Did international labour treaties help to spread equal labour standards?

During the 1870s in the leading industrial countries of Western Europe foreign workers on average accounted for less than one percent of the population. And although traditional patterns of economically motivated, and in particular of seasonal inner-European migration existed, international migration predominantly meant emigration towards transoceanic destinations.

A century later the number of foreigners or immigrants on the labour markets of Western Europe had risen to between three and 20 percent. Modern forms of labour migration had emerged, which were accompanied by new institutions that linked a great number of economies in Europe and its periphery to form a distinct migration system.

The economic core of this migration system comprised 18 countries bound together by an ever-thickening network of bilateral labour agreements. This paper is based on research into these two phenomena, which resulted in my *doctorat d'Etat*. It examines modern labour migration in Europe from the late 19th century into the 1970s, with a focus on the formation of an international labour market and its institutional backbone, and aims at dissecting the main driving forces behind institutions which were designed to regulate transnational labour migration, namely the competition for work or labour, and analyses the role played by common or international standards, as well as national non-economic preferences towards a certain migration policy.

This paper will concentrate on the definition and proliferation of common international standards between the end of World War I and 1973/74, when recruitment operations by countries of in-migration in Western Europe were abandoned, marking the endpoint of this particular European system of labour migration. This approach will hopefully shed some light on the implications for the definition, implementation and enforcement of general labour standards.

As a historian, I will on the one hand take a look at change over time, attempting to show major trends and driving forces rather than trying to fit this complex process into a clear-cut economic model. On the other hand my particular interest at the institutional level is bound to largely blank out social reality, which directly resulted from the definition and implementation of standards.

I will proceed in two steps. The first part of my presentation provides you with a basic outline of the migrations system, including its growth, its change over time and its structures. The second and more extensive part concentrates on the historical role of standards in the regulation of translational labour migration.

In order to limit the migration currents and interconnections that will be taken into account as part of the system, what shall be considered *modern* labour migration has to meet four criteria. First, it has to be sparked by industrialization or a demand originating directly or

indirectly in the secondary or tertiary sector of an economy. The supply of migrant labour in turn has to stem from backwardness in such a process. Secondly, the vector of such migration movements has to point from peripheral to central zones. Thirdly, such migration patterns must increasingly be regulated by an institutional framework. Fourthly, the overall migration process has to have a profound effect on both the economies and societies of the sending and the receiving countries.

II. A chronological look at the migration system constituted by migration currents of labour, which meet the aforementioned criteria, seems to be an appropriate point of departure.

Five major movements of transnational labour migration with such qualities can be identified prior to the First World War within Western Europe: Out-migration from Italy started to direct itself towards some of the major economies of continental Europe: France, Belgium, Switzerland, Luxemburg and Germany. The latter also had a steady influx of labour migrants from those parts of Poland, which had been annexed by Russia and Austria.

The North African colonies of France, Algeria, Morocco and Tunisia were attached to the system during World War I. Moreover, Spain and Portugal developed ties to the labour markets of Central Europe. The interwar years saw the restoration of the Polish state and its incorporation into the international labour market. Besides, newly founded countries, and those that gained independence at the time, like Hungary, Yugoslavia, Romania and Czechoslovakia became significant sources of manpower for several European economies, before the iron curtain again removed them from the system after 1945. Yugoslavia alone managed to revive its labour market relations to the West in the post-war era.

The international labour market was disrupted by Germany through the occupation of many European countries and their incorporation into the German system of slave or forced labour as part of the German war economy between 1939 and 1945, but its reconstruction started immediately after World War II had ended. Traditional migration patterns like those between France and Italy or Belgium and Italy were the first to thrive again. In subsequent decades, Sweden, Austria and the Netherlands joined the system on the demand side, although their inter-European labour market relations have earlier roots, namely in the interwar period. On the other hand, Greece and Turkey were newly integrated as fresh suppliers of manpower during the 1950s and 1960s. The Western European system of labour migration reached its highest density and largest size during the late 1960s. Migration currents peaked between 1967 and 1972.

During the described process, a system gained shape in which a growing number of countries entered a transnational labour market to either supply or demand manpower. They subsequently became competitors in *n* to *m* relations. Every country of out-migration was connected to several countries of in-migration and vice versa. We can therefore assume competition between countries in the same class.

III. A specific form of bilateral agreement gained growing importance as a means to regulate the flow of labour between countries within this system. In 1904 France and Italy concluded the first of a series of agreements aimed at fixing certain standards, procedures and protocols in the context of modern labour migration and its consequences for the transfer of funds or claims against national social security systems.

Further roots of bilateral labour agreements can be traced to colonial labour systems and the experience of organizing external labour supply under the conditions of total war 1914/18. We have to note that France became the leader in further developing the new institution and its propagation. In fact, the labour agreement concluded between France and Poland in 1919 can be viewed as the first of a new generation of treaties. It became an internationally accepted standard and benchmark that provided the nucleus for the following supranational development.

The formative period of the new instrument followed between the wars, when bilateral labour migration agreements started to appear all across Europe. They intervened in labour migration more thoroughly than any other treaty the above-mentioned nations had concluded so far on the matter.

The main innovation that accompanied the Franco-Polish agreement of 1919 rested in its regulative range and clear structure. In addition to conditions for the admittance as well as residence of foreign workers, and some basic labour standards, the treaty also put in place protocols for the administration of the recruitment and transfer of migrants between labour markets. The agreement in fact installed a new migration channel besides spontaneous individual migration: the recruitment of foreign manpower, either organized or at least regulated by the state, combined with a dual selection of candidates by the representatives of authorized agents of both governments involved. Access to this migration channel was withdrawn from individual choice and instead put under state control. The process of balancing demand and supply of manpower was thus transferred to the labour markets of the countries providing migrant workers as the selection according to demand was now executed before the actual migration process began. Alongside such far-reaching means of controlling economically motivated migration, the principle of equal treatment of foreign and domestic workers was introduced in some areas and codified in this bilateral agreement. At least officially, Polish migrants could expect the same labour standards as their French co-workers. The increase in control seemed to work both ways: Stricter rules for in-migration also meant more reliable - and indeed improved - conditions of work and residence abroad.

As the proliferation of bilateral labour agreements proceeded during the interwar years, a set of common features and standards concerning structure and content of such treaties started to evolve. Labour agreements on the one hand tended to touch the four major stages of labour migration: recruitment and selection, transfer, life and work abroad, and either permanent

settlement or repatriation after a stay of limited duration. On the other hand, they linked a stronger regulation of labour migration with higher labour standards for immigrant workers.

The formation of this new institution can be traced on two levels. Internationally, the International Labour Organization, founded as a branch of the League of Nations according to the Treaty of Versailles in 1919, became an important platform on which standards were formulated and promoted. The actual adoption of those standards remained at the discretion of each national government. On that second level, the diffusion of labour standards for migrant workers through bilateral agreements can be observed as it actually happened.

The core countries of the European migration system concluded 13 bilateral labour agreements between 1919 and 1934, a further 11 treaties expanded the system temporarily towards Eastern Europe before the Second World War. Nazi Germany, by the way, stuck with the common form of labour agreement in an attempt to pretend normality while installing a system of forced and slave labour in Europe and signed a total of 16 labour treaties between 1937 and 1943. After 1945 about 40 primary and subsequent labour treaties can be counted within the system which established firm pathways for labour migration. They dominated the European migration system to the general recruitment halt of 1973 respectively 1974.

IV. The remainder of this paper will investigate both these levels with a focus on the international stage. It will first take a look at the development of standards under the auspices of the International Labour Organization. Subsequently, the filtering down of those standards into bilateral agreements and national law will be discussed using a number of examples and asking for the underlying forces which shaped this development.

When the ILO started to become a vivid actor on the international stage in 1919, just weeks after Poland and France had signed their groundbreaking agreement, an organization had been created which for the first time united the three major actors in modern labour markets: state, trade unions and employer associations. Also for the first time, an international organization, recognized by all major nations had been established whose sole task was to define and implement internationally accepted labour standards.

Labour migration came within the scope of the ILOs activities right from the beginning. Since human labour cannot be separated from the individual, the transfer of manpower between domains of different social and labour standards requires a decision as to whether the migrant will enter his new environment subject to the norms applied for domestic workers, to standards of the zone he is leaving, or to a newly defined set of standards for in-migrants. Given the claim of modern nation-states for sovereignty and control, the increasing complexity of their social security systems, international competition and well-defined position of domestic workers and employers, the ILO entered a complex scenario with much demand for intermediation, compromise and standardization.

V. Prior to an investigation of the ILOs effort to establish commonly accepted standards for labour migration, it is helpful to reflect on the different agendas of the protagonists and

interest groups involved in the regulation of labour migration. As bilateral labour agreements link up the labour markets of two countries, it seems logical to distinguish between six players: the two governments, the employers in both countries and their respective workforce – including kin – as potential labour migrants. All of these players usually have stakeholders: state bureaucracy, employer associations and trade unions.

The governments of labour importing countries are interested in supplying their economy with extra manpower, which cannot be raised from the domestic labour force. Their attitude can be positioned between open, uncontrolled in-migration and a regulated process. If one aims at a bilateral agreement, the latter prevails. Such a process tries to combine the influx of manpower with quality control and physical control over the presence of labour migrants. This overlaps with the interest of employers, as they trade a free influx of cheap manpower at their disposal against a regulated in-migration which guarantees a steady, low risk and relatively low cost supply of labour tailored to their needs through selective recruitment. Domestic workers will only benefit indirectly from the influx of foreign labour, for example through continuous economic growth and opportunities to move up to higher positions within their companies. More directly, however, their main interest is to avoid a deterioration of their bargaining position.

On the other hand, governments of labour exporting countries can expect to ease social pressure by reducing unemployment through out-migration, which is accompanied by an influx of capital and qualified human capital through re-migration and remittances. They must be interested in a selection mechanism to avoid recruitment among their highly qualified workforce leading to depletion of segments of the labour market most needed domestically. This may also concern domestic employers who might fear a rise in the price for labour as a consequence of out-migration and a decline of quality in the available workforce. The workers themselves have to accept involved costs and risks for a chance to benefit from working abroad. A regulated migration process can therefore serve their interest as well.

Within this array of positions one can furthermore assume a general decline in influence or power along two axes: On both sides the state, employers and workers usually form a hierarchy – though temporary shifts are possible. On top of that, the whole system is characterized by a supremacy of the labour-importing countries against the countries of out-migration, the former being the industrial powers of Western Europe, the latter the developing economies on the European periphery.

With that matrix of interest and influence in mind, it can be suspected that the adaptation of labour standards for migrants was - at least in part - only a secondary effect of an implementation of conditions, which reflect the interest of parties other than the workers themselves. As, for instance, governments and trade unions of industrialized countries aimed at spreading international labour standards to avoid competitive disadvantages, they were

naturally interested in fixing a certain equality of treatment for labour in-migrants in order to make them a homogeneous substitute on their own labour market.

VI. Bearing this in mind, it seems less surprising that article 427 of the Treaty of Versailles, which lays down the principles and aims of the International Labour Organization, includes the establishment of equal treatment for migrant workers and their respective domestic counterparts. On the same token it seems logic, that the structure of the ILO itself reflects not only the labour market players but also their relative position in the hierarchy of power. Its main working body, the International Labour Conference consisted of four delegates of each member state: two representatives of the government and one each representing employers and workers. Tripartite composition did therefore not mean an equal distribution of votes. Governments not only held a majority but also had the final say in the adoption of labour standards fixed by the ILO as they held the ultimate power to convert them into national law which made them binding.

Having mentioned that equality of treatment for migrants had been adopted as one basic aim of the ILO, one must not wonder that activities in the field can be traced right back to the beginning of its operation in 1919. To this end a special commission was installed to investigate the conditions of international migration with respect to standards for the migration processes. The report it presented in 1921 lists the main areas of maltreatment or discrimination of migrants in general and labour migrants in particular. It reads like a plea for a general reform and regulation of migration policies and international migration. Indeed, many of the early suggestions given by the ILO – for instance a cooperation of the national bureaucracies involved, enhanced control of private agencies, the establishment of fixed protocols for the exchange and distribution of information, the use of standardized employment contracts or government controlled collective recruitment and transfer of workers etc. – were to end up as commonly accepted features of regulated labour migration. While all of this happened on the level of investigations and proposals, the ILO also began to formulate new standards.

The organization possessed two major instruments to implement labour standards. Recommendations were designed to provide informal guidelines for governments to design their own policies. Conventions, however, had to be converted into national law once they were ratified. The decision to ratify a convention remained with each individual member state. Once two member states had ratified a convention, it became valid and an official standard set by the ILO.

The ILO formulated 67 conventions and 66 recommendations between 1919 and 1939, of which at least three conventions and five recommendations touch the issue of labour migration. Based on the continuous collection of information on the realities of labour migration and attempts to regulate such processes, which the ILO devoted considerable resources to through the 1920s and 1930s, the evolution of standards followed an interesting

path. It picked up on already established traits of regulation and incorporated its own key issues – equality of treatment – and thus slowly built up an increasingly sophisticated array of protocols and standards in a dialectic process.

On the one hand, the ILO analyzed every bilateral labour agreement concluded during the 1920s and 1930s to filter out predominant aspects and promising formats. On the other hand, it monitored the major currents of labour migration in Europe to identify deficits and grievances. The former pointed towards promising paths to compromises, which would be accepted widely enough to become standards. The latter revealed what was left to be done.

Accordingly two recommendations and one convention passed in 1919 included articles which aimed at labour migration. Recommendation 1 (Unemployment Recommendation), dealing with unemployment, requested that large-scale recruitment of labourers abroad should only be allowed following consultations of the governments concerned. Recommendation 2 (Reciprocity of Treatment Recommendation) on the equality of treatment of migrant workers asked for an equal status of migrants as far as occupational health and safety as well as the freedom to associate (lawful organization) are concerned. In addition, Convention 2 (Unemployment Convention) provided for the equality of treatment of migrant workers in matters of unemployment relief and insurance. The following years saw another recommendation, R19 (Migration Statistics Recommendation), which introduced the idea of standardized migration statistics and aimed at making the International Labour Office the central hub for collecting data on migration movements worldwide. The ILO created a permanent committee on migration in 1925, strengthening its effort to assemble all relevant data and information to support its own policy. The General Labour Conference passed its first convention, which exclusively dealt with labour migration (C19, Equality of treatment (Accident Compensation) and extended the equality of treatment of migrant workers to compensation for accidents.

While the ILO issued a number of voluminous publications describing institutional forms and main currents of labour migration, and internally debated a growing number of issues related to the subject, no further instruments were passed until 1939. This slump coincided with the impact of the depression of the late 1920s on international labour migration. A revival of the ILOs activities in the field began in 1937 – just when labour migration became an issue again for the recovering economies of Europe. The International Labour Organization presented a memorandum to the League of Nations that year, which summed up its past efforts and drew attention to the issues the ILO deemed most urgent. A questionnaire was sent to all member states to retrieve information on the state and future prospects of labour migration from the national level. Results served as a basis for the compilation of two recommendations and one convention. This triad was meat as a blueprint for groundbreaking and comprehensive regulation of labour migration.

Finally the 25th General Labour Conference passed Convention 66 on Migration for Employment as well as the amending Recommendations 61 and 62 in June 1939. Even though the Second World War prevented all three documents from having any direct impact, they were a noteworthy landmark in the progress of international labour migration standards. They comprise a complete array of standards and guidelines to set up a regulated transfer of manpower between two countries with far-reaching safeguards to protect migrants as the weakest element in the process and include equality of treatment, protection against deportation, standardized contracts, regulated recruitment, government cooperation and the transfer of funds, to just name a few problems addressed. At the same time the documents reflect the underlying dialectic principle of adopting and – at times – modifying elements from the policies of individual countries while trying to carry forward ILO standards into their future decisions. It may not be surprising to see the ILO tailor its suggestions very much after the contemporary French model of organizing labour migration, which was seen as the most modern system at the time and was emulated all across Europe.

The ILO continued its tradition of holding international conferences on labour migration after the end of World War II and tried to reposition itself as a major player in European and global migration politics. Without following this particular line of development any further it can be said that the ILO did not succeed but was pushed into the second line by new supranational organizations like the OEEC/OECD and the various European bodies formed in the process of the continent's unification.

With regard to the progress in labour migration standards the year 1949 marks the next decisive stage. A modified version of Convention 66 was issued as Convention 97; Recommendation 86 dates from the same year and replaced the two respective recommendations passed in 1939. Without discussing the regulations laid out in these instruments in detail it is important to point out a number of differences between the pre- and the post-war versions of these documents.

While the issue of equal treatment of migrant and domestic workers was defined more precisely and expanded in scope, other standards were actually softened or blurred. This softening was achieved by a modification in structure. As Conventions had to be transformed into national law once ratified, the ILO started to move controversial issues from the main text into appendices which could be ratified separately or rejected. Each country had the opportunity to customize the coverage of labour migration standards to its own preferences within the limits of possible combinations of a convention with its appendices. Standards for the wellbeing of migrants in the host country for example were one issue which was cut out of the convention and moved to an appendix; the same happened to special precautions against deportation. The ILO perceived this policy as a way to enhance acceptance of its standards but had to face weaker impact and loss of unity.

The ratification history of Recommendation 97 reflects the general trend as far as labour migration standards are concerned. Generally speaking, the more far-reaching conventions were ratified by minorities of in- and out-migration countries, while those with a narrow focus or limited range became adopted most widely. It took Convention 97 three years to be ratified by two member states, the Netherlands and Italy, and become active. Subsequently only France, Germany and Belgium on one side, as well as Algeria, Portugal and Spain on the other side adopted the convention. In contrast, Convention 19 on equal accident compensation had been ratified by 120 countries between 1925 and 1929, among them every labour importing country and a majority of emigration countries belonging to the migration system described above.

Convention 97 also completed the system of labour standards in the European theatre. During the 1950s and 1960s the ILO concentrated on the regulation of labour migration between and from developing countries outside Europe. In 1962 Convention 118 extended equality of treatment to all major issues of social security. Not unexpectedly, only a fraction of member states choose to ratify this far-reaching document. It took until 1975 before another convention was passed by the General labour Conference which explicitly targeted labour migration. In reaction to the general recruitment halt and the reversal of labour migration policies in Europe, Convention 143 on migrant workers aimed at the promotion of migrants in their host societies and at the same time at the prevention of illegal labour migration and the illegal employment of migrants. Drawing only 21 ratifications until today, Convention 143 remained one of the least accepted ILO conventions.

Nonetheless, an analysis of the labour migration agreements signed after 1945 between the countries discussed here indicates an extensive spread of the principles promoted by the International Labour Organization as standards for the regulation of labour migration. Very few countries went so far as to pledging themselves to incorporate the standards defined by the ILO into national law, but most countries seem to have shaped their international labour market relations according to the standards.

VII. Taking a look at the way in which some major labour importing countries dealt with the ILO conventions might be an adequate starting point for an inquiry into some of the mechanisms shaping this process.

In Sweden for instance, the Rijksdag rejected Convention 97 in 1950 due to conflicts between its requirements regarding equality of treatment and Swedish law, which excluded foreigners from the general retirement insurance. A second point of conflict were limitations of the right to associate to mandatory trade union membership in some of Sweden's international labour agreements. Similarly, regulations of deportation in Convention 97 and Swedish law proved incompatible and Sweden was not willing to adjust its national laws accordingly. At the same time, Sweden developed the most advanced policies in regulating migration to promote

immigration and integration. Indeed, Sweden surpassed the ILOs standards in many ways. A formal rejection of conventions did therefore not necessarily equal a rejection of standards.

Belgium took to a different approach when debating Convention 97. The Senate changed Belgian law in order to observe the ILOs proposals, and based its decision on a thorough review of the country's migration legislation. Convention 97 was ratified by Belgium in 1953. The year after, France followed but excluded Appendix II due to disputes over the range of equality of treatment in the social security system. As a consequence, France rejected the section of Convention 97 that dealt with the most important form of labour migration: state regulated or organized recruitment, and that in spite of having installed the *Office nationale d'immigration* for exactly that purpose in 1945. It remains to be studied whether France used the issue of equality of treatment as a pretext to keep its recruitment bureaucracy exclusively under national control.

Switzerland had actively been following some ILO standards when forging international labour market links prior to 1945. In 1927 for instance an agreement on unemployment insurance with Italy explicitly cited Convention 2 from 1919 as its foundation. After 1945 Switzerland renounced the ratification of ILO conventions like most of its fellow European nations to secure full sovereignty over the setup of migration relations. Nonetheless, in the matter of equality of treatment for example most requirements of the ILO were met. But Switzerland excluded retirement insurance and allowances for surviving dependants as well as some family allowances. On the same token no agencies were installed to council migrants or systematically pass information to the emigration organizations of Swiss migration partners. Similar arguments were used when the ratification of Convention 143 was at hand. Switzerland rejected the convention on claims that it required to grant migrants liberties to an extent incompatible with national interests.

Such findings point towards three interesting observations. Firstly, the process of ratification was often burdened with limitations and caveats, which aimed at preserving freedom of action for the labour importing countries. Secondly, and somewhat contrasting, rejecting a convention did not necessarily mean the rejection of its entire content. Thirdly, the adoption of ILO standards did not only touch national legislation but also the design of bilateral labour agreements. They comprised regulations concerning the recruitment, transfer and handling of migrants, which were not necessarily laid down in the corresponding migration laws.

Without extending the discussion to the arena of national migration policies and legislation as a whole, it can also be concluded that national preferences were one of the major forces to affect the adoption of international standards for the regulation of labour migration. And as we have seen, generally speaking, they proved to be an obstacle to the subscription to the far-reaching principles proposed by the ILO – although, as we have also seen, those standards themselves were the outcome of a process or negotiating compromise which included all major players.

VIII. Further insights might be gained from reflections on the international labour market itself, a structure in which one group of economies offered manpower and another group of countries needed extra labour force. The result was a complex network of supply and demand relations that effectively created the migration system. As the proliferation of the international standards negotiated by the ILO slowly progressed after 1945, it can be assumed that a certain peer pressure built up to include the treatment of labour migrants in the formation of general labour standards. First, common standards protected advanced labour standards such as highly sophisticated social security systems and high wages where already in place. Failure to do so would lead to either a loss of competitiveness or an erosion of such high standards. Secondly, the amelioration of labour standards for migrants was important in defining one's position on the international labour market as a bidder for manpower.

Without elaborating on this particular process any further, we can rest with the observation that a clear trend prior and post World War II indicates that countries entering the system of bilateral labour treaties tended to at least partially adopt the ILO ideas, or at least orientated themselves at the French model. Even Germany, which started out using a different form of bilateral agreement in the 1920s showed signs of convergence to what was to become the mainstream. This does not imply a total concordance of agreements. We rather have to imagine a convergence of structure and content with a certain leeway, which gradually led to a spread of certain standards, with every new treaty of this kind making a further spread more likely.

France for instance used the model treaty worked out with Poland to regulate many of its other international labour market relations in the 1920s and 1930s. Countries that concluded such agreements with France, in turn used the set of conditions put in place by France as a basis for labour market relations with other countries. This trend becomes even more visible after 1945. Most labour recruitment agreements followed more or less strictly the ILO model agreements in composition and range. Similarity in the overall makeup of treaties grew, but discrepancies in detail remained.

Besides this macro-trend of slow convergence, a third force has to be taken into account, which could generate fast progress in certain sectors of the migration system. This force gathered strength when competition between the most powerful players became acute. At times, economies, represented by their governments and employers, competed for foreign labour on the international labour market, or more precisely for labour from a particular nation within the European system of labour migration. This type of competition led expansion of the system when new countries of out-migration were integrated. It could also lead a country under competitive pressure to turn to a less competed market for manpower. Importantly, a third kind of reaction can be identified: Improved competitiveness by ameliorating labour migration and / or labour standards through new or modified migration agreements.

Three examples can serve to illustrate this scenario.

When France and Poland started to organize large scale labour migration, which resulted in the immigration of more than half a million Poles into France in the 1920s, Germany's position on the Polish labour market was severely weakened; a monopoly was lost. This did not prove too harmful during the crisis-shaken early 1920s, but was to become a problem when the demand for Polish manpower rose again during the second half of the decade. At the same time, the advantageous Polish position with virtually unlimited demand for migrant workers in France had diminished by a tightening of French migration policies in the late 1920s. When Poland and Germany concluded their first labour recruitment agreement in 1927, the treaty bore signs of both these developments. On the one hand, Germany did not fully depart from its own tradition of labour agreements yet and did not openly adopt the French practice. However, a closer look at the agreement reveals certain concessions. Poland was entitled to send workers to Germany within the framework of contingents and mandatory model contracts negotiated yearly, which enhanced the equality of treatment. In turn, the agreement entitled Germany - for the first time - to send official agents of its own labour administration into Poland to conduct recruitment operations. The recruitment itself had to be carried out under strict control of Polish agencies, which were allowed to determine recruitment areas and influence the selection of candidates. Also, protocols for a periodical evaluation of regulations and practice were installed, which mimicked the Franco-Polish agreements.

Interestingly enough, Poland used its amended labour relations to Germany to start fresh negotiations with France on a further enhancement of migration standards. Finally even French associations of agriculturalists plead for a new agreement with Poland, which was to be modelled after the German treaty. Its operatives mistakenly believed that Germany had granted Poland even better conditions than France. Did that misjudgement result from Polish propaganda?

A second example concerns the actions of Belgium and France on the Italian labour market after 1945. Both countries were starved for miners in the early post-war years and turned to Italy as a classical source for migrant manpower. France put forward its first migration agreement in February 1946, but established a complicated and frustrating recruitment procedure without explicitly granting equality of treatment. On top of that, a complex system to transfer funds back to Italy – essentially only allowing for the shipment of goods purchased in France – lessened the attractiveness of France as a migration destination. Only four months later, Belgium entered the arena with its own migration accord. It defined detailed migration and labour standards – though not total equality of treatment – and allowed for the transfer of savings from Belgium to Italy.

France countered in November 1946: Its novel labour agreement with Italy made recruitment easier and promised a bonus of 2000 Francs for miners and 1000 Francs for general workers

payable as soon as they crossed the French border. Belgium in turn improved its position on the Italian labour market in February 1948. The *Fédération des Associations Charbonnières,* which conducted recruitment in Italy, presented a model contract for Italian miners that decisively strengthened the equality of treatment and smoothened the path to permanent settlement in Belgium. France relied on its two most powerful levers to regain the lead. In March of the same year, it signed an agreement on social security with Italy, which established the equality of treatment. In 1951, a new migration accord between Italy and France followed that marks the transition from ad hoc agreements concluded in the late 1940s to a full-scale international treaty modelled after the example given by the ILO conventions. Also, the bonus for Italian workers was raised to 3000 Francs for miners and half of that for other workers.

While France continued to upvalue migration conditions for Italians in the 1950s, the field of competitors in Italy had already begun to widen further. The accumulating pressure of rising demand on the Italian labour market proved to be a strong incentive for labour-importing countries to expand the range of their recruitment activities to new foreign labour markets.

This points at the third example to demonstrate the effects of growing competition. When Germany turned to Turkey as a source for manpower in 1961 it became the first European nation to hire labourers from the Turkish labour market. From that position, Germany could push through a recruitment agreement, which installed a migration protocol of inferior quality as compared to the standards established for labour migration into Germany from other countries. Not only was a minor diplomatic channel chosen to fix the agreement, the stay of Turkish workers in Germany was also severely limited in duration, exceptional leeway was given to German recruiters in the selection of candidates and – for the first time – criteria were set up, which lead to an automatic exclusion of a subgroup of potential migrants. On top of that, the agreement omitted family reunion entirely, which was unprecedented in German agreements post 1945.

Three years later, the situation in Turkey changed fundamentally. Austria, the Netherlands and Belgium entered the market and established their own migration agreements in 1964. The three treaties closely followed examples set by other labour agreements of the three labour-importing countries and did not show – in contrast to the German case – significant departures from agreements these countries had concluded a little earlier for instance with Spain. This observation, however, does not rule out differences between the different agreements. Belgium for instance tended to grant more liberal migration standards than the Netherlands. Indeed, the Dutch position often suffered severe disadvantages in the competition on foreign labour markets as a consequence of the strict regulation of migration and the inferior options for migrants on the Dutch labour market resulting from that.

Germany reacted at the end of 1964. A new draft of the migration agreement was prepared which ruled out the most painful grievances. Turkey was allowed to send its own personnel

for social care and counselling to Germany, and a special commission to conduct an annual evaluation of the migration process was installed. Both features had become internationally accepted standards by that time and the German-Turkish agreement of 1961 is one of the few examples ignoring them. More importantly, the limitation of work permits for Turkish workers in Germany to a maximum of two one-year periods was dropped. Keeping up this discrimination of Turkish migrants on the German labour market would have only been possible at the price of diminishing labour import from Turkey given the options that had opened up for Turkish migrants in the mid 1960s. As competition tended to grow further in Turkey when France and Sweden started recruiting workers there in 1965 and 1967, respectively, the trend to more liberal migration agreements carried on. The French and Swedish agreements proved to grant better conditions to Turkish migrants, putting pressure on Germany, Austria and the Netherlands to re-think their regulations and to improve labour in-migration from Turkey formally or informally.

IX. Finally, what general and specific conclusions can be drawn from this outline regarding the spread of labour standards? Basically, we can perceive standards for the conduct of labour migration as a subset of general labour standards as they do have a bearing on employment and working conditions. From this perspective, labour migration or recruitment agreements did little to improve labour standards for the domestic workforce in the countries of labour in- or out-migration. Instead, the regulation of international labour migration through bilateral agreements was an important means to protect labour standards established within the more advanced labour-importing countries against erosion through the introduction of migrant workers under inferior conditions. This observation on the institutional level neither rules out nor denies the *de facto* existence of double standards and discrimination against migrant workers.

Within individual bilateral labour market relations the incentive to introduce equality of treatment and thus extending domestic labour standards to migrants stemmed from pressure to protect the domestic workforce. We do find the same forces at work, which fuelled the equalization of labour standards between competing economies.

Within the European system of labour migration, equality of treatment of migrant workers moving from the periphery into the centre usually meant a nominal improvement of the labour standards governing their lives. This can be seen as a secondary effect of efforts by the labour-importing countries to protect their own interests. But even though the political driving-forces were following a different agenda, they generally improved the situation for migrants.

In that respect, the ILOs struggle to embed standards for the regulation of labour migration, which first and foremost dealt with the well-being and protection of migrants themselves – for instance concerning recruitment and transfer procedures, or limitations of work and

residence permits – must be rated highly as a major effort to improve labour standards primarily in the migrant's interest.

The spread of such standards within the European system has been shown to rest upon the interaction of several forces. Economic and political preferences within the countries involved, particularly of the immigration countries, proved to set up powerful limitations to the arena in which standards for labour migration were negotiated. Parallel to that, the steady spread of a set of rules promoted by the ILO resulted in the convergence of labour migration standards, a process that slowly but surely gained pace and even widened the national perspective at times. Under certain conditions of tough competition for migrant manpower rapid progress in distinct sectors of the migration system was made. We can thus identify basic forces, long-term trends and exceptional circumstances in particular cases, which drove the process as a whole.

Bilateral agreements on labour migration were the main instrument to institutionalize international labour market relations and can be seen as a formative element of labour migration in Europe during the 20th century. Europe has managed the largest economically motivated process of migration beyond classical in- or emigration based on this particular tool. The spread of bilateral labour agreements as an institution between 1919 and 1973 was not only very dynamic but also moulded the backbone of the entire European migration system of the time. As a consequence, governments became players not only in the normative but also in the practical regulation of labour migration on an unprecedented scale. Yet, content and scope of bilateral labour agreements were defined in an complex process involving national interest groups, governments as players on the international stage, compromises negotiated on the bilateral level and supranational organizations as clearinghouses for the setting of standards as a general framework.

The growth of this unique network of nearly standardized bilateral labour market relations, which nonetheless left room for the manifestations of national preferences can not only be seen as an important precursor of the united European labour market of our times, but also as having made an important contribution to the improvement of labour standards for migrants by binding them to the labour standards of their host society. Yet, the price to pay for such progress was an increase in control. Protocols were established for predominantly for temporary labour migration, which created a gap between intended temporary migration and *de facto* immigration that resulted in social tensions, which remain partially unresolved to this day.