to trade union boards. As far as social insurance was concerned, the treaty established equal treatment for Italian and French workers. This principle, which applied to old-age pensions (art. 7) and compensation for work accidents (art. 8), was to «be extended, according to conditions to be established by special arrangements, to all laws which may subsequently be adopted for insurance against various risks such as sickness, disablement or unemployment»

(art. 8). As regards assistance, the treaty addressed the question of subsidies from public funds for unemployment (art. 11), medical treatment and poverty relief (art. 12-15). For both pensions and healthcare, it envisioned subsequent agreements to implement these measures, which required complex administrative regulations.

The signing of the treaty was closely linked to the war that had just ended, which served as a catalyst. First, the alliance between the two countries, after years of mutual diffidence, established contacts that helped foster the agreement. Second, the expansion of enforcement powers allowed diplomatic personnel to use all the experience they had gained during the war to improve safeguards for migrants. Moreover, the expansion of governmental labour policies due to military production needs in Italy and France led to negotiations on matters such as recruitment and worker placement, which were originally left to private initiative. Third, the promise of social benefits to civilians and soldiers, which led Italy to increase its social protection system during the war⁴⁶, also extended to a substantial portion of all subjects, i.e. emigrants. The need to improve conditions for Italian migrants abroad was also linked to the task of improving Italy's international standing, as it strove to gain a leading role due to its involvement in the war. Because of the conflict's devastating consequences for France (in terms of both human and material losses), its immediate aftermath offered an ideal opportunity for trying to obtain bene-

⁴⁶ J. Alber, *L'espansione del welfare state in Europa Occidentale: 1900-1975*, «Rivista Italiana di Scienza Politica», 1983, 2.

fits that had not been possible in the run-up to 1914. In the end, the Italian government obtained most of its demands, and managed to prevent French employers from recruiting Italian workers directly within the kingdom, as they did with Polish workers (this phenomenon is described by the historiography as «l'industrie des migrations»⁴⁷).

The case of the Franco-Italian Treaty of 1919 thus points to a common strategy for protecting citizens abroad, on behalf of a country of emigration. But it also highlights a phenomenon that has often been overlooked in connection with the warfare-welfare nexus: wartime and postwar labour migration.

Bilateralism and multilateralism

The Franco-Italian Labour Treaty was the result of a political operation which was intended to pursue national interests by supporting the concept of national sovereignty and citizenship. The pursuit of different interests by the two governments led to the emergence of a new convention model (the labour treaty), i.e. an international agreement that regulated both migration flows and social protection measures for migrants. However, the Franco-Italian Labour Treaty should be seen more as a start-

ing point than a finishing line, for at least two reasons.

The Italian government kept an eye on the French situation, examining all new bilateral agreements in order to maintain optimal standards for its citizens. Throughout the 1920s, the Italian embassy in Paris took note of all meetings between French officials and Belgian or Polish representatives⁴⁸ (Belgium and Poland were two of the main home countries of foreigners residing in France). The Italian government tried to establish cooperation with Polish officials as well, given the similar interests of workforce-exporting countries⁴⁹. Furthermore, France and Italy signed other agreements in the postwar period, such as the agreement on visas, which simplified some administrative procedures⁵⁰, the Treaty of Establishment (3 December 1927)⁵¹ about rights of ownership, citizenship, tax treatment, commerce, etc., and the convention on the inclusion of Italian workers in the newly established French social insurance (15 August 1932)⁵².

Secondly, the Franco-Italian Labour Treaty, described as the most liberal agreement of its time⁵³, became a model for subsequent bilateral treaties, which increased in num-

⁴⁷ P.A. Rosental, *Migrations*, cit., p. 361.

⁴⁸ ASDMAE, Rappresentanza, b. 155, letter from the Emigration Counsellor to the CGE, Paris, 7 December 1922, *Ibidem*, Franco-Belgian Treaty, dated 24 December 1924, *Ibidem*, Letter from Ambassador Manzoni to the Minister of Foreign Affairs, Paris, 23 March 1928, *Ibidem*, b. 98, Letter to the General Commissioner of Emigration, 10 February 1925.

⁴⁹ ASDMAE, Rappresentanza, b. 98, Letter from the General Commissioner of Emigration to the Embassy's Emigration Office, 7 April 1924; *Ibidem*, b. 86, various reports from the Emigration Counsellor (March-April 1924).

⁵⁰ «Bollettino dell'emigrazione», 1925, p. 20.

⁵¹ A new Treaty of Establishment was signed at Rome on 3 June 1930 (it was ratified on 1 December 1934). See ASDMAE, Rappresentanza, b. 111, 135.

⁵² ASDMAE, Rappresentanza, b. 202.

⁵³ E. Serra, *La normativa sull'emigrazione italiana dal fascismo al 1948 con riguardo alla Francia*, in G. Perona (ed.), *Gli italiani in Francia 1938-1946*, Milano, FrancoAngeli, 1994, p. 4.

ber in the postwar period⁵⁴. Meanwhile, they started to be accompanied by the ILO multilateral conventions⁵⁵, such as the 1925 Equality of Treatment Convention regarding accident compensation.

On the other hand, the bilateral regime began to show its limitations. As researchers have already illustrated for the case of France⁵⁶, bilateral treaties created a hierarchy among foreign workers. At the top were those protected by these agreements and, at the bottom, those who came from countries that had not signed yet any specific agreement, such as Armenians and Russian refugees. Moreover, the bilateral regime did not meet all the problems of migrant workers, because it did not look at the circularity of migration and the possibility of people working in multiple national contexts. For instance, this was true of Poles who had worked in Westphalia before the outbreak of the Great War and had therefore paid into the German insurance system. When they moved to France, they claimed the same entitlements as their compatriots who had returned to Poland, but in vain⁵⁷.

More importantly, as the Italian consul in Le Havre pointed out in 1927⁵⁸, the bilateral treaties allowed France to maintain control over migration flows and the migrants themselves. In his view, the French government was unwilling to make many improvements to migrant rights because it wanted them to always feel inferior to French workers. Therefore, bilateralism was like a tap that could be turned off whenever the government wanted, in order to make migrants opt for naturalization. Moreover, in 1927 the French parliament passed a law simplifying the naturalization process. In the late Twenties and the Thirties, the «guest worker»⁵⁹ model started to be anachronistic. French policies increasingly embraced a model of assimilation: whereas the state used to facilitate the recruitment of temporary and single workers, their focus was now on bringing in large families who would settle there for good. In 1927 and 1928, the Italian Government hardened its emigration policies, trying to regain control, especially of individual migration⁶⁰. The economic crisis and nation-

⁵⁴ Conférence internationale du travail, *Recrutement, placement et conditions de travail (égalité de traitement) des travailleurs migrants*, Geneva, BIT, 1938, pp. 128-144.

⁵⁵ On the ILO's concern with migration see P.A. Rosental, *Geopolitique et Etat-providence: Le BIT et la politique mondiale des migrations dans l'entre-deux-guerres*, «Annales: Histoire, Sciences Sociales», 2006, 1.

⁵⁶ M.D. Lewis, *The Boundaries of the Republic: Migrant Rights and the Limits of Universalism in France 1918-1940*, Stanford, Stanford University Press, 2007.

⁵⁷ ACGT, b. 97CFD48-MOE, General Assembly of the CGT's Polish office.

⁵⁸ ASDMAE, Rappresentanza, b. 111, letter from the Italian consul in Le Havre to the Italian ambassador in Paris, Le Havre, 18 August 1927.

⁵⁹ A guest worker is a single, male breadwinner who is meant to emigrate only for a short period of employment before going back to his country. The majority of labour treaties were based on this figure, which was strongly challenged during the economic crisis. For a comprehensive critique of this concept see N.L. Green, *Concepts historiques des flux migratoires: dualités et fausses découvertes*, «Revue internationale et stratégique», 2005, 2.

On the transformation of French migration patterns during the crisis, see M.D. Lewis, *The Boundaries*, cit.

⁶⁰ On the effects of these policies and of the economic conjuncture on the migration flows, see Bureau International du Travail, *Les Travailleurs Migrants: Recrutement, Placement et Conditions de Travail, Études et Documents*, Série O, no. 5, Geneva, BIT, 1936, pp. 75 ff.

alistic approaches made the two governments' objectives drift farther apart. Even Adrien Tixier⁶¹ asserted in 1936 that France preferred bilateralism to the ILO multilateral treaties because they wanted to be able to choose which migrants to receive⁶², which hindered the creation of a regular supranational system. The preamble of an Italian draft agreement proposed that other signatories could be included in the treaty⁶³, but this never came about. The tension between bilateralism and multilateralism framed the diplomatic debate throughout the whole interwar period. Moreover, the actors had different (and often changing) conceptions of bilateralism and multilateralism. These different visions immediately emerged within the Commission on Labour Legislation at the Peace Conference⁶⁴. Furthermore, the ILO's multilateralism was immediately challenged by some of Italian Foreign Office's initiatives, such as the emigration conference that was organized in Rome in 1921⁶⁵ and the emigration and immigration conferences held in Rome and Havana in 1924 and 1928 respectively. The first conference can be seen as an Italian attempt to create an international alliance between emigration countries in order to encourage action by the ILO (and its Commission on Emi-

gration) on the objectives that Italian diplomacy had highlighted during the meetings of the Commission on International Labour Legislation. Through these 1924 and 1928 conferences, the various national governments tried to create a multilateral sphere that would exclude social forces, include more countries than the ILO, and deal with broader migration issues – not only those related to employment⁶⁶. We cannot examine these conferences in depth, but in our opinion they show how various conceptions of multilateralism coexisted and, furthermore, how they could diverge from an universalist and internationalist ideal and could even be used as a tool for nationalistic strategies like Mussolini's.

The tension between bilateralism and multilateralism, which was already partly visible in the previous years, clearly rose in the wake of the Great War, when the negotiations described in this article were enhanced by trade union demands for a multilateral solution to the lack of social protection for migrants. In our opinion, this issue reveals a wider epistemological problem about the way in which policy makers conceived social rights during and after the war. We suggest that the tension described here was the byproduct of a broader dialectic between an idea of social citizenship

⁶¹ Adrien Tixier (1893-1946) served as a ILO senior official in the interwar period (head of the social insurance section, 1923-1936). In 1936 he became under-director of the International Labour Office in charge of international labour legislation.

⁶² ACGT, b. 97CFD44, letter from Tixier to Jouhaux, Geneva, 3 March 1936.

⁶³ ASDMAE, Rappresentanza, b.31, Italian draft, November 1918.

⁶⁴ The most intense debate was about article 19 of the ILO's constitution. On this topic see E.J. Phelan, *The Commission*, cit.

⁶⁵ «Bollettino dell'emigrazione», 1923, I, p. 101

⁶⁶ On the Rome Conference, *I problemi dell'emigrazione alla Conferenza Internazionale di Roma: Relazioni e proposte italiane*, supplement of the «Bollettino dell'Emigrazione», 1924, 6; *Conferenza Internazionale dell'Emigrazione e dell'Immigrazione*, cit.

based on nationality⁶⁷ and an idea of entitlement to social rights based on labour.

On the one hand, a bilateral agreement like the Franco-Italian treaty of 1919 was a manifestation of the former idea – social rights based on nationality – since Italians were protected not as workers but as citizens of a given state. On the other hand, the ILO conventions were aimed at protecting workers, regardless of nationality. The two ways of conceiving social entitlements clashed in subsequent decades, with various results when it came to including or

excluding individuals from the new social protection systems. The tension between these two views of social policy were not resolved during the interwar period. Another war, World War II, thus gave rise to a second round of bilateral agreements, the social security conventions⁶⁸, that, like those discussed here, would again foster a fraught dialectic between national interests, which could be protected through bilateral agreements, and the kind of multilateralism put forward by international bodies like the ILO.

⁶⁷ On the link between citizenship and social rights see T.H. Marshall, *Citizenship and Social Class*, in *Citizenship and Social Class and Other Essays*, Cambridge, Cambridge University Press, 1950, pp. 1-85; P. Rosanvallon, *Citoyenneté politique et citoyenneté sociale au XIXe siècle*, «Le Mouvement Social», 1995, 2; W. Korpi, *Un État-providence contesté et fragmenté. Le développement de la citoyenneté sociale en France: Comparaisons avec la Belgique, l'Allemagne, l'Italie et la Suède*, «Revue française de science politique», 1995, 4; P. Costa, *Civitas – Storia della Cittadinanza in Europa*, vol. 3, *La Civiltà Liberale*, Roma-Bari, Laterza, 2001, ch. II. For a recent critical analysis of Marshall's work see J. Moses, *Social Citizenship and Social Rights in an Age of Extremes: T. H. Marshall's Social Philosophy in the Longue Durée*, «Modern Intellectual History», 2019, 1.

⁶⁸ In 1948 France and Italy signed a general convention to coordinate the application of French social security legislation and of Italian social insurance and family benefits legislation to nationals of the two countries. Both France and Italy signed several agreements on this topic with other countries: France signed general social security conventions with Belgium (17 January 1948), Poland (9 June 1948), Czechoslovakia (12 October 1948), Luxembourg (12 November 1949), the Netherlands (7 January 1950), Yugoslavia (5 January 1950), Germany (10 July 1950), Denmark (30 June 1951), and Norway (30 September 1954). The Italian Republic signed conventions on social insurance with Belgium (30 April 1948), Switzerland (4 April 1949), the United Kingdom (28 November 1951), Austria (29 May 1952), the Netherlands (28 October 1952), and Germany (5-12 May 1953). On the case of Italy see G. Fumi, *Gli accordi internazionali di «sicurezza sociale» e la questione delle politiche sociali alle origini della costruzione europea (1947-1956)*, in A. Cova (ed.), *Il dilemma dell'integrazione – L'inserimento dell'economia italiana nel sistema occidentale (1945-1957)*, Milano, FrancoAngeli, 2008. However, after 1949 yet another model emerged: the multilateral regional social security convention (Multilateral Convention on Social Security concluded by the Brussels Treaty Powers on 7 November 1949; Convention between Belgium, France and Italy on Social Security, dated 19 January 1951; European Interim Agreement on Social Security Other than Schemes for Old Age, Invalidity and Survivors, European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors and European Convention on Social and Medical Assistance, 11 December 1953).

«Occasione eccezionalmente favorevole»

ASDMAE, Rappresentanza, b. 31, letter from Silvio Coletti to Ambassador Tommaso Tittoni, Paris, 24 February 1916

Signor Ambasciatore,

Secondo notizie diffuse dai giornali tra gli accordi da concludersi in seguito al recente convegno di Roma, sarebbe stato compreso il consenso da parte dell'Italia di un largo contingente di mano d'opera alle industrie francesi attinenti alla guerra [...] osservo [...] nell'eventualità dell'accordo suddetto, che se nelle attuali contingenze importa più che mai alla nostra economia nazionale di trarre partito dalle risorse che possono derivare dall'emigrazione non è meno accertato – il che mi occorre di fare anche in recenti missioni – che la Francia difetta di mano d'opera così da sentirsi minacciata e nella resistenza economica da opporre al disagio della guerra e, a guerra finita, nella ripresa della sua situazione industriale e commerciale nel mondo. Il passo che il Presidente del Consiglio francese avrebbe fatto presso il R. Governo per assicurare alla Francia più largo concorso di emigrazione italiana è tanto più significativo in quanto ché sarebbe avvenuto dopo gli insuccessi nell'impiego della mano d'opera spagnuola e di colore mentre è inammissibile che in prossimo avvenire la Francia possa ricorrere come in passato all'emigrazione germanica. Ciò premesso ho l'onore di richiamare l'attenzione di V.E. sull'occasione eccezio-

nalmente favorevole che si presenterebbe per trattare col Governo della Repubblica alcuni accordi speciali diretti a migliorare le condizioni della nostra emigrazione in Francia. Mi limiterò ad alcune proposte di ben riconosciuta opportunità e di immediata attuazione.

1° Riconoscimento agli operai italiani dei versamenti fatti dai padroni francesi per le pensioni alla vecchiaia. Trattamento di reciprocità [sic] a favore degli operai francesi occupati in Italia mediante versamenti padronali e operai conformi alle tariffe francesi, capitalizzazione dei depositi da parte della Cassa Nazionale di Previdenza e contributo dello Stato italiano (1 1/2 o 2%) per il pareggio delle quote pensioni tra i due paesi [...]

3° Facilitazioni da parte del Governo della Repubblica alle istituzioni che sorgessero nei centri di immigrazione italiana a scopo educativo e di protezione.

4° Riconoscimento di un addetto di emigrazione le cui funzioni, nei rapporti con le autorità francesi e sotto il controllo del R. Ambasciatore, dovrebbero corrispondere ai seguenti intendimenti:

a – contatto col Ministero del Lavoro con proposito di accordarsi circa l'opportunità di limitare, promuovere o vietare l'emigrazione verso la Francia, sia in massa sia per determinate categorie di lavoratori;

b – scambio di informazioni nell'interesse della protezione delle donne e dei fanciulli;

c – misure preventive e repressive per impedire l’immigrazione indesiderabile e altrimenti contraria alle norme stabilite nei due paesi;

d – impedire il sostituirsi della mano d’opera italiana a quella francese nei casi di sciopero, impedire in generale che la mano

d’opera italiana possa costituire un arresto all’elevazione progressiva dei salari.

Analogo riconoscimento verrebbe accordato a quel funzionario francese che si proponesse di accertare in Italia le condizioni della manodopera per rapporto al mercato francese di lavoro. [...]

Documento 2

La concurrence entre la France et l’Allemagne pour la main d’œuvre italienne

ASDMAE, Rappresentanza, b. 31, typed report without date [but 1917]

Le Gouvernement français a nommé récemment une commission pour étudier les traités internationaux de travail : on peut en conclure à l’ajournement de la révision du traité existant entre l’Italie et la France, révision qui, au moi de juillet 1916 semblait sur le point de se faire.

À cette époque dans des cercles politiques de Paris aussi bien que de Rome on parlait de l’empressement de Mr. Léon Bourgeois pour une prompte révision et de la prompte réponse de notre Ambassade qui formula le projet d’un nouveau traité inspiré aux principes de la défense intégrale du travail italien en France. Les propositions faites à ce sujet par le Conseil supérieur de l’émigration eurent lieu ensuite, à plusieurs mois de distance. Maintenant le bruit court que la questions serait internationalisée ; évidemment cela revient à ce que le traité de travail entre l’Italie et la France devra attendre les conclusions de la Commission susmentionné. De ce qu’a pu gagner à la suite de ce

délai le travail italien en France nous en parlerons dans une autre occasion. Aujourd’hui nous nous proposons d’apporter une faible, mais cordiale collaboration à ceux qui, militant dans la politique sociale française s’efforcent de faire comprendre à leurs nationaux qu’après la guerre, la main d’œuvre italienne, mieux qu’auparavant, pourra être attirée par le marché français du travail en satisfaisant aux conditions suivantes :

- 1) Transformation de l’esprit public des français, spécialement dans les classes populaires, en ce qui concerne l’Italie et les ouvriers italiens :
- 2) Augmentation des salaires, surtout dans les métiers non qualifiés :
- 3) Amélioration de la législation sociale, aussi bien dans le contenu que dans l’application

[...]

La question des salaires – particulièrement dans les branches de la production qui em-

ploient des ouvriers non qualifiés est de la plus haute importance.

L'affluence sur les marché de travail de l'Allemagne d'aussi nombreux contingents d'émigrants italiens – provenant même de ces provinces de notre frontière occidentale d'où, depuis des siècles l'émigration vers la France est traditionnelle – s'explique, en partie, par le fait que les salaires, spécialement dans l'industrie du bâtiment, offerts par le marché de Berlin, sont plus élevés que ceux offerts par le marché de Paris, et ceux du marché de Hambourg, sont plus élevés que ceux du marché de Marseille. Mais ce n'est pas seulement le salaire plus élevé qui exerce cette attraction, c'est aussi le meilleur salaire ; c'est à dire les salaires disciplinés, moyennant ces vastes contrats collectifs qui en Allemagne couvrent des régions entières, grâce aux accords conclus entre les puissants syndicats industriels et ouvriers ; ces accords sont très désirés par les ouvriers d'aptitude moyenne, qui sont la grande majorité et qui trouvent dans le barème des salaires convenus et plus encore dans le contrat collectif, une protection efficace.

Par rapport à la législation ouvrière nos amis de France – s'ils veulent battre les Empires centraux dans l'accaparement de la quantité de main d'œuvre italienne qui, plus ou moins longtemps, continuera

à émigrer d'une Italie économiquement et politiquement plus puissante – doivent se décider à des réformes en commençant par l'exclusion des lois ouvrières existantes de ces haineuses dispositions qui établissent pour l'immigré un état d'infériorité ou bien lui dont injustice. Même à cet égard la France doit tenir présent à l'esprit le progrès que la concurrence Allemande avait accompli dans le camp de la défense du travail par l'action syndicale, par les assurances sociales, la surveillance, les contrôles offrant aux immigrés des bénéfices supérieures à ceux offerts par la législation française.

[...]

C'est un fait notoire que les conditions faites par les lois françaises à l'invalidité et à la vieillesse, aux immigrants, sont de beaucoup inférieures aux conditions faites aux immigrants par les lois allemandes – soit que l'immigré se fixe en Allemagne, soit qu'il rentre en sa patrie – la législation d'assurance française néglige aussi la question des maladies – préoccupation aigue de tout ouvrier qui émigre – d'autre part la législation allemande couvre largement cette éventualité. En outre le problème de l'assistance des étrangers attend toujours, en France, les solutions exigées par l'équité sociale et la convenance politique.

[...]

La carta del lavoro italiana

La Carta del lavoro proposta dalla Delegazione italiana in Ministero dell'industria, del commercio e del lavoro in Ministero per l'industria, il commercio e il lavoro. Ufficio del lavoro, La legislazione internazionale del lavoro alla Conferenza della Pace, gennaio-giugno 1919, Roma, 1919, pp. 75-76.

[...]

12 – Libertà di emigrazione disciplinata con accordi fra Governi e Sindacati dei paesi direttamente interessati.

13 – Legislazione sulle migrazioni ispirata ai seguenti principi:

a) parificazione del lavoratore straniero e della di lui famiglia, per quanto attiene alle leggi sociali e al lavoro, al lavoratore nazionale e alla sua famiglia e trattamento economico del primo non inferiore al trattamento economico del secondo;

b) esenzione da tutte le tasse nel paese di

immigrazione che colpiscono il lavoratore straniero in quanto tale;

c) facoltà lasciata allo Stato di emigrazione di inviare dei funzionari specializzati per l'assistenza, sotto tutte [le] forme, e per la protezione dei lavoratori suoi connazionali, e obbligo da parte dello Stato di immigrazione di riceverli e di assecondarli nell'esercizio delle loro funzioni;

d) impegno da parte di tutti gli Stati aderenti di estendere, in un periodo di tempo determinato, alle loro colonie non autonome, la loro propria legislazione in materia di lavoro e di assistenza sociale; oppure, quando ciò non sia possibile, di promulgare leggi analoghe adattate alle condizioni delle colonie stesse, parificazione dei lavoratori stranieri ai nazionali; impegno di impiegare ogni mezzo perché sia provveduto egualmente per i paesi di protettorato, per le Colonie godenti di autonomia legislativa, come per i Domini.

[...]

«Il pari interesse di giungere a un accordo»

ASDMAE, CGE, b. 46, letter from Bonin Longare to Mayor des Planches, Paris, 29 August 1919

L'amministrazione francese dimostra ormai una certa fretta di stipulare un accordo al quale noi ragionevolmente subordiniamo ogni concessione di mano d'opera, il che dimostra che si fa ogni giorno più stringente la necessità di questa in Francia. L'argomento delle stesse esortazioni ripetutamente rivoltemi dal Signor Herbette di venire a qualche conclusione prima che si riversassero in Francia le correnti di lavoratori tedeschi, spagnuoli, portoghesi, polacchi, ecc. quel consiglio rivelava il bisogno che la Francia avrà prossimamente del lavoro italiano e per il quale essa, senza volerlo dimostrare, sente ora una certa fretta d'intendersi con noi circa il trattato di lavoro. Fretta del resto che deve essere risentita anche da noi attesoché non possiamo restare ancora a lungo senza riprendere quell'esportazione di lavoro che era quasi la spina dorsale della nostra situazione economica dell'antiguerra [sic], e tanto più che non può durare a lungo, quando saranno per forza di cose abbassate le barriere di confine di cui si sono circondati durante la guerra tutti gli stati, la presente disciplina della nostra emigrazione. Vi è quindi pari interesse delle due parti di giungere prontamente a conclusione. [...] La principale opposizione sembra farsi da parte francese alla facoltà che noi vorremmo attribuita ai

Consoli di sorvegliare le condizioni dell'igiene ed altre nelle quali si svolgono le industrie francesi. A questo il Governo francese si opporrà con ogni energia perché qualifica, me lo disse con ogni precisione il Sigr. Herbette, quella ingerenza come costituente una specie di regime capitolare che nessun Governo occidentale potrebbe ammettere. Ma non credo ci possa essere difficile di far soddisfazione ai negozianti francesi su questo punto senza perciò rinunciare ad una adeguata tutela dei nostri lavoratori. Quelle cautele che sarebbero indispensabili se si trattasse di regolare il lavoro italiano in un paese nuovo, vasto, di scarsa popolazione come ad esempio il Brasile, saranno in gran parte superflue in un paese vecchio a popolazione densa con istituzioni e costumi sociali assai progrediti come la Francia. [...] Per quanto concerne il N. 2 è evidente che il Governo francese non può convenire di rinunciare a quel diritto d'espulsione di stranieri che è parte integrante della sovranità d'una nazione poiché emana dal principio fondamentale che il diritto d'abitare sul territorio d'uno Stato appartiene soltanto ai nazionali. Non vi è purtroppo da far gran conto sulle restrizioni consuetudinarie del diritto d'espulsione cui accenna la nota perché la tutela dell'ordine pubblico viene e verrà sempre interpretata largamente, ma non so come si possa esigere da questo Governo di spogliarsi d'una facoltà di cui tutti gli Stati sono gelosissimi e che dobbiamo riservare

intera a noi stessi. Parmi invece che qualche cosa si potrebbe ottenere per quanto riguarda i probiviri e gli uffici sindacali. È vero che si tratta sotto un certo aspetto di vere magistrature che qui si vuole secondo le vecchie abitudini riservare ai nazionali, ma sarebbe riforma liberale e consona alle nuove tendenze internazionali di aprirle con certe cautele e con certa misura anche ai lavoratori stranieri. Il N. 3 della nota richiederà qualche maggior precisione. È indispensabile che il trattato ci assicuri di

avere nei nostri maggiori centri operai in Francia delle scuole dove si insegni l'italiano e la storia patria. Non credo vi saranno grandi opposizioni da vincere a tal fine. Converrà naturalmente accettare che quelle scuole siano sottoposte alla vigilanza dell'autorità scolastica francese colla quale non si avranno soverchie difficoltà purché si eviti per esempio d'inviare, come è successo di recente, alle nostre scuole dei libri di testo dove si rivendica all'Italia il possesso di Nizza e della Corsica.

Documento 5

«Un campo aperto alle intese internazionali le più generose»

Conferenza Internazionale dell'Emigrazione e dell'Immigrazione. Roma 15-31 maggio 1924, Vol. II

«PRIMA SEDUTA PLENARIA

Tenuta in Campidoglio, il 13 maggio 1924, alle ore 10.30

[...]

S.E. Mussolini, *Presidente del Consiglio, Ministro degli affari esteri*

[...] Sono lieto di constatare che l'iniziativa presa dall'Italia ha avuto largo consenso.

[...] È grazie a questa attitudine così amichevole che oggi, nella capitale d'Italia, i delegati di ben 57 Paesi, si riuniscono per scambiarsi le loro vedute su alcuni degli argomenti che interessano uno dei più grandi fenomeni dell'umanità.

Mentre si svolge con laborioso processo l'opera delle organizzazioni internazionali create per promuovere lo sviluppo della le-

gislazione a favore dei lavoratori, è parso utile al Governo italiano di invitare tutti i Paesi più importanti ad esaminare in questa Conferenza i problemi che concernono, sotto i loro vari aspetti, l'emigrazione e l'immigrazione.

Nel corso degli ultimi sessant'anni, altri Stati ebbero l'idea di promuovere una Conferenza internazionale dell'emigrazione, ma l'iniziativa, accolta con indifferenza, non poté essere realizzata. Oggi invece le Nazioni, col loro intervento a questo Convegno, che rimarrà memorabile, dimostrano di sentire l'utilità di una discussione internazionale dei problemi dell'emigrazione.

[...] I Paesi di emigrazione non dovrebbero ingerirsi nelle faccende degli Stati stranieri; così come i Paesi di immigrazione non dovrebbero estendere il loro intervento, neppure con misure indirette, al di là dei loro

territori. Ma da parte degli uni e degli altri, nell'omaggio doveroso alle leggi dell'umanità, è necessario che sia messa in opera la più stretta collaborazione affinché il trasferimento degli individui da Paese a Paese avvenga con soddisfazione reciproca e nel reciproco interesse.

Questa mirabile sorgente di ricchezza che è l'emigrazione, fatalmente destinata, per una legge naturale di equilibrio, a traboccare dai Paesi demograficamente ricchi a quelli nei quali la dovizia di terra, i tesori del sottosuolo, lo sviluppo industriale domandano una quantità di lavoro umano superiore alla disponibilità della loro popolazione, non può essere considerata come una merce. Essa deve trovare le vie di sbocco dignitose e giustamente compensate; il distacco dalla Patria men triste; la vita più facile nei Paesi di immigrazione, dove l'emigrante per quanto sia possibile ed equo, goda dei benefici accordati ai lavoratori del Paese, come con questi divide le fatiche del lavoro.

Vi è qui un campo aperto alle intese internazionali le più generose, e questa Conferenza ha precisamente l'alta missione di far uscire dalle sue discussioni i principi generali che dovrebbero segnare l'orientazione dei Governi nella stipulazione di tali intese. Un doppio ordine di esigenze, di interessi e di diritti deve essere tenuto presente nelle soluzioni concrete delle varie questioni: da una parte le esigenze e gli interessi legittimi degli Stati di immigrazione nell'ordine politico, sociale ed economico; dall'altra la tutela efficace della vita, della salute, degli interessi legittimi dei lavoratori stranieri, mediante regole ispirate a principi di equità.

I due ordini di considerazioni che ho richiamati al vostro pensiero si prospettano soprattutto nel definire la condizione giuridica dell'emigrato, per modo che questi sia messo in grado di dare con amore e devozione tutte le sue attività al Paese in cui vive, e di servare puro nell'animo il ricordo della sua terra di origine.

Lo scambio di energie di lavoro fra le Nazioni, risponde oggi più che mai ad una necessità dell'ordine economico, che, nella ripresa delle attività produttive, manda i suoi potenti riflessi nell'ordine sociale e politico.

Questo scambio di energie di lavoro è uno dei fattori umani veramente operativi nel ravvicinamento spirituale dei popoli e nel ristabilimento dell'equilibrio della produzione: esso serve d'incremento allo scambio di ricchezza fra Nazione e Nazione e allo sviluppo della civiltà umana.

È tempo che alle intese economiche, che riguardano gli scambi delle ricchezze, si aggiungano le intese per la tutela internazionale dei lavoratori.

[...]

Io non mi lusingo di credere che i vostri lavori possano essere più proficui di quello che ragionevolmente si possa sperare. Le condizioni del mercato mondiale sono propizie al primeggiare delle tendenze restrizioniste, e non è in vostro potere di modificare questo stato di cose. Ma poiché questo stato d'animo di certi popoli non può essere duraturo, e poiché l'assetto economico del mondo si appalesa sempre in maggiore incremento, sembra opportuno che si getti fin d'ora il seme di tutte le intese, più precise e più larghe, tra i popoli sul campo fecondo del lavoro [...]

«Un véritable régime international de conservation des droits»

CGT Archives, 97CFD44

Genève, le 4 mars 1935

Mon cher Jouhaux,

Le Bureau a maintenant reçu, officiellement, la réponse du Gouvernement français au questionnaire sur la conservation des droits à pension des travailleurs migrants dans l'assurance-invalidité-vieillesse-décès. Cette réponse est tout à fait identique à celle que nous avons reçue officieusement par l'intermédiaire de notre Bureau de Paris.

Comme je vous le disais dans ma lettre du 23 février, pour 32 questions sur 50, le Gouvernement français renvoie à des traités bilatéraux. Nous ne pouvons accepter cette méthode, car il ne s'agirait même plus d'une convention de principe, mais seulement d'une convention de façade. Les autres Etats, intéressés à l'établissement d'un véritable régime international de conservation des droits, n'accepteraient pas.

Nous allons donc préparer un avant-projet de convention, d'un niveau modeste,

mais contenant des règles précises sur les points essentiels de la conservation des droits.

Je ne crois pas qu'il soit possible de provoquer une nouvelle réponse plus favorable du Gouvernement français.

Mais, par contre, il vous sera peut-être possible d'intervenir pour que les délégués du Gouvernement français à la prochaine session de la Conférence reçoivent des instructions leur permettant de voter une convention modeste.

En vue de la conversation que, d'après ce que Buisson a dit à Stein, vous devez avoir avec le Ministre du Travail, je vous communique ci-joint une note indiquant quelle pourrait être, à mon avis, la position de la C.G.T.

Sans aborder les détails techniques, je crois que vous pourriez utilement exposer au Ministre le problème de politique générale et de tactique à l'égard de la réglementation internationale du travail, qui se pose à propos de cette question de conservation des droits des migrants.

Merci d'avance et bien cordialement à vous,

A. Tixier

Abstract

This article analyzes the impact of the First World War on the writing and implementation of the bilateral labour treaties, through the examination of the drafting and the adoption of the Franco-Italian agreement of 30 September 1919. The bilateral agreements on immigration existed even before the conflict, but their feature deeply changed after the Peace in order to face the new social and political context. The war increased the need for a workforce in the Western European Countries to foster the economic and industrial recovery. Thus, a strong competition emerged between the labour importing Countries in order to secure a continuous inbound flow. The governments of the emigration Countries, in turn, tried to benefit from this competition by claiming a larger social protection for their workers. The social protection became therefore a leverage to orient and govern international migrations. At the same time, after the War the international diplomacy was challenged by the coexistence of bilateral and multilateral solutions (e.g. International Labour Organisation). In this article we try to show how the bilateral and the multilateral sphere represented a continuum of practices and strategies in which migration became a new battlefield for the international diplomacy.