

RESEARCH ARTICLE

# Precarious Migrant Workers Protection in a Country with No Diplomatic Ties: The Taiwan Case

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The high seas are one of the world's most lawless places, with many social crimes going unpunished (Decapita, 2019). Human trafficking in the Taiwanese fisheries industry is one of the most striking examples. In recent years, there have been increasing reports of migrant fishing labor violations on Taiwanese-flagged vessels (Greenpeace Southeast Asia et al., 2019). Workers are coerced or forced to work in deplorable conditions against their will, moved around the oceans, threatened with violence, and, in some cases, prevented from going ashore (Morris, 2018). In addition, garnished and unpaid wages, confiscated identification, verbal abuse, beatings, and rumors of murder at sea have all been reported. The case is symptomatic of a global fishing industry that has been largely left outside of international regulatory standards and operates in an environment that has traditionally been difficult to police (Morris, 2018). The tactics used by Taiwanese-owned fishing vessels to avoid persecution are also common in the reports. Onboard Chinese-flagged, Taiwanese-flagged, and foreign-flagged vessels owned by Taiwanese citizens, NGOs and the media have reported numerous cases of alleged forced labor and trafficking of Indonesian migrant fishers (Shen, 2020).

Indonesian and Philippine fishermen were employed on Taiwanese coastal and distant-water fishing vessels, the bulk of them in precarious jobs that did not provide

enough protection for labor rights or remuneration (Gokkon, 2020). Specifically, the difficulties that migrant workers from Indonesia have on the job on Taiwanese fishing vessels originate from the fact that they were first classified as tourists rather than migrant employees. As a result of this circumstance, their employers may breach their rights as migrant workers. This problem is exacerbated by their lack of technical ability to do their jobs, as well as their lack of fundamental security awareness (Soulina & Yovani, 2020).

Additionally, the long-term implications of the Indonesian fishermen's plight in Taiwan are more complex, including a lack of working conditions that comply with the International Labour Organization's (ILO) Convention No. 188/2007 (ILO Convention on the Work in Fishing, 2007), namely Article 13 and Articles 25 to 39. Housing that is reasonably priced, food that is safe, affordable social protection insurance, accident prevention, and health protection are all examples of decent living conditions. The bad working circumstances of fishermen, such as not having adequate time to recover after lengthy shifts, are explained further. After working 14-18 hours a day, they only get three hours of sleep. This is in direct violation of ILO Convention 188/2007, which states that employers must provide at least 10 hours of rest

per 24-hour period and 77 hours per week (Decapita, 2019).

This situation demonstrates the perilous treatment meted out to migrant laborers operating in a country not fully recognized by the majority of the world's governments. In this case, the loss of protection for migrant workers is mostly owing to the absence of a diplomatic channel connecting the exporting country and Taiwan. As a result, there are no legal or diplomatic remedies to migrant workers' concerns unless the media or non-governmental organizations (NGOs) help raise awareness of their suffering.

Meanwhile, NGOs and journalists have openly acknowledged slavery in the Taiwanese fishing industry. There are no concrete solutions, however, to put an end to business practices that violate the human rights of Taiwanese shipping workers. Migrant fishermen's fates remain uncertain because the crimes they accuse others of committing against them usually take place out on the open sea, far from the scrutiny of regulators who could ensure that they have proper working conditions and safety. Greenpeace Southeast Asia et al. (2019) strongly emphasized the need for ASEAN member states, particularly the Philippine and Indonesian governments, to take concrete policy actions to address the labor and environmental issues raised in this report and ensure that modern slavery at sea becomes a thing of the past as a result of the lessons learned.

According to some researchers, there is no justification for any country to disregard migrant workers' fundamental rights simply because they are undocumented. Because, according to Wickrameskara (2008), migrant workers contribute positively to economic and social growth in both sending and receiving countries, provided that their fundamental rights are respected. As a result, political action is critical to ensuring that their fundamental rights are protected in the workplace (Wickramasekara, 2008). Particularly now that migrant worker protection has been integrated into the global human rights protection framework by emphasizing the humanitarian aspect over a country's black-and-white legal system. Thus, even if a country is not a signatory to the human rights convention, it is still required to respect the human rights of migrant workers who labor in their country, whether they are legally documented or not (Bosniak, 1991; Nafziger & Bartel, 1991).

The purpose of this article is to examine the absence of protection for migrant workers' human rights in nations with no diplomatic ties to the sending country. A case study of Indonesian migrant workers employed in the Taiwan fishing sector is offered in this regard. It will also examine diplomatic options for Indonesia to defend its migrant workers in Taiwan, particularly those who are not permitted.

The article claims that undocumented migrant workers who work in countries with which their home nation has no diplomatic relations face a greater threat to their human rights than those who work in countries with which their home country has diplomatic relations. This is because the exporting country lacks direct ties to the destination country, making it difficult to speak out for its citizens when they are subjected to mistreatment at the hands of the destination country's corporation. In this scenario, the study reveals that Indonesia lobbied ASEAN to coerce Taiwan into adopting human rights concepts into business activities, notwithstanding Taiwan's ratification of the ICCPR and ICESPR treaties.

This article is divided into four sections. To begin, explain the problem in this article's context. Following is a brief description of Taiwan's international legal status as a state. This section will discuss the legal and political implications of Taiwan's statehood status. The next topic will be non-citizen human rights protection, followed by a look at how and to what extent Indonesia can protect its migrant workers in Taiwan. The article will then be completed to address the article's main problems.

## **Taiwan's International Legal Status**

Even though Taiwan is *de facto* a country, most of the international community still considers it to be part of China. Taiwan lacks the qualifications essential to meet the minimum conditions set forth in Article 1 of the 1933 Montevideo Convention, namely the ability to maintain foreign relations (Montevideo Convention on the Rights and Duties of States, 1933). The diminished capacity to establish international ties results in a decline in the international community's recognition (Crawford & McCorquodale, 2007; Hernández-Campos, 2006). Yulin (2012) also emphasized the Montevideo Convention's implications for Taiwan's UN recognition, stating that this prohibition prevents Taiwan from establishing diplomatic relations with

other countries. Taiwan must obtain approval from the UN Security Council, as stipulated in Article 27 of the UN Charter, to become a member of the UN under the pretext of self-determination rights (Chan, 2009; Yang & Chien, 2010). Nonetheless, because China is a permanent member of the Security Council with veto power, meeting these requirements is extremely difficult. As a result, according to Liu Yulin (2015) the only way for Taiwan to gain “recognition” is to follow in the footsteps of Palestine, which has gained sympathy from many countries despite failing to become a UN member due to the United States’ veto. Yet, gaining international public sympathy is a difficult task in and of itself. According to Yulin (2015) there must be a catalyst that draws the world’s attention to the issue. For example, China’s international influence is dwindling, and it is taking “aggressive” actions against Taiwan, affecting its global image.

Meanwhile, Allen’s (2004) compassion argued that it was the strength of the economy that enabled the “Taiwan state” to persist to the present day. As a result, Allen (2004) appealed to the international community to sympathize with the Taiwanese people. It will be difficult for Taiwan (Republic of China, ROC) to maintain its status as a “country” if its economy deteriorates. This economic route, according to Pasha L Hsieh (2019) and Cameron M. Otopalik (2006) can, also bring diplomatic recognition to Taiwan from ASEAN countries, even if it is not statehood or legal recognition. At the very least, economic cooperation between Taiwan and ASEAN countries can be a step toward strengthening Taiwan’s future existence while also paving the way for international recognition. Furthermore, according to Krasniqi (2018), Taiwan’s international expansion will have an impact on its citizens’ citizenship status when engaging in international mobility, such as participating in international sporting events.

In a nutshell, Taiwan must meet all of the legal criteria set forth in the Montevideo Convention of 1933 (Montevideo Convention on the Rights and Duties of States, 1933) in order to be recognized as a state normatively. Furthermore, the issue of Taiwan’s statehood should be resolved using rules established under international customary law, which establishes four requirements for statehood. The following are the reasons for Taiwan’s non-recognition of its statehood, as well as the substance of China’s claims. One argument in favor of Taiwan’s non-recognition is

that the island does not meet all of the requirements for statehood under international law and thus is not a sovereign state. Examining the merits of this argument necessitates a review of international law’s criteria for statehood. A sovereign state is an entity that must have (a) territory, (b) permanent population, (c) government, and (d) sovereignty or capacity to enter into international legal relations, according to the general theory of international law – specifically the theory of the subjects of international law. The Montevideo Convention on the Rights and Duties of States of 1933 is the declaratory treaty of this customary law. These qualifications are also repeated in the United States’ Restatement of Foreign Relations Law (Hernández-Campos, 2006).

Taiwan has been isolated from the bulk of sovereign countries due to its poor status as an independent state. Only a handful of countries, especially in South America, have acknowledged Taiwan’s statehood. As a result, the vast majority of countries, especially those in the Asia-Pacific area, do not recognize Taiwan diplomatically. However, despite their limited ability to protect their residents, the majority of inhabitants of countries who do not recognize Taiwan and allow their citizens to migrate to Taiwan for work are unaware of the situation. The primary reason is that their home nation is experiencing economic difficulties, but Taiwan is seeing rapid growth.

### ***How are Migrant Workers Protected in Taiwan?***

As previously stated, economic, social, and cultural channels are one of the ways in which Taiwan’s existence can continue to be recognized by the international community. Taiwanese citizens can make contact with the international community in this context. Taiwan has done this repeatedly by continuing to develop its economy to attract foreign workers, such as in the fishing industry. In this regard, international law continues to provide Taiwan with a safe haven. The issue is how foreigners can be treated fairly and adequately protected. This section will look at Taiwan’s protection of non-citizens through the lens of international human rights law. Furthermore, a political approach to cooperation via the ASEAN route will be examined in relation to the protection of Indonesian workers in Taiwan, as well as the fact that Indonesia and Taiwan have no diplomatic relations.

## A. Human Rights Law Approach

Initially, the debate over the application of international human rights law was centered on the poles of universalism and particularity, which were sparked by the values that underpin human rights that Eastern countries mistook for Western values of individual liberty. However, this debate does not become a roadblock to efforts to protect humanity anywhere. According to a group of academics, regardless of racial or geographic identities, everyone's human rights must be protected (Nash, 2009). It makes no difference whether he is a native or a foreigner (Helton et al., 2000). This concept is based on the Universal Declaration of Human Rights (UDHR), which guarantees the unrestricted exercise of individual rights (Noorani, 1986; Weissbrodt & Meili, 2010).

The two concepts of human rights, namely human dignity and universality of human rights, according to Binchy (2014), have broken down the barriers of state sovereignty, territorial boundaries, and gaps for non-citizens. These two ideas combine to support the need for protection for every human being, regardless of their circumstances or characteristics. The migrant workers in a country can still receive human rights protection because of the universality of human rights norms (Basok & Carasco, 2010; Basok & Rojas Wiesner, 2018). However, Bhabha (1998) continued to support the concept of citizenship as a justification for denying non-citizens the same rights as citizens in a country or countries that are members of the European Union. This is inextricably linked to the state's ability to exercise sovereignty. Regarding the rigidity of the citizenship law system, Josefsson (2019) and Bosniak (1991) proposed a shift in thinking about non-citizens' rights from normative to moral approaches, which are more in line with the concept of universality of human rights, in dealing with cases of non-citizens' demands for human rights protection, particularly among children seeking asylum.

In a nutshell, Weissbrodt and Meili (2010) summarized the view on human rights protection for citizens and non-citizens by stating that international human rights legislation is built on the premise that all individuals, by virtue of their humanity, enjoy fundamental rights. Thus, international human rights law requires, in principle, equal treatment of citizens and non-citizens. Exceptions to this fundamental principle may only be developed where they are

essential and proportionate to the fulfillment of a legitimate state objective. Domestic law, on the other hand, is primarily concerned with the rights of citizens (Weissbrodt & Meili, 2010).

Although Taiwan's statehood is not recognized by the UN, the country is still obligated to protect human rights on its soil, both for its own citizens and for immigrants, including migrant workers. Taiwan has also ratified two important international human rights treaties. On March 31, 2009, the Republic of China's Legislative Yuan (on Taiwan) ratified two United Nations human rights treaties: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. On the same day, the legislature passed a law making the International Covenants on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights legally binding in Taiwan.

The two fundamental conventions provide technical guidelines for ensuring the protection of the human rights of all individuals, regardless of their nationality. For instance, the International Covenant on Civil and Political Rights (ICCPR) (United Nations (General Assembly), 1966, art. 25(b)) said in its General Comment 15 that practically all of the Covenant's provisions must be guaranteed without regard for citizenship status. These rights include the prohibition of torture and other inhuman or humiliating treatment or punishment, as well as equality before courts and tribunals.

Meanwhile, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (United Nations (General Assembly), 1966, art. 3) requires states to protect the rights of all individuals, regardless of citizenship, to work; to just and favorable working conditions; to an adequate standard of living; to good health; to education; and to other economic, social, and cultural rights.

On the other hand, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (United Nations (General Assembly), 10 December 1984) requires states to prevent torture within their borders and prohibits refoulement (forcible return to a home state) of any person, regardless of citizenship or legal status of presence in the host state, to a country where there are substantial grounds for belief. States are prohibited from discriminating against persons of a certain nationality under Article 1(3)

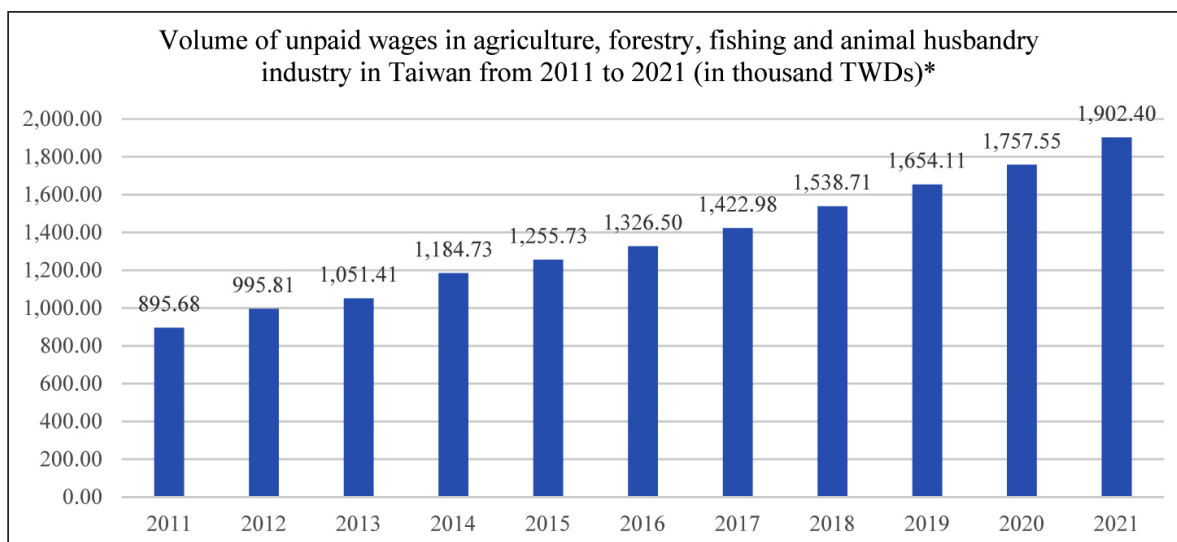
of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (United Nations (General Assembly), 12 December 1965). The Committee on the Elimination of Racial Discrimination (CERD) (Mahalic & Mahalic, 1987) tasked with monitoring the Convention's implementation, has indicated that states may make distinctions between citizens and non-citizens as long as such distinctions do not have the effect of limiting non-citizens' enjoyment of rights enshrined in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the ICESCR.

Taiwan is required to consistently apply the human rights standards set forth in the two major UN covenants, namely the ICCPR and ICESCR, in all business practices conducted within its legal territory to eliminate the practice of violating workers' rights that frequently occur in Taiwanese business activities, as illustrated in Figure 1.

According to the data in Figure 1, human rights violations in business practices in Taiwan occurred in large numbers in many industrial sectors from 2011 to 2021, with the severity of violations increasing year after year. Unpaid wages in Taiwan's agricultural, forestry, fishing, and animal husbandry industries totaled around 1.9 million TWD in 2021, more than double what they were in 2011.

As a result, Taiwanese government agencies at all levels must comply with the human rights guarantees of the two covenants, avoid infringing on human rights, protect people from infringements by others, and actively promote the realization of every human right, according to the new nine-article Law (Article 4). In addition, they must plan, promote, and implement the provisions of the two covenants in accordance with their mandated professional duties. Where the professional duties of different agencies are involved, they must coordinate and consult with one another in handling matters. To protect and advance the realization of the human rights guaranteed by the two covenants, the government must work with governments from all countries, NGOs, and human rights organizations (Article 5). In accordance with the two treaties, the government must also establish a human rights reporting mechanism (Article 6).

Meanwhile, the United Nations General Assembly's Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live which was adopted by General Assembly resolution 40/144 of 13 December 1985, provides unequivocal protection for non-citizens residing abroad (Binchy, 2014). Article 5 states that aliens shall enjoy, subject to applicable domestic law and the relevant international obligations of the state in which they are present, certain rights, including the right to life and personal



Source: (BLI (Taiwan), 2021).

**Figure 1.** Volume of Unpaid Wages in Several Industries in Taiwan 2011-2021

security; no alien shall be subjected to arbitrary arrest or detention; and no alien shall be deprived of his or her liberty except on such grounds and pursuant to such procedure.

Article 6 states that no alien shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment, and that no alien shall be subjected to medical or scientific experimentation without his or her express agreement. Additionally, Article 8 provides that aliens legitimately resident on the territory of a state should enjoy the right to safe and healthy working conditions, to just wages, and equal remuneration for work of equal value without discrimination of any kind, with special emphasis on women being guaranteed working conditions comparable to those enjoyed by men, with equal pay for equal work.

Despite the lack of official documents, the human rights covenant requires that migrant workers on ships with Taiwanese nationality be protected. At the moment, international human rights legal instruments safeguard the fundamental rights of all migrant workers, documented and undocumented. Their rights must be protected in all circumstances, whether in a typical job or in a vulnerable workplace that is not subject to official oversight or public surveillance (Kajtar & Spadina, 2013). In fact, people who fall into state-defined legal status categories have different rights than those who do not. This is true for political, civil, employment, and social rights. Legal status influences access to public services. As a result, people's status and rights have far-reaching consequences. Citizenship status does not always imply citizenship practice, and citizenship does not always resolve inequality—many citizens face discrimination and poverty. Non-citizenship, on the other hand, is associated with social exclusion and vulnerability, as well as limitations in terms of voice, membership, and rights in a political community (Goldring & Landolt, 2013).

In general, all migrant workers who work in other countries without legal documents will face legal difficulties, particularly in countries with no diplomatic relations with the migrant worker's home country (Basok & Rojas Wiesner, 2018). Migrant workers from Indonesia who work in the shipping industry owned by Taiwanese businessmen are in a similar situation. Indonesia did not recognize Taiwan as a separate country until recently and instead considered it to be part of China. Due to the lack of diplomatic relations between Indonesia and Taiwan, the state's ability to

protect its citizens in Taiwan, particularly those who are undocumented, is weakened.

Indonesia's failure to protect migrant workers in Taiwan is strangely viewed as a problem similar to that of migrant laborers in other countries such as Malaysia and Saudi Arabia. Although Indonesia maintains diplomatic connections with these two countries, the issue of migrant labor in that country, while complex, is easier to settle diplomatically. This situation is exacerbated by Indonesia's attitude, which perceives the issue of migrant workers abroad via a domestic lens, resulting in a lack of urgency or sense of crisis (Dewanto et al., 2020). As a result, the plight of migrant workers abroad is deteriorating, notably in Taiwan, where diplomatic relations are non-existent.

## **B. Using ASEAN to Address Migrant Rights Violations**

The mistreatment of Indonesian workers on Taiwanese fishing boats serves as a lesson for Indonesia to strengthen its legal system of migrant worker protection abroad, particularly in countries with which it does not have diplomatic relations, such as Taiwan. This is because Indonesia's ability to carry out rescue operations has been hampered by its inability to communicate directly with the Taiwanese government due to the lack of diplomatic relations.

Indeed, the government has begun to improve the protection system for Indonesian workers working in other countries by amending labor laws. The Indonesian labor law system has undergone a significant transformation in terms of migrant worker protection. The system of governance for migrant workers from Indonesia was centralized during the 1970s under President Suharto, resulting in a weak position for migrant workers because there was no room for aspirations or participation in any policies affecting migrant workers from Indonesia. After the fall of the Suharto regime, the government implemented fundamental reforms to the governance of migrant workers, including opening up spaces for public participation in labor sector management (Dewanto et al., 2020). However, the situation for Indonesian migrant workers in other countries did not immediately improve. Many cases of slavery among Indonesian migrant workers in destination countries such as the Middle East, Malaysia, and Taiwan attest to this.

The failure of the Indonesian government to provide jobs for the fishing industry has influenced the

ability of migrant workers in this sector to seek work elsewhere, such as in Malaysia and Taiwan. However, the government has not taken the high demand for this workforce seriously, resulting in job seekers being supported by agents who are often hampered by government regulation. As a result, slavery has been practiced in the process of job placement, especially in the Taiwanese fishing industry. Regrettably, Indonesia follows the one-China principle, which means that Taiwan is considered to be part of Chinese territory. Despite the political void, Indonesia can still contribute to the protection of its migrant workers through informal ASEAN-Taiwan relations. Although Taiwan and ASEAN do not have diplomatic ties, they have reaped substantial economic benefits, especially through bilateral investment and trade cooperation (Hoang et al., 2020).

On September 22, 2016, Taiwanese President Tsai attended the National Chengchi University's "2016 Annual Conference on Southeast Asian Studies in Taiwan" (ACSEAST 2016). Tsai explained the government's "New Southbound Policy" at the conference, saying that Taiwan will seek mutually beneficial ties with Southeast Asian countries (Hashmi, 2021). Tsai emphasized that Taiwan should actively respond to Southeast Asia's transformation by fostering mutual confidence with Southeast Asian countries. Taiwan's foreign policy has new directions in an age of regionalization, thanks to the "New Southbound Policy." This determination was reiterated at the 2020 Yushan Forum. Tsai emphasized the importance of the New Southbound Policy and reaffirmed the spirit of "Taiwan helps Asia, and Asia helps Taiwan," a slogan Tsai has promoted on numerous occasions. She also listed Southeast Asia and India as particular policy focus areas (Hashmi, 2021). Huynh (2018) suggested that Taiwan broaden its position in ASEAN countries by focusing on diplomatic and security issues, including:

1. Fostering people-to-people relations with Southeast Asian counterparts and exchanging economic development experiences. Actors play a major role in international relations. Historically, the state has been regarded as the principal player in foreign affairs. However, over the last two decades, the importance of non-state actors, including individuals, in international affairs has increased (Paramitaningrum, 2013);

2. Effectively coordinating with ASEAN in pursuit of solutions to resolve conflicts and facilitate East Asian integration; and
3. Promoting economic development.

According to the promotional plan posted on the executive Yuan's website, the "essence of the Current Southbound Strategy" is to "forge a new and mutually beneficial model of cooperation" and "develop a sense of economic community." It defines four goals to accomplish this (Marston & Bush, 2018, par. 6):

1. Economic cooperation should be promoted
2. Conduct a talent exchange
3. Capital allocation
4. Establish regional ties.

To facilitate talent exchange, educational links, the "two-way movement of professionals," and to assist immigrants in seeking work and overcoming language barriers in Taiwan, all of these are part of the program (Marston & Bush, 2018). Along with the undocumented problem that is causing ASEAN workers to become victims in the Taiwan fishing industry, it has been established that there is a language barrier. It leads to ASEAN members, especially those sending migrant workers to Taiwan, must seriously discuss this talent exchange.

Taiwan's attempts to work with ASEAN members have produced positive results in practice. At the very least, this is reflected in the positive outlooks of a number of ASEAN member countries. Taiwan's new ASEAN policy has garnered support from a broad cross-section of regional countries. Taiwan enjoys a favorable reputation, especially in light of its expanding economic and political landscape. Apart from these two areas, the primary factor contributing to China's declining image in regional countries is the assertiveness of its actions in the South China Sea, which primarily violates the sovereignty of ASEAN member states (Chiang, 2021). This truth, however, demonstrates that Taiwan requires extensive cooperation with ASEAN members to improve its role in the eyes of the international community and, of course, in front of China.

Accordingly, migrant issues may be proposed as a joint strategic partnership. Furthermore, Indonesia could put pressure on Taiwan to integrate human rights principles into its business practices.

This initiative would be made easier by Taiwan's demonstrated commitment to the promotion and defense of human rights. On June 29, 2020 in Taipei City, the Executive Yuan released Taiwan's third national report on the implementation of the United Nations International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, emphasizing the government's commitment to democracy and human rights. Premier Su Tseng-chang said during the document's launch that it details government policies that adhere to the covenants while stressing cooperation between the public and private sectors in Taiwan to strengthen practices. Additionally, ASEAN member countries that are also signatories to the two United Nations Human Rights Covenants have the authority to monitor Taiwan's compliance with human rights obligations, especially in relation to the protection of migrant workers employed in its jurisdiction, including in Taiwanese fish shipping (Taiwan Today, 2020).

Consequently, Taiwan, as a covenant signatory, is expected to protect and uphold human rights on its territory. This fact will provide ASEAN with a strong negotiating role with Taiwan, which needs the help of many ASEAN friends in order to preserve its statehood status in the international community. Similarly, ASEAN members who do not have diplomatic relations can use this momentum to advance their interests, especially in protecting their migrant workers in Taiwan. The Association's mitigation strategy for migrant workers from ASEAN countries in Taiwan is more strategic in nature, with the aim of halting China's animosity toward ASEAN countries individually. This is because ASEAN is an organization governed by international law that is self-governing in terms of all rights and authorities, including the freedom to cooperate with any international entity.

Due to ASEAN and Taiwan's mutual interest, Indonesia stands to benefit significantly from utilizing ASEAN to exert pressure on Taiwan to respect and defend ASEAN migrant worker rights in general in two important areas. To begin, Indonesia makes efforts to safeguard its citizens' human rights when it is unable to do so when they are violated by an enterprise of a nation with which it does not have a direct diplomatic relationship. Additionally, ASEAN's regional human rights institutions will be more effective and beneficial

than the national system in promoting and safeguarding human rights. For the simple reason that regional human rights accords reflect regional human rights objectives (Doyle, 2014).

ASEAN should seize this good chance to demonstrate its presence to the people of the region, so that they can feel ASEAN's presence when they need it. This hope should be conveyed by member countries that are confronted with the same challenge in Taiwan in terms of migrant worker protection. Although some commentators are pessimistic about ASEAN's commitment, the ASEAN countries' own dedication to human rights is pitiful (Doyle, 2014). Similarly, ASEAN's commitment to migrant workers' protection is deficient. Malaysia and Singapore's opposition to Indonesia's proposed proposal to defend migrant workers inside ASEAN human rights legislation demonstrates this, despite the fact that Indonesia is the greatest source of migrant labor, notably to both states (Simon, 2008).

Second, member countries facing diplomatic obstacles in protecting their migrant workers in Taiwan can express their concerns through ASEAN as an institution and as a reminder of ASEAN's commitment to regional human rights protection, which they reaffirmed in 2007 with the "Declaration on Migrant Workers" (Kneebone, 2012). Additionally, Indonesia would face less political opposition from China if it engaged directly with Taiwanese government agencies rather than through ASEAN to safeguard the fundamental rights of its nationals who work in Taiwanese firms. Indonesia's relations with China have historically been tense due to ideological conflicts near the end of the Sukarno government in 1965 and the commencement of the Suharto administration. Since the 1990s, President Soeharto has worked to normalize Indonesia's relations with China. The relationship between Jakarta and Beijing was strengthened after President Susilo Bambang Yudhoyono signed a 'Strategic Partnership' in 2005, which was then upgraded to a Comprehensive Strategic Partnership in 2013. Additionally, under President Joko Widodo's leadership, Indonesia's trade ties with China have strengthened significantly (Anwar, 2019). As a result, Indonesia must adhere to the "One China" policy by refusing de jure or de facto recognition of Taiwan's sovereignty.



## Conclusion

This article shows that Indonesian employees in Taiwan's fishing industry face two dangers concurrently: slavery and job exploitation. Another drawback is the absence of diplomatic ties between Indonesia and Taiwan, as Indonesia considers Taiwan as a Chinese province rather than an independent country. Additionally, efforts to protect Indonesian workers in Taiwan are largely ineffective, especially for undocumented migrant workers. Following the tragic exploitation of migrant workers in Taiwan's fishing industry, Indonesia should take two measures to prevent potential occurrences. To begin, select and supervise the dispatch of employees to Taiwan, ensuring that the legal and capability requirements of the target company are met. Second, ASEAN's unilateral efforts to cooperate with the Taiwanese government to tackle slavery committed against ASEAN workers by private companies, especially in the shipping industry because other ASEAN nationalities, such as Filipinos and Cambodians, were also enslaved. Additionally, ASEAN can force Taiwan to integrate human rights issues into its business practices as a result of Taiwan's ratification of two significant human rights treaties. However, because this work is based on secondary data, empirical research is required to obtain a more in-depth analysis by gathering data and information from victims of Taiwan fishing vessels.

## Declaration of Ownership

This report is my original work.

## Conflict of Interest

None.

## Ethical Clearance

The study was approved by the institution.

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