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Beyond the dichotomy between migrant smuggling and human trafficking: a Belgian case study on the governance of migrants in transit

Massol de Rebetz, R.M.F.A. de

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Propositions relating to the dissertation

GOING BEYOND THE DICHOTOMY BETWEEN MIGRANT SMUGGLING AND HUMAN TRAFFICKING

A Belgian Case Study on the Governance of Migrants in Transit

by Roxane de Massol de Rebetz

1. The phenomenon of transit migration within the imagined 'borderless' Schengen Area and its real-life impact on people on the move needs to be acknowledged more.
2. Migrant smuggling and human trafficking are distinct criminal offences, yet, there are inherent links and a visible grey area between the two crimes.
3. Fixed legal categories and taxonomies are pragmatic and necessary evils allowing to provide the required protection to individuals.
4. The assumptions upon which fixed legal taxonomies are built should frequently be scrutinized and, where necessary, adapted based on (scholarly) empirical evidence.
5. Looking at it from a 'law in the books' perspective, the Belgian 'third-way' approach to aggravated forms of migrant smuggling offers an interesting correction and example to be followed by other EU Member States to the recurrent criticism surrounding the strict dichotomy between migrant smuggling and human trafficking.
6. The Belgian institutional framework is surrealistic, and at the image of the Brussel's *gueuze* requiring a complex assemblage of distinct *lambics*, constitutes a *brol* inimitable abroad.
7. The relationships between anti-smuggling, anti-trafficking and migration policies need to be thoroughly re-examined in a holistic manner instead of being assessed as isolated phenomena.
8. The saying 'If everybody is vulnerable, nobody is vulnerable' also holds true for competence/jurisdiction.

9. Empirical-based adjudication is desirable to provide necessary corrections to deficiencies found in legal protective frameworks or their (flawed) implementation in practice. Nonetheless, the ECtHR should commit to a robust and systematic methodology doing so.
10. Because law is a social construct, it needs to be examined from an external perspective regardless of whether we call it Law & Society, Sociology of Law, or Empirical Legal Studies.
11. Divide to conquer is a useful mantra to be applied to tasks, not people.
12. Natural wine is brilliant but does *not* substantially reduce the risks of hangover.