

## Asean Synergy Makes a Mine-Free World in Indonesia

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**ABSTRACT:** The Convention for the Comprehensive Prohibition of Anti-Personnel Mines, was created with the aim of realizing a "Mine Free World". Indonesia ratified the 1997 Ottawa Convention into Law "Undang-Undang" Number 20 of 2006. As a State Party, Indonesia is bound to comply with all provisions of the convention. Most important is the commitment to protect every citizen of his country from falling victim to anti-personnel mines. During the armed conflict in Aceh, mines were used by both parties, namely the Indonesian Security Forces and the Free Aceh Movement. The indication is the number of victims who were dominated by civilians after the conflict ended. For this reason, the parties are deemed not to comply with and carry out their responsibilities as intended by the conventions and principles of international humanitarian law. The two sides seemed not doing their best to resolve the problems caused by the presence of anti-personnel mines. Therefore, the experience of ASEAN countries that have succeeded in burying their past due to involvement in armed conflict, is very much needed in mediating the problems experienced in Aceh, Indonesia. Experiences like Vietnam and Cambodia are indispensable in initiating an anti-personnel mine clearance agenda whose findings are still ongoing. Then the Philippines as a party to this convention, which has the characteristics of a non-international armed conflict like Indonesia, also needs its contribution in this regard. ASEAN involvement is intended to work together to encourage the two parties to continue the peace agenda in Aceh according to the Helsinki MoU on August 15, 2005 and Law "Undang-Undang" Number 11 of 2006 on Aceh Governance.

**KEYWORDS:** ASEAN, Aceh Armed Conflict, State Responsibility Principle, Anti-Personel Mines.

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The convention for the comprehensive prohibition of anti-personnel mines, was formed with the aim of ensuring the achievement of the objectives of the convention, namely to create a "mine-free world" at the national level, and to act as a liaison between countries that are parties to the convention and the Secretary General of the United Nations, or with other countries. Not less than 133 countries have signed this convention, and there are 164 countries that have ratified it and have the status of parties.

The convention relationship is also related to the conflict that occurred in Aceh, Indonesia. During the period of 30 years, the non-international armed conflict that occurred was the longest ongoing conflict in this country. The resolution of the Aceh problem reached common ground during the reign of Susilo Bambang Yudhoyono and Jusuf Kalla as President and Vice President, who decided to conduct peace talks with the Free Aceh Movement (GAM) facilitated by the Crisis Management Initiative (CMI) in Helsinki, Finland, through the signing of a Memorandum Of Understanding (MoU) on August 15, 2005.

It should be noted that there have been countless victims of human life and property as a result of this armed conflict. Other facts have even been found, namely, a new problem that has emerged that is no less important and dangerous, namely the fall of civilian casualties as a result of being hit by landmines (Antipersonnel Landmines / APL) or booby traps / improvised explosive devices (IED) planted by the warring parties. during the conflict. These plantings are generally not mapped and simply abandoned.

According to the findings of the International Campaign to Ban Landmines (ICBL), civilian casualties such as in Aceh, and a number of areas of the country where armed conflict have occurred, are generally caused by improvised Explosive Devices (IED) assembled mines and not factory-made mines.(International Campaign to Ban Landmine (ICBL), n.d.)

Thus, mines are redefined more generally in the Ottawa Convention, because they are based on the relatively same mechanism of action and purpose of the objects being created, namely to inflict casualties by hiding them in the ground. So that the difference in understanding due to the separation between conventional weapons and mines in the previous conventions is accommodated and positioned equally in this last convention.

In the next section, this paper will review the fulfillment of the principle of state responsibility in the practice of national law in Indonesia in the context of the comprehensive prohibition of anti-personnel mines. Then explain the problems experienced by Indonesia in an effort to implement these principles in the armed conflict in Aceh, and no less important is the contribution of ASEAN countries to work together to achieve the sustainability of peace in Aceh.

### BACKGROUND

Weapons of any kind are enemies of mankind considering their position as tools for war. It is for this reason that there is an urge to prohibit the use of all types of weaponry such as the use of anti-personnel mines which from the very beginning of the arrangement was mentioned in the 1980 Convention on Conventional Weapons (CCW Convention) and its Additional Protocol II. This Convention was declared in Geneva and entered into force (entry into force) on March 1, 1999. (Rica & Salvador, 2000)

“Anti-personnel mines are a type of conventional weapon that is not expected to exist in a conflict or war. It was not like a bomb or any other type of artillery that exploded upon hitting its target. The mine will stay where it was placed without detonating for years after the war is over. Mines keep waiting until one day someone, a vehicle, an animal, steps on the exploding poppers. Unfortunately the planting of anti-personnel mines in all countries where there have been conflicts or disputes are not mapped, they are just left like that.” (Team of Working Group Secretariat of the Research and Development Agency of the Indonesian Defense Department, 2007)

Mines continue to be planted without any certainty about when they will end and the previous convention (CCW Convention 1980) has not yet accommodated the prohibition of their stockpiling, production, removal and removal. So that the convention has no impact because it does not prohibit the production of smart anti-personnel mines by developed countries, as well as the use of homemade explosives which are commonly used in non-international armed conflicts in developing countries.

Following the adoption of the Ottawa Declaration on 5 October 1996 and the Brussels Declaration on 27 June 1997. The international community is expected to negotiate international legal norms covering the prohibition, use, stockpiling, production and movement of anti-personnel mines. The reason is, the position of the Comprehensive Prohibition of Anti-Personnel Mines Convention which is separate from Additional Protocol II to the 1980 CCW Convention, is because of its existence intended to become a separate convention. Indonesia as a State Party, and has ratified the convention commonly referred to as the 1997 Ottawa Convention into Law “Undang-Undang” Number 20 of 2006, State Gazette Number 121 of 2006.

(Fachir, 2007)

Indonesia has become bound to fulfill all the obligations stated in the convention. A number of forms of state responsibility must be carried out, including creating integration programs and socio-economic rehabilitation, psychological trauma recovery, and construction of health facilities for mine victims. Such strategies and stages are very meaningful to pay attention to, especially in Aceh which has been in more than 15 years since the Government of the Republic of Indonesia (PEMRI) and the Free Aceh Movement (GAM) signed a Memorandum of Understanding (MoU) in Helsinki, Finland, on the 15th. August 2005. In a published report, there were 5 victims of homemade bomb explosions, followed by the discovery of dozens of these explosives, which each time continued to increase. (Daily Serambi Indonesia, n.d.) It is estimated that almost every week there is 1 person who is injured to suffer permanent damage from mines on this earth. The victims are also dominated by civilians such as children, women and the elderly. Not combatants or military who are active in the field.

"An antipersonnel mine means a mine designed to be detonated through contact with a nearby person who will incapacitate, injure or kill one or more people. A mine is also designed to be triggered by contact with a nearby vehicle being driven by a person. This device is equipped with a blast popping device. It would not be called an anti-personnel mine if it were not." (Ottawaconventioncontext, 2012)

Incidents that result in civilian casualties such as in Aceh, are generally caused by improvised Explosive Devices (IED) types of mines rather than factory-made mines. (International Campaign to Ban Landmine (ICBL), n.d.) As stated in Article 2 point (1) of the 1997 Ottawa Convention, there has never been a finding of any type of explosive other than an anti-personnel mine. Despite the fact, the complete prohibition of antipersonnel mines has become the norm in Customary International Law, particularly International Humanitarian Law (IHL) and a number of conventions and their additional protocols.

### STATE RESPONSIBILITY AND VICTIM PROTECTION IN TIMES OF ARMED CONFLICT

The main reason behind the emergence of state responsibility in law is the factor that no country can enjoy its rights, without respecting the rights that exist and develop by other countries. Norms regarding state responsibility are norms regarding state obligations that arise when the state has or does not take an action. In other words, the state is responsible if it has violated the agreed terms. (Higgins, 1994)

The law regarding the responsibility of the state is still evolving and there is a great chance that it will develop at a stage where states and individuals who must fulfill their responsibility for violations of international law that have been committed as a form of international crime, where the principle of responsibility referred to here is different. than usual, so that various violations and the obligations they result in have an impact on the compensation mechanism or the payment of compensation. (Starke, 2003)

The types of violations or mistakes that give rise to state responsibility are of many kinds. A state is categorized as responsible, if it commits a breach of obligations, such as a) an act, and b) negligence. This situation really depends on the actions of the state which do not carry out the obligations it has made and this is regulated in the international standard of conduct (code of conduct) as below: (International Law Commission, 1975)

a. Abuse of obligation or not implementation by some rules of action that is considered a country raises responsibilities;

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b. The authority or competence of the state agency made a mistake.

Violation or negligence in point (a) is a type of action that meets a number of international legal norms. In point (b) it is generally not possible for a country to defend itself from a claim by means of a statement that a certain state body is reasonably suspected of committing wrongdoing and has exceeded the scope of its powers under national law. Therefore, responsibility in a legal sense is a responsibility that has an impact on rights and obligations. (Sandholtz & Whytock, 2017) So a country cannot avoid an international obligation that positions the extent to which the state is involved or can be involved in anti-personnel mine banning activities as a whole. Due to this mining problem, significant efforts must be made to impose strict obligations in the interests of consultation, notification, registration and provision of information as well as making national regulations specifically regulating this matter. (Price, 1998)

As for the connection with the issue of careless use of weapons to cause injury or death to civilians, according to the principles of IHL in the framework of protecting the civilian population during armed conflict, it has long been regulated and practiced. As well as the protection of the civilian population in armed conflicts that occur within the territory of a country, is regulated in Article 3 of the 1949 Geneva Convention and Additional Protocol II of 1977. This provision is commonly referred to as the Convention in Miniature. Article 3 (1) sets some restrictions, that is: (Kusumaatmadja, 1986) a. Violence on the soul and sense;

b. hostage;

c. Rape of personal honor;

d. Punish and execute, without any prior decision rendered by a court set up on a regular basis.

Furthermore, in Paragraph 2 it is stated that the injured and sick must be collected and treated. The existence of an independent humanitarian body, such as the International Committee of the Red Cross (ICRC) can contribute to offering its services to the disputing parties.

The Protocol II 1977 set include: (International Committee of the Red Cross, 2011) a. Protection of military operations;

b. Prohibition make the civilians as targets of armed conflict;

c. Prohibition makes starvation of civilians as a means of dispute;

d. Prohibition to attack buildings and institutions containing dangerous forces;

e. Protection of civilian victims of armed conflict helper.

Protection of mine victims is a legal norm that is broad in scope, technical and detailed and contains a statement and verification system carried out by an international regime under the supervision of the Secretary General of the United Nations (UN Secretary General). Even from previous similar experiences, even during non-international armed conflicts, civilians should receive protection, just like combatants who are not actively fighting or have stopped fighting (hors de combat) on the battlefield. The problem of using antipersonnel mines has made many parties and individuals around the world, especially the government, aware of an unusual phenomenon.

For the civilian population, the principles of accessible protection differ based on their form and content. If based on the form, the HHI regulation has been contained in Customary International Law and International Treaties Law. Meanwhile, according to its contents, the regulatory framework for providing individual protection in an armed conflict is regulated according to the principle of differentiating between civilians and combatants. (Agus, 1997a)

Therefore, the international community is required to draft a convention on the complete prohibition of antipersonnel mines, the aim of which is to end the suffering and victims of the use of antipersonnel mines, the priority scale is civil society who are innocent and not involved in conflict. Be aware of the fact that the use of mines has hindered economic development, reconstruction and adverse effects for many years, even long after an armed conflict has been able to end. (Agus, 1997b) Despite the presence of mines here, they influence people's routines and hinder the use of large tracts of land for agriculture and livestock.

### ANTI-PERSONNEL MINE LAWS IN PRACTICE NATIONALLY

Indonesia is a country that is consistent in its efforts to create world peace. This consistency can be seen in his active role in a number of international collaborations. Indonesia is also a party to a number of international treaties and internalizes a number of standards or norms stipulated in these agreements.

The record of this achievement is of strategic value, considering that the Government of the Republic of Indonesia seems to have seriously continued to increase its role and participation in various international forums including the comprehensive ban on anti-personnel mines. The main commitment is in the national interest. In a global security setting, the Indonesian Government continues to strive and promote the elimination of anti-personnel mines by actively initiating a number of collaborations to achieve the goal of "zero victim", and taking an effective prohibition approach to anti-personnel mines, including the provision of technical and medical assistance. Another priority agenda that is always carried out is related to continuous support for the registration of conventional weapons owned.

"The goal that the Government of the Republic of Indonesia wants to achieve with the ratification of the 1997 Ottawa Convention on December 29, 2006 into Law "Undang-Undang" Number 20 of 2006, is a form of responsibility for Indonesia's moral

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commitment to a comprehensive ban on the use of anti-personnel mines. As a state party, Indonesia has the obligation to submit the first report based on Article 7 of the 1997 Ottawa Convention within 180 days after the convention entered into force for Indonesia.”(Explanation of the Ratification of the Convention on Prohibition of the Use, Stockpiling Productions and Transfer Anti-Personnel Mine and Their Destructions, 2006)

Indonesia submitted its first report (initial report) on the implementation of the 1997 Ottawa Convention in January 2008. (Ottawa Convention, 1997) and to note, Indonesia has fulfilled its obligations by destroying (disposal) deposits of anti-personnel mines in 3 stages totaling 11,603.(Ruddyard, 2010) Meanwhile, the remaining reserves of anti-personnel mines and kept by the Indonesian National Army (TNI) are 2,454 mines.(Ruddyard, 2010) This amount is still allowed as a form of ownership as intended by the 1997 Ottawa Convention.Indonesia plans to use these mine deposits as training material regarding the ability of TNI troops to identify, detect and destroy anti-personnel mines, particularly exercises required for Indonesian troops who will participate in maintenance UN Peacekeeping operations.

Next, efforts to implement the obligations of the 1997 Ottawa Convention will continue to be intensely carried out, such as being active in following up on various bilateral and multilateral collaborations, as shown below:(Ruddyard, 2010)

1. Consistently support the conceptions, programs and desires conveyed by developing countries in general, where Indonesia was once the Chair of the Non-Aligned Movement (NAM);
2. Intensively build coordination and communication with other countries in the field of handling disarmament, both institutional, management and involvement of the Ministry of Defense and the Ministry of Industry and International Trade;
3. Technical assistance with other countries in the field of destruction of explosives or bombs (disposal) and anti-personnel mines (demining), cooperation can take the form of training in the protection and early anticipation of the use of these types of weapons, as is common in areas of armed conflict;
4. The distribution of staff or diplomatic officers as inspectors in workers' bodies which was formed as a result of the convention, with the hope of political support from countries in the region, by placing inspectors and staff candidates in these institutions.

The existence of a National Authority Agency that oversees conventions or treaties that have been ratified in the field of disarmament is a determining factor considering that the agency will manage the implementation of each convention or treaty, including in terms of dissemination, declaration, verification, inspection and legalization.

With regard to the comprehensive prohibition of anti-personnel mines, Indonesia is not in a position to have a National Authority Agency, as the provisions of conventions and treaties are contact points between national level administrators and international level administrators and fellow state parties. In accordance with this purpose, the post-conflict situation and conditions in Aceh can be used as benchmarks in the maximum effort of the Indonesian Government to realize the various obligations contained in the 1997 Ottawa Convention.The wider public knows that until now there are still Acehese civilian victims who have been killed or injured. , was hit by a conflict anti-personnel mine blast planted in its area.

### EFFORTS TO APPLY ANTI-PERSONNEL MINE LAWS IN ARMED CONFLICT IN ACEH

Based on International Humanitarian Law, conflicts that occur in Indonesia, especially Aceh, can be categorized as violations of IHL as required in various conventions.(*Geneva Convention*, 1949) Both PEMRI and GAM are responsible for providing protection for the civilian population and civilian objects from the use of anti-personnel mines. Such is the arrangement in various legal norms and customs of IHL on anti-personnel mines, especially the 1997 Ottawa Convention.

Victims of anti-personnel mines in Aceh, must be the main concern and priority of the Government of the Republic of Indonesia and the Free Aceh Movement, equal in position to civilian victims during the conflict. There should not be between the two parties getting out of responsibility. Each party must work together to tackle the problem of anti-personnel mines that have claimed victims on the civilian side. Collaborative initiatives can take various forms, including: providing information on the position of mines and clearing their area, destroying mine storage, providing assistance to mine victims and various other forms of cooperation.

A very good achievement, if both parties can work together as shown during the implementation of the Helsinki MoU under the supervision of the Aceh Monitoring Mission (AMM). The result was considered successful and pleasing to many parties. When that happens, according to the article 4.3 of the Helsinki MoU, which states that: “... GAM must decommission all weapons, ammunition and explosives owned by members in GAM activities with the assistance of AMM. GAM agreed to hand over 840 weapons”.(*Memorandum of Understanding between PEMRI and GAM (Memorandum of Understanding Between The Government of the Republic of Indonesia and The Free Aceh Movement)*, 2005)

Each party is committed to ending the victim's suffering as a result of the use of antipersonnel mines. Both are required not to use, manufacture, produce, acquire, stockpile, maintain or transfer anti-personnel mines to anyone, directly or indirectly. More specifically, the state is required not to help, encourage anyone to participate in activities that are contrary to this convention. The state parties are also required to destroy or ensure the destruction of all types of anti-personnel mines. So towards the end of 2012, Indonesia has carried out its obligations as a state party by destroying its mine stockpiles.

The extermination agenda carried out by the Indonesian National Army has been successfully implemented and 16,581 anti-personnel mine stocks have been recorded as sourced from disposed weapons storage.(Ruddyard, 2012) This step was carried out,

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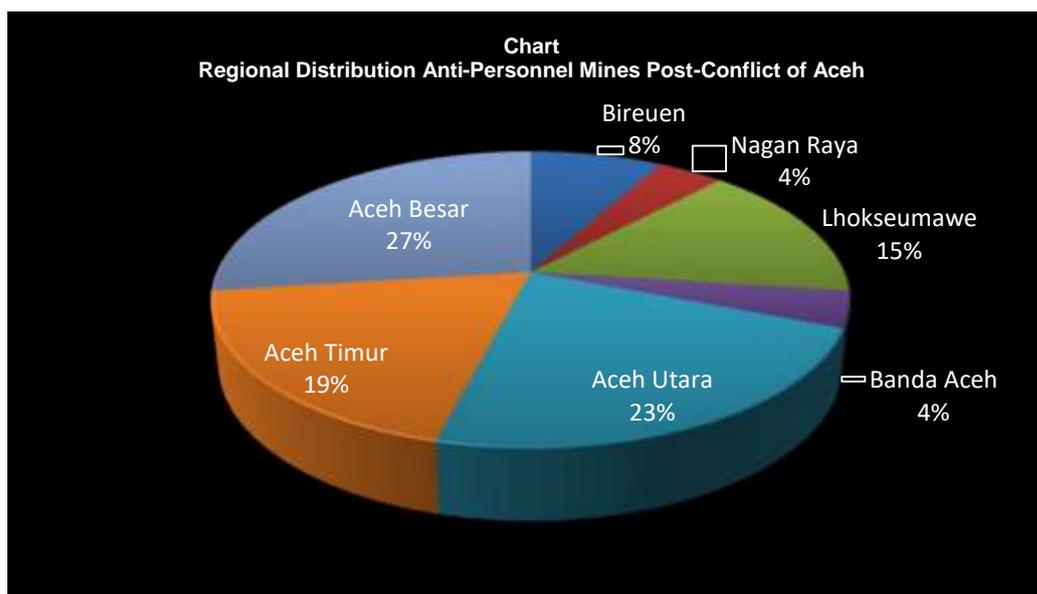
because of the maturity of the states parties to clear the entire mine stockpile no later than 10 years for mines located in the mine-spreading areas and no later than 4 years after the country became a party.

In addition, the Government of the Republic of Indonesia can cooperate with regional organizations such as the Association of South East Asian Nations (ASEAN) or can request the ICRC's willingness to carry out surveillance (supervision) of the presence of mines in Indonesia, especially in Aceh, including acting as a facilitator for the rehabilitation process of mine victims by means of building various health and psychological recovery facilities for traumatic victims affected by the mine with or without recommendations from the Secretary General of the United Nations.(International Committee of the Red Cross (ICRC), 2001)

A number of anti-personnel mine discovery incidents in Aceh have occurred from 2007 to the present. A search of various mainstream and popular media documentation in Aceh shows that the mines are still being found. It was recorded that the objects of death were indiscriminately found during routine activities in their gardens, fields or rice fields.

Aceh as a former area of armed conflict is very sensitive and vulnerable to various events that usually arise from the effects of the post-conflict transitional period. The incidents of anti-personnel mine explosions in a number of areas in Aceh that have caused casualties, confirm that Aceh is currently not completely safe. The meaning of safe here is a description of an era or a situation that is very comfortable for civil society to carry out their daily routines. The mine explosion incident which caused civilian casualties, would certainly be an impetus for the Indonesian Government to immediately make populist policies, with the hope of being able to provide a sense of security for its citizens who have limited abilities. Such as initiating a number of nondiscriminatory laws and regulations, so that access for victims of society is available and fulfilled to public facilities. Especially the victims who have special needs (victims of physical disabilities during the conflict), or people with good physical abilities, but who experience discrimination for various reasons that are very detrimental to the existence of these residents, to get the opportunity to continue living normally. The fact is that the victims of the explosion of antipersonnel mines from the conflict in Aceh experienced such things. Victims did not have adequate access to fight for their rights, because they were not included in the category of victims during the conflict.

The steps taken by the Government of the Republic of Indonesia to ratify the 1997 Ottawa Convention are actions that should be appreciated by all the people of the Republic of Indonesia. This policy is considered as the seriousness of the Indonesian Government, in fully supporting the agreement that the use of antipersonnel mines has hampered economic development and reconstruction efforts and caused bad consequences for years, even long after an armed conflict ended.(Smith, 2009) GoI needs to initiate demining efforts, of course by exchanging information about the presence of anti-personnel mines that have been used and planted by GAM and TNI, as well as rehabilitation of mine infested countries by setting some general objectives for activities.

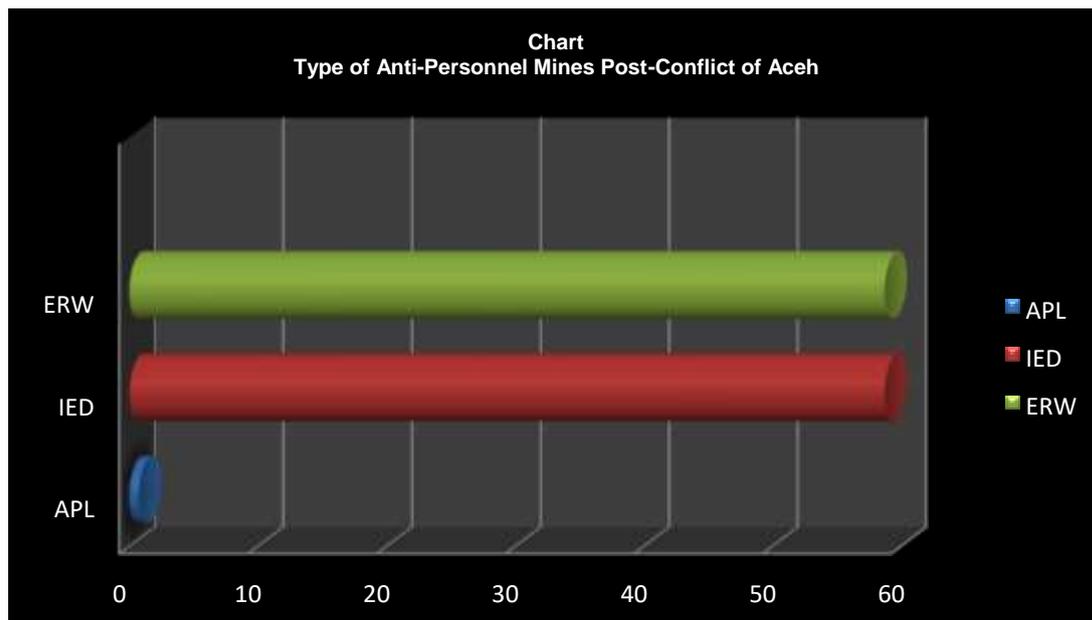


Another option for the Government of the Republic of Indonesia is to establish a national legal umbrella in order to provide protection for victims of mines. Law Number 20 of 2006 is a juridical basis, and can be used as a legal-formal foundation for the Indonesian government and GAM to encourage both of them to provide protection for civilians victims of anti-personnel mines in Aceh. This fact is acknowledged that there is no bright spot yet, because civilian casualties continue to fall, hit by the deadly mine explosion. This sad record was recorded during the  $\pm$  15 years of the Helsinki MoU peace negotiations.(Daily Serambi Indonesia, 2007)

“A report from the Aceh Regional Police (POLDA) stated that during 2016 alone, his party managed to collect 215 IED or Explosive Remnants of War (ERW) anti-personnel mines. These mines are remnants of armed conflict, as well as legacy during the colonial war in Aceh. Overall, the mines were collected from a number of areas including Bireuen District, Lhokseumawe City, North Aceh

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District and Langsa City. Based on the latest information obtained, the mines have been destroyed by detonation (disposal), located at the Jeulikat Brimob Commando headquarters, Lhokseumawe City.”(Indonesia, 2016)



In its development in the Aceh peacetime, the Aceh Desk Communication and Coordination Forum (FKK) was formed which was predicted to be a joint forum for the Indonesian Government and GAM in order to carry out monitoring, development, and take advantage of the results achieved by both parties and to continue and improve the implementation of tasks. and the role of AMM in accordance with the contents of the Helsinki MoU. This institution is responsible to the Coordinating Ministry for Political, Legal and Security Affairs (Kemenkopolhukam RI). FKK focuses more on monitoring the circulation of illegal firearms which are allegedly still circulating in Aceh. Next is the establishment of a reintegration fund management body for combatants and conflict victims, known as the Aceh Peace Reintegration Agency (BRA). From a number of sources of records that have been obtained, this agency does not accommodate the existence of civilian casualties due to anti-personnel mine explosions as beneficiaries of the category of recipients of socioeconomic assistance. Although the events experienced by mine victims, are the excesses of the end of the armed conflict in Aceh.

At a higher level, namely nationally, the Government of the Republic of Indonesia, through the Ministry of Defense (Kemenhan RI), also coordinates and collaborates with other relevant ministries and agencies to discuss issues related to the implementation of anti-personnel mine conventions such as: implementation of mine awareness programs anti-personnel within the security apparatus including Gegana and the Mobile Brigade (Brimob) of the Indonesian National Police (POLRI), TNI or other names who are on duty directly in the field.

Referring to the contents of Article 3 of the 4th Geneva Convention of 1949, in non-international armed conflicts the rebel parties are also bound by the obligation to comply with the rules of IHL. So that as one of the fighting parties, GAM is responsible for victims of anti-personnel mines in Aceh. "The Aceh Transitional Committee (KPA) as a forum for the organization of ex-GAM combatants after the Helsinki MoU, is not responsible and authorized to provide various rehabilitation, reintegration and mentalpsychological-traumatic recovery assistance for victims during the conflict including victims affected by mines. post armed conflict ends as intended in the Ottawa Convention. Because of the joint commitment of the two parties, namely the Indonesian Government and GAM according to the Helsinki MoU, it should be carried out by a special agency that deals with various problems faced by communities experiencing suffering and loss due to conflict, this agency was formed and has full responsibility to the Indonesian Government.”(Sulaiman, 2007)

During the armed conflict, the Indonesian National Army and the Free Aceh Movement participated in using and planting mines as a series of strategies to defeat the enemy. However, in connection with the mine problem, as has happened so far in Aceh, it cannot be seen as a serious case as happened in a number of countries such as Vietnam, Sri Lanka, Cambodia, Northern Ireland, and so on. In this regard, a number of emergency response efforts have been undertaken by the KPA, such as fully bearing the costs of funerals and tahlilan, as well as assisting the TNI / POLRI on many occasions to track and sterilize the presence of other explosive devices in a number of areas in Aceh. KPA always coordinates with the TNI / POLRI regarding the presence of mines that were used during the conflict to be destroyed.

In addition, both parties admit that the efforts to protect and handle the suffering given to civilian victims of anti-personnel mines in Aceh have not been maximized and there are still a number of technical and formal obstacles in their implementation. These

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obstacles can be categorized into two forms, including: a) Ineffective implementation of related regulations and b) Low commitment of both parties to the victims. (Latham, 2009) Thus, the leadership elements representing each party can communicate with each other and find wise solutions in order to mediate the obstacles as described.

### ASEAN SYNERGY FOR SUSTAINABLE PEACE IN ACEH

The active role of ASEAN in its involvement in realizing efforts to reconcile warring parties during the armed conflict in Aceh, has been seen since the pioneering of the first peace effort initiated by the Hendry Dunant Center (HDC) in the early era of rolling reform in Indonesia (2000s). Even though in reality the peace pilot process initiated by HDC did not have a significant impact on the realization of peace at that time. The main obstacle factors that were symptomatic at that time were (1) each of the warring parties (TNI and GAM) were equally unable to hold back, seeking a permanent ceasefire, and (2) the limited authority possessed by HDC as a mediator.

Based on this experience, in 2005 after the biggest disaster in the 21st century, the earthquake and tsunami which reached 9 SR on December 26, 2004, devastated the coast and mainland of Aceh. Since then, the Crisis Management Initiative (CMI), based in Finland and led directly by the country's charismatic former President, Marti Ahtisari, has moved and took the initiative to offer its good services in order to reconcile the Indonesian Government and GAM to sit at one table to open dialogues. constructive for both parties as a form of win-win solution. This effort was considered successful, which led to the signing of the Helsinki Memorandum of Understanding (MoU) on August 15, 2005. All Acehnese people rejoice and are grateful for this monumental historical achievement.

In its development, as a follow-up to the signed Memorandum of Understanding, a monitoring agency was formed with broad authority and is equipped with neat qualifications and institutional structure.

"Marti Ahtisari included the Aceh Monitoring Mission (AMM) in a peace agreement that must be realized and made the European Union a monitoring institution that also includes ASEAN. Because of that, in the Memorandum of Understanding for Peace, the European-ASEAN cooperation was established as the party that will monitor the peace agreement in Aceh." (Gemala, 2014)

The community of the European Union has historically had a real contribution in the efforts to mediate and facilitate the resolution of armed conflicts around the world. As he did with the settlement of the internal armed conflict in Aceh. Through its collaboration with ASEAN, it has proven to be effective in encouraging warring parties to make peace. Even though the involvement of ASEAN is seen as a regional institution among countries in Southeast Asia, of which Indonesia is both a founder and member. (Sutrisno, 2019)

Through the concept of ASEAN Community Security cooperation with a number of countries, including the European Union. So an Aceh Monitoring Mission (AMM) was formed after the signing of the Helsinki MoU. The memorandum of understanding in Article 5 paragraph 1 states that: "The Aceh Monitoring Mission (AMM) will be established by the European Union and ASEAN participating countries with the mandate to monitor the implementation of the commitments of the parties in this Memorandum of Understanding".

The ASEAN countries that sent their representatives in the monitoring mission (AMM) included: Brunei Darussalam, Malaysia, the Philippines, Singapore and Thailand. And the members of this mission carry out their duties impartially and do not take sides or represent any party. This monitoring mission was officially carried out from 15 September 2005 to 15 December 2006, after previously experiencing several delays in the confirmation of the mission's end, given the conduciveness of the Aceh region at that time.

The role of ASEAN countries through AMM in their mission on this occasion was very successful, and became a determining factor behind the success of their cooperation with the European Union. This achievement also led the Indonesian Government to award a number of awards such as Bintang Jasa Utama and Bintang Jasa Pratama by the President of the Republic of Indonesia as a form of gratitude for the real contribution to support peace in Aceh.

Currently, the existence of ASEAN countries is still very much needed in order to monitor peace agendas that have not been maximally implemented. The case of the discovery of homemade bombs that have caused death or injury, when the bombs have been planted for years (mines) and have never been cleaned. Vulnerable to become a serious threat, especially if there is no institution that monitors it. Therefore, the involvement of ASEAN countries is absolutely necessary for the continuation of peace in Aceh.

### CONCLUSIONS

The armed conflict that has occurred in Aceh has positioned the Indonesian Government and GAM to be bound to carry out a number of their responsibilities collectively to implement various protection measures and significantly reduce the suffering of victims of anti-personnel mines. Activities or steps that are counterproductive to this commitment from the start must be anticipated, given that the policy is classified as important and strategic nationally, in order to avoid international public criticism.

Aceh with its non-international armed conflict experience should be a benchmark nationally, an example of Indonesia's success as a State Party to the 1997 Ottawa Convention. (action plan) for the sustainable development of Aceh in a peaceful period. In fact, the

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role of ASEAN countries is of strategic value in order to convince countries parties to this convention that Indonesia is fully committed to realizing a "Mine Free World".

### Declaration of ownership

This report is my original work.

### Conflict of Interest

None.

### Ethical clearance

This study was approved by the institution.

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