Rational and Cultural: Conclusions and Policy Proposals

We shall now summarize some of our main findings and place them in perspective. We shall briefly discuss how the relation between traditional culture and rationality should be regarded, and look at the consequences of learning processes. We shall then propose some policy options. However, to start with, we wish to reflect on the nature of the material that we have presented.

1. Opportunities and limitations due to the research materials

Although it was important to us that our book should be supported by an acceptably large quantity of empirical material, we wish, nevertheless, to emphasize that this is not a book that seeks merely to present numbers and quantities. That is in fact the least of our intentions, if only because we do not consider ourselves capable of justifying them in any way. We simply do not have the necessary expertise nor the necessary material to do so. To the extent that numbers have been important to us, they have been employed to discover something qualitatively relevant, for example about the way and the moment that certain intermediary tools are deployed rather than others. In addition, to the extent that we have adhered to definitions of a business, it was in order to discover developments in the learning processes and in the interaction with traditional culture.

The fact that it is not always easy at the level of definition to separate practices should be clear from the fact that in several files, the concurrent charges were trafficking in human beings and people smuggling and the accused were sentenced during the trial for THB as well as for SoM. This occurred in files where the THB victims were smuggled into the country illegally in order to be immediately exploited. Moreover,
there are several THB files where SoM is not an issue either because the victims were EU citizens, or because they had already been in the territory for some time illegally before they were exploited. These victims can also be foreigners who are legally resident in Belgium. All of these victims can be considered victims of THB.

The research materials have been constructed based on existing legal concepts and juridical practices on which the Belgian THB and SoM policy is based. That policy refers primarily to the known UN definition, in which THB relates to the abuse of victims while SoM relates to illegally entering a territory, thus with respect to our files this is the territory of the EU, where the illegal transport has to be accompanied by the illegal acquisition of profits. In contrast to SoM, according to international standards, in the case of THB human rights are at issue.

The success of the Belgian THB policy has been based entirely on smooth collaboration and a bond of trust between the specialized THB victim centres, which collaborate as NGOs on one side, and the Ministry of Justice and the first-line police services. It is crucial that both the Ministry of Justice and the police have separate units that are sufficiently specialized and experienced in tracing the indicators and victims of THB. This leads annually to many cases and victims who are granted THB victim status and who are taken care of by the specialized centres.

A successful THB policy must have its own unique approach and methodology with its own specialized actors. It can therefore certainly not be regarded as merely a derivative of a migration concept, which has a different approach and different stakeholders. Of course there are multiple interfaces with migration, which we shall discuss later. There are, after all, strong intrinsic bonds between people smuggling and migration. However, the organized, large-scale smuggling networks, in addition to smuggling people, also smuggle other types of contraband with ease.

What was our book then explicitly about? Our findings demonstrate very clearly the need among THB and SoM entrepreneurs to continuously learn if they want to survive. They must continue to learn because the government discovers their techniques and therefore is able to apprehend them. They have to learn because they have powerful rivals seeking to take their share of the market. They are not changeless, to the extent that they are excellent proactive learners who are able to anticipate the next developments in the anti-THB and anti-SoM legislation. The legislator almost by definition lags behind the facts, because first of all he has to obtain a parliamentary majority to back him in order to amend existing legislation, and that amendment usually takes place