THE EXISTENCE OF ANTIPERSONNEL LAND MINES IN ACEH AND IMPACT FOR INDONESIA

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ABSTRACT

Purpose: This study aims to revitalize the memory of many parties regarding the existence of anti-personnel landmines in Aceh which still leaves homework to be completed even though peace is already 19 years old. These deadly objects are still found and threaten people's lives to this day. Indonesia has ratified the 1997 International Antipersonnel Landmine Convention through Law Number 20 of 2006. In fact, Indonesia is bound to implement all the provisions of the convention.

Theoretical framework: This study combines a number of general legal principles in international humanitarian law, with reference to the 1997 International Anti-personnel Landmine Convention.

Methods: The study method is adopted by combining normative and empirical legal studies, where data collection is carried out in literature and the field, with emphasis on the application of norms in conventions and their implementation in the field as far as can be observed.

Results and Conclusions: The results of the study show that the Government of the Republic of Indonesia does not appear to be doing its best to resolve the problems caused by the presence of anti-personnel landmines in Aceh. Research implications: This research is urgently needed as an alternative pattern for resolving the antipersonnel landmine problem that Aceh is experiencing as part of the Republic of Indonesia.

Originality/value: The hope is that through this research, the experiences of a number of ASEAN countries will become best practices for the national antipersonnel landmine clearance campaign in Indonesia. ASEAN's involvement is intended to help sustain peace in Aceh in accordance with the Helsinki Memorandum of Understanding on August 15 2005 and Law of the Republic of Indonesia Number 11 of 2006 concerning the Government of Aceh.

Keywords: Aceh, Antipersonnel Landmine Convention, ASEAN and Indonesia.

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RESUMO

Objectivo: Este estudo visa revitalizar a memória de muitas partes relativamente à existência de minas terrestres antipessoal em Aceh, o que ainda deixa trabalhos de casa por fazer, embora a paz já tenha 19 anos. Esses objetos mortais ainda são encontrados e ameaçam a vida das pessoas até hoje. A Indonésia ratificou a Convenção Internacional sobre Minas Terrestres Antipessoal de 1997 através da Lei Número 20 de 2006. Na verdade, a Indonésia é obrigada a implementar todas as disposições da convenção.


Métodos: O método de estudo é adotado combinando estudos jurídicos normativos e empíricos, onde a coleta de dados é realizada na literatura e no campo, com ênfase na aplicação de normas em convenções e sua implementação no campo na medida em que pode ser observada.

Resultados e Conclusões: Os resultados do estudo mostram que o Governo da República da Indonésia não parece estar a fazer o seu melhor para resolver os problemas causados pela presença de minas terrestres antipessoal em Aceh.

Implicações da investigação: Esta investigação é urgentemente necessária como um padrão alternativo para resolver o problema das minas terrestres antipessoal que Aceh está a enfrentar como parte da República da Indonésia.

Originalidade/valor: A esperança é que, através desta investigação, as experiências de vários países da ASEAN se tornem melhores práticas para a campanha nacional de remoção de minas terrestres antipessoal na Indonésia. O envolvimento da ASEAN destina-se a ajudar a manter a paz em Aceh, de acordo com o Memorando de Entendimento de Helsínquia de 15 de agosto de 2005 e a Lei da República da Indonésia Número 11 de 2006 relativa ao Governo de Aceh.

Palavras-chave: Aceh, Convenção sobre Minas Terrestres Antipessoal, ASEAN e Indonésia.

1 INTRODUCTION

The study of anti-personnel landmines is again relevant to bring to the public. In fact, this discourse should not stop, considering that the intensity of a number of armed conflicts in several regions around the world are currently fierce and even at a climax point. For the record, currently the largest international armed conflict in this century, namely the war involving Russia and Ukraine, then Israel versus Palestine, is still ongoing with the escalation of the conflict continuing to increase with the intensity of symptoms showing no signs of will expire.

The conflicts that occurred in these two regions (Europe and the Middle East) have also recorded fantastic figures for the negative humanitarian impacts they cause. No less than 24,000 civilians died as a result of the Russia-Ukraine conflict (2022-2023). (Gitiyarko, 2023) Plus more than 22,000 people died in the Israeli attack on Gaza-Palestine (October 2023-January 2024). (Arbar, 2024)

The threat of a prolonged humanitarian crisis will undoubtedly threaten every life in these areas, as is happening now, where armed conflict is still ongoing. Added to this is the crisis that will occur in the future, when the conflict can be stopped. Threats due to misuse of
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weapons and explosive devices on a light or heavy scale. Starting from the types of weapons and explosive devices whose use is tolerated through relevant international conventions, to the use of weapons that are prohibited for use in the arena of modern warfare like now.

Data shows that in the Russian-Ukrainian armed conflict each side used various types of conventional weapons, including anti-personnel land mines and even anti-vehicle land mines in very large quantities. The following is also the use of tons of high-explosive bombs in fantastic quantities marking Israel’s efforts to blockade Gaza-Palestine since the conflict escalated again in October 2023. (Aulia, 2021)

In fact, many of these deadly bombs do not explode immediately when dropped, so the situation changes when these bombs over time become land mines that are ready to explode at any time, thus threatening human lives. (Berita, 2024) Conflict areas like Gaza-Palestine are no different from Hiroshima or Nagasaki in Japan which were hit by an atomic bomb, in fact the current situation is even worse than that. (Aulia, 2021)

All type of weapon is an enemy for mankind as a reason for war weapons. Therefore, there is a desire to prohibit the use of all types of weapons such as the use of anti-personnel mines which were previously governed by the Convention on Conventional Weapons (CCW Convention) 1980 and Additional Protocol II of this Convention, declared in Geneva and entered into force on 3 December 1998.

Anti-personnel mines is one type of conventional weapons that are not expected to existence in a conflict or war. This object does not like bombs or other types arteleri exploded as the target. Mines will stay in place where it is located without exploding the years after the war. Landmines still wait until in a moment there is somebody, vehicle, animal, treading on its anti-handling devices explosion. Unfortunately planting anti-personnel mines around the country who have a conflict or dispute is not mapped, it abandoned.(Dr. Muhammad Rum, 2019)

Planting of mines continues and does not include prohibition on stockpiling, production, transfer and destruction. The CCW Convention 1980 will be less than significant because not prohibit the production of smart anti-personnel mines by developed countries, as well as the use of Improvised Explosive Devices (IED), commonly used in the non-international armed conflict in developing countries.

After the Declaration of Ottawa on 5 October 1996 and Declaration of Brussels on 27 June 1997. International community is called upon to negotiate an international legal norms include the prohibition of the use, stockpiling, production and transfer of anti-personnel mines. Therefore, formed the Convention on the Total Prohibition of Anti-Personnel Mines separate from Additional Protocol II of the CCW Convention to be a separate convention. Indonesia is a State Party, for having ratified the convention, commonly known as the Ottawa Convention 1997 to the Law Number 20 of 2006.(Daudy, 2013)

Consequently Indonesia is bound to comply with the obligations specified in the convention. The shape of the state's responsibility in general to be implemented, such as bearing integration and socio-economic rehabilitation program, recovery from psychological trauma, and the construction of health facilities for mine victims. The above measures are, it is important to be paid attention, especially in Aceh in the period of more than 7 years, since the Government of the Republic of Indonesia (GoI) and the Free Aceh Movement (GAM) signed a Memorandum of Understanding (MoU) in Helsinki, Finland, on August 15, 2005. Noted by 5 IED victims continue to increase and followed the invention of tens similar explosives.(Dr. Muhammad Rum, 2019) Estimated that almost every week there is one person who suffered permanently landmines effect in the world. The victims were mostly non-combatants or military active in the field, but the civilian like a children, women and the elderly.

“Anti-personnel mine” means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.
Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed of a person, that are equipped, with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped. (Daudy, 2013)

Civilian casualties victims like in Aceh, generally caused by IED mine types and mine is not made in factory. In Article 2 point (1) Ottawa Convention 1997, not found explosives in addition to the type of anti-personnel mines. While in fact, the prohibition of anti-personnel mines thorough set out in customary international law, particularly International Humanitarian Law and the various convention and additional protocols are available.

In the following section, the principle of state responsibility for the overall prohibition of anti-personnel mines that Indonesia has adopted in the practice of national law will be explained. Then outlines the problems faced by Indonesia in an effort to carry out the responsibility of the state for the complete prohibition of anti-personnel mines in armed conflict in Aceh. And the role and opportunities of ASEAN in promoting sustainability of peace in Aceh.

2 METHODS

This research combines normative and empirical legal research. Therefore, data collection was carried out through library research and field research, (Pengantar, 2020) with a focus on the application of humanitarian law principles and norms in related conventions. The analytical basis is descriptive-analytic, through qualitative descriptions regarding the implementation of the contents of the convention in the field through a number of juridical perspectives. Then by connecting other analysis variables based on historical, political, social and other aspects. All of this is done to find causality between all variables, so as to obtain the concrete reality of efforts to fulfill the contents of the convention in Aceh currently, and projections of its development in the future.

3 RESULTS AND DISCUSSION

3.1 Theory Of State Responsibility And Protection In Relation With The Armed Conflict

Background the incidence of state responsibility in law there no single country can enjoy their rights, without respect for the rights of the living and developing in other countries. The law about state responsibility is the law concerning obligation that arise when countries have or abstain from doing any conduct. In other words, if the charge state had violated the terms of the agreed. (Sandholtz & Whytock, 2017)

The law about state responsibility is still in evolution and the level is likely to rise at a stage where countries and individuals who are responsible for violations of international law constitute an international crime, differing from than ordinary responsibilities for violations to obligation which as a result generate the restitution or indemnity compensation payments. (Situngkir, 2018)

Mistakes or losses that cause various types of state responsibility. A country is said to be responsible, because committing breach of an obligation in the form of a) an action, and b) negligence. The situation is very depend on state actions which does not execute the contractual obligations and is governed by international standards.

a. Abuse of obligation or not implementation by some rules of action that is considered a country raises responsibilities;
b. The authority or competence of the state agency made a mistake. (Gaggioli, 2018)

Abuse or negligence in point (a) is an action that fulfilling some of the rules of international law. In point (b) in general is not an opportunity for a country to defend itself from...
claims by stating that certain state agencies at the expected strong action errors have exceeded the scope of its authority under national law. Therefore, in the legal sense of responsibility is a responsibility that is really related to the rights and obligations. Therefore, a country cannot avoid an international obligation on the extent of the country involved or may be involved in the activities of total prohibition anti-personnel mine. Because of problems such mines, efforts should be made to impose strict obligations for consultation, notification, registration and provision of information and make a special national regulations arrange mentioned.

Apart from that, issues related to the use of indiscriminate weapons that cause death or injury to civilians, according to the international humanitarian law principles on the protection of civilians in armed conflict since the first set and practiced. As well as the protection of civilians in armed conflict in the territory of a country, set out in Article 3 of the Geneva Conventions 1949 and Additional Protocol II 1977. Article is also called as Convention in Miniature.

Article 3 (1) sets some restrictions, that is:
1. Violence on the soul and sense;
2. Hostage;
3. Rape of personal honor;
4. Punish and execute, without any prior decision rendered by a court set up on a regular basis.

Verse 2 states that the wounded and sick shall be collected and taken care of. A humanitarian agency of impartiality, such as the International Committee of the Red Cross (ICRC) to offer his services to the parties to the dispute. (Adwani, 2012)

The Protocol II 1977 set include:
1. Protection of military operations;
2. Prohibition make the civilians as targets of armed conflict;
3. Prohibition makes starvation of civilians as a means of dispute;
4. Prohibition to attack buildings and institutions containing dangerous forces;
5. Protection of civilian victims of armed conflict helper.

Protection of victims of anti-personnel mines is a rule that is order coverage, and detailed technical and system load declaration and verification system operated by an international regime under the auspices of the Secretary of the United Nations. Even from similar experiences, in a non-international armed conflict civilians should also be protected as well as the hors de combats. The use of anti-personnel mines, have inspired many people in the world, particularly by the government to be a phenomenon is not rarely found.

Protection of the civilian population can be distinguished according to the form and contents. According to shape, that arrangement international humanitarian law was contained in international customary law and the Law of Treaties. According to the regulation in order to protect the contents of man in an armed conflict governed by the distinction principle between civilians and combatants. (Daudy, 2013)

Therefore, the international community is required to formulate a comprehensive convention on the prohibition of anti-personnel mines, which aims to end the suffering and casualties caused by anti-personnel mine use, especially of innocent civilians. It is recognized that the use of mines has pursued the economic development efforts, reconstruction and bad consequences for many years, even long after the end of armed conflict. Even the existence of anti-personnel mines, has affected people’s activities and hinder the wide farm for agriculture and ranch.
3.2 State Responsibility Principle Towards A Total Prohibition Anti-Personnel Mines In National Practice

Indonesia as consistent state in his efforts creating world peace, consistency is shown with an active role in a number of international cooperation. Indonesia has become a State Party to several international instruments and adopting standards or norms set out in the convention. These measures are considered to be strategic, because GoI will continue to improve the role and participation in many international forums related to the total prohibition of anti-personnel mines, with a commitment to always give priority to the national interest. At a global security order, GoI seek and promote the elimination of anti-personnel mines with active cooperation to achieve the goal of "zero victim", and take the effective approaches prohibition anti-personnel mines, including the provision of technical assistance and medical. As well as ongoing support for the registration of conventional weapons owned.

Objectives to be achieved by the GoI with the ratification of the Ottawa Convention 1997 on 29 December 2006 to the Undang-Undang Nomor 20 Tahun 2006, is a representing responsibility form towards Indonesia's commitment to total prohibition on the use of anti-personnel mines. As a state party, Indonesia has an obligation to submit reports based on Article 7 of the first Ottawa Convention 1997 within 180 days after the Convention entered into force for Indonesia.(Dr. Muhammad Rum, 2019)

Indonesia has submitted the first initial report the implementation of the Ottawa Convention 1997 in January 2008.(Trimble et al., 2006) Apart from that, Indonesia has executed its obligations destroy anti-personnel mines deposits in 3 stages as much as 11.603.(Dr. Muhammad Rum, 2019) The anti-personnel mines reserves remaining and kept the Indonesian National Army (TNI) 2.454 as mine.(Daudy, 2013) The number is still allowed as debt in the Ottawa Convention 1997, Indonesia planned to be used as training material related to the ability of military forces to identify, detect and destroy anti-personnel mines, especially the training required by Indonesian forces who will participate in UN peacekeeping operations. A few implementation efforts from obligation Ottawa Convention 1997 continue to be made as well as actively participate in the follow various forms of bilateral and multilateral cooperation, as can be shown below:(Dr. Muhammad Rum, 2019)

a. Always supported the concept, program and desires presented by the developing countries in general, which Indonesia had become Chief of the Non-Aligned Movement (NAM);

b. Cooperation with other countries in the field of handling disarmament, whether institutional, management and the involvement of the Ministry of Defence and Ministry of Industry and International Trade;

c. Technical cooperation with other countries in the field of disposal explosive weapons and demining anti-personnel mines, cooperation can take the form of training in the field of protection and early warning of the use of weapons, as prevalent in the former areas of armed conflict;

d. Placement officers or diplomatic staff as an inspector in the working bodies are formed from the convention, on the chance of existence of political support from countries in the region, with the placement of candidates for superintendent and staff at the agency.

Existence of the National Authority that oversees conventions or treaties that have been ratified in the field of disarmament, it is significant considering that the agency will manage the implementation of each convention or treaty, among other things, dissemination, declaration, verification, inspection and legal.

In conjunction with a total prohibition on anti-personnel mines, so far Indonesia not yet owned a National Authority, in accordance with the provisions of international conventions and treaties as the contact point between the organizers of the national and international level
organizers and fellow States Parties. Accordingly, the situation and the condition of post-conflict elections can be used as starting the measuring, the GoI efforts to realize various obligations contained in the Ottawa Convention 1997. As we know, until now there are still civilians were killed or injured in Aceh, an explosion of anti-personnel landmine heritage of the conflict were planted in the region.

3.3 The Problems Faced By Indonesia Efforts Towards A Total Prohibition Anti-Personnel Mines In Armed Conflict Of Aceh

According to the International Humanitarian Law, the conflict in Indonesia, especially in Aceh, it can be categorized as a violation of international humanitarian law, as required in so many convention. Both sides GoI and GAM is responsible for the protection of civilians and civilian objects from the use of anti-personnel mines. Considering the various rules and customs international humanitarian law of anti-personnel mines, specially the Ottawa Convention 1997.

The victims of anti-personnel mines in Aceh, GoI and GAM should not wash its hands of responsibility. Both sides must work together to overcome the problem of anti-personnel mines that have claimed civilian casualties. Forms of cooperation such as providing information on the position where mines and cleaning the area, destruction of mines stockpile, providing assistance to mine victims and other forms of cooperation.

An excellent success, if the both sides can work together as shown at the time of implementation of the MoU Helsinki under the supervision of the Aceh Monitoring Mission (AMM), the results were considered successful and encouraging. At that moment, in accordance with the MoU Helsinki point 4.3 states: “GAM undertakes the decommissioning of all arms, ammunition and explosives held by participants in GAM activities with the assistance of the AMM. GAM commits to hand over 840 arms”. (Lina, 2015)

Both parties should put an end to the suffering of the victims due to the use of anti-personnel mines. Each required not to use, create, produce, acquire, stockpile, retain or transfer anti-personnel mines to anyone, directly or indirectly. In particular, the state is required not to assist, encourage everyone to participate in activities that are contrary to this Convention. Others, the State Party is also required to decommission or ensure the destruction of all types of anti-personnel mines. Towards the end of the 2012, Indonesia has fulfilled its obligations as a State Party to destruction its mine stockpiles.

Indonesian National Army have destroy 16.581 anti-personnel mines stocks stored in his armory. (Daudy, 2013) The move was made, given the maturity of the States Parties to destroy all stockpiles mines later than 10 Years for mines located in areas of deployment of mines and no later than 4 years after the country is a party.

Apart from that, GoI can cooperate with regional organizations such as the Association of South East Asian Nations (ASEAN) or can also ask the help of the International Committee of Red Cross (ICRC) to evaluate the presence of mines in Indonesia, especially in Aceh, following the media acts as a facilitator of rehabilitation of mine victims assistance by way construction of mental health facilities and psychological recovery of victims of traumatic mine-affected with or without the recommendation of the UN Secretary General. (Dr. Muhammad Rum, 2019)

The events of the invention anti-personnel mines in Aceh occurred regularly from 2007 to 2012 in this time. Search from a number of existing media documentation, indicating that these mines still remains found. Almost average of death indiscriminate object-fur, found the residents at the time of executing routine activities in the garden or fields.

Aceh as the former armed conflict is highly vulnerable to a variety of events that commonly arise in the wake of a period transition. The events of the anti-personnel mine explosion in the number of areas in Aceh to cause casualties, confirmed that post-conflict Aceh
is not fully secure. The situation is safe, pretend to a very comfortable situation for civil society to execute their routines. Mine explosion incident to cause civilian casualties specially, could be a boost for the GoI to quickly create policies are popular, which are capable of providing security for its citizens who have very limited capabilities. Such regulation products that are not discriminatory, so there is sufficient access to public facilities for disabilities people (casualties during the conflict), or people with physical ability are perfect, but are discriminated against for various reasons that are very detrimental to the welfare of those, for the opportunity to resume a normal life. As the victims of anti-personnel mine blast residue of the conflict in Aceh, which is not sufficient to gain access to their rights, and therefore not included in the category of casualties during the conflict.

Efforts are made GoI to ratify the Ottawa Convention 1997 was a very appropriate action. The policy was rated as sincerity GoI, fully supports the consideration that the use of anti-personnel mines has hindered economic development efforts, reconstruction and cause ill effects for years, even long after the end of armed conflict. (Recommendation et al., 2006) GoI needs to pioneer the demining course with the mutual exchange of information about the existence of anti-personnel mines that have used the GAM and the TNI, as well as the rehabilitation of mine victims in mine infested countries to establish some general purpose activities.

Another good alternative that has been or is being done, the GoI to consider initiating a national legal framework in order to provide protection for victims of mines. Undang-Undang Nomor 20 Tahun 2006 was a legal fundament, which can be used as a rationale for the GoI and GAM in order to provide protection for the civilian population of anti-personnel mine victims in Aceh. In fact the sincerity is not visible, because the civilian casualties continue to fall, effect to the deadly mine explosion. This fact is seen during the period of ± 12 years of age MoU Helsinki peacefull consultation.(Strajhar et al., 2016)

Reports from the Local Indonesian Police (Polda) Aceh that during the Year 2016 alone, it managed to collect 215 anti-personnel mines or IED types Explosive Remnants of War (ERW). Mines are the rest of the armed conflict, as well as colonial wartime relics in Aceh. Overall, the mines were collected from a number of areas covering Bireuen district, Lhokseumawe, North Aceh and Langsa. Based on recent information was successfully obtained, the mines had been disposal, place in the Jeulikat company headquarters complex, Lhokseumawe.(Daudy, 2013)

The Communication and Coordination Forum (FKK) Desk Aceh formed as a place with GoI and the GAM in order to carry out the monitoring, development, and use of the results that have been reached by both parties as well as to continue and improve the implementation of the tasks and role of the AMM match the content of the MoU Helsinki. Forum is responsible to the Coordinating Minister for Political, Legal and Security Affairs Republic of Indonesia (Menkopolhukam RI). FKK more focused on monitoring the circulation of illegal firearms are believed to be still circulating in Aceh. Next is the existence of the agency fund the reintegration of combatants and victims of the conflict known as the Aceh Reintegration Agency (BRA). (Dr. Muhammad Rum, 2019) According to records obtained, the agency does not accommodate the existence of civilian victims of anti-personnel mine blast victims as a category of socio-economic beneficiaries. Although the events in the natural landmine victims, an excess of the end of the armed conflict in Aceh.

GoI at the national level through the Ministry of Defense, also participated in coordination and cooperation with other relevant ministries and agencies as well as the discussion of issues relating to the implementation of anti-personnel mines conventions such as the implementation of anti-personnel mine awareness in the security forces including Gegana, Brimob, TNI or another name assigned directly in the field.
In accordance with Article 3 of the Geneva Conventions of fourth 1949, the non-international armed conflict the rebels also have an obligation to abide by the rules of international humanitarian law. So as one side of the conflict, GAM is responsible for the antipersonnel mine victims in Aceh.

Aceh Transitional Committee (KPA) as an based organization of ex-combatants after the MoU Helsinki, is not responsible and authorized to provide a range of assistance for rehabilitation, reintegration, and mental-psychological recovery-traumatic for victims in the conflict including the mine-affected victims of post armed conflict ended as intended in the Ottawa Convention. Because of a shared commitment of both parties GoI and GAM according to MoU Helsinki should be executed by a specialized agency dealing with the various problems faced by the people who are suffering and loss due to the conflict, the agency set up and take full responsibility to the GoI. (Daudy, 2013)

At period of armed conflict, TNI and GAM participate using mine as a series of strategies to conquer the enemy. It's just mine problem as happened during the time in Aceh, not yet earned seen as a serious case as has happened in some countries such as Vietnam, Sri Lanka, Cambodia, Northern Ireland, and others. Accordingly, some of the efforts that are emergency response was performed by the KPA as bear the full cost of the funeral and pray, and help the TNI/POLRI in many cases to track down and other detonator existence sterilization the presence of explosives in other parts of Aceh. KPA will continue to coordinate with the TNI/POLRI related to the presence of mines that have been used in the conflict for destruction.

Apart from that, protection and handling suffering given to civilian victims of antipersonnel mines in post-conflict Aceh, confessed the both sides have not maximum and a lot of experiencing of resistance. The resistance can be categorized in two forms, among others: a) implementation of the relevant regulations have not been effective and b) lower commitment of both sides to the victims. (Recommendation et al., 2006) Therefore, the leadership element representing each party to discuss and find solutions wisely in order to mediate the resistance.

3.4 The Role And Asean Opportunities In Driving Peace Sustainability In Aceh

The active role of ASEAN in its involvement in realizing efforts to reconcile the warring parties during the armed conflict in Aceh, has been seen since the pilot project of the first peace effort initiated by the Hendry Dunant Center (HDC) in the era of the early reforms in Indonesia (the 2000s) Even though in reality the peaceful pilot process initiated by HDC had not had a significant impact on the realization of peace at that time. The main inhibiting factors at the time were (1) each of the warring parties (TNI and GAM) were unable to resist themselves, in seeking permanent ceasefire, and (2) the limited authority held by HDC as a mediator.

Based on this experience, then in 2005 after the biggest disaster in the 21st century there was an earthquake and tsunami that reached 9 RS on December 26, 2004, and has destroyed the coast and mainland of Aceh. Since then, the Crisis Management Initiative (CMI), based in Finland and led directly by the country’s former charismatic President Marti Ahtisari, has moved and taken the initiative to offer good services to reconcile the Government of Indonesia and GAM to sit at one table opening dialogues constructive for both parties as a form of win-win solution. This business was quite successful which led to the signing of the Helsinki Memorandum of Understanding (MoU) on August 15, 2005. All the Acehnese were happy and grateful for the achievement of this monumental history.

In its development, the follow-up of the signed Memorandum of Understanding was established by a monitoring institution with extensive authority and equipped with relatively neat qualifications and institutional structures.

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 included
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ASEAN. Because of that then, in the Peace Memorandum of Understanding a European-ASEAN collaboration was formed as the party that would monitor the peace agreement in Aceh. (Dr. Muhammad Rum, 2019)

The European Union community has historically made a real contribution to efforts to mediate and facilitate the resolution of armed conflicts throughout the world. As he did with the settlement of internal armed conflict in Aceh. Through its collaboration with ASEAN, it has proven to be effective in encouraging warring parties to make peace. Although the involvement of ASEAN is seen as a regional institution among countries in Southeast Asia, Indonesia is the founder and member. (Meetings et al., 2009)

Through the concept of ASEAN Community Security cooperation with a number of countries, including with the European Union. An Aceh Monitoring Mission (AMM) was formed after the Helsinki MoU was signed. In the memorandum of understanding, Article 5 point 5.1 states that: "An Aceh Monitoring Mission (AMM) will be established by The European Union and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the parties in this Memorandum of Understanding". (Kadir, 2019)

The ASEAN countries that sent their representatives (representatives) in the monitoring mission (AMM) included: Brunei Darussalam, Malaysia, Philippines, Singapore and Thailand. And the members of this mission carry out their duties impartially and impartially 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 certifying the end of the mission, given the conduciveness of the Aceh region at that time. (Crouch, 2013)

The role of ASEAN countries through AMM on its mission on this occasion was very successful, and became a determining factor behind the success of its cooperation with the European Union. This achievement also led to the Indonesian Government awarding 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. (Dr. Muhammad Rum, 2019)

At present the existence of ASEAN countries is still very much needed in order to monitor the peace agenda that has not been maximally implemented. The case of the discovery of homemade bombs which have caused death and injury, when the bombs were planted for years (mines) and cleaning was never done at all. Vulnerable is a serious threat, especially if there is no institution that monitors it. Therefore, the involvement of ASEAN countries is absolutely necessary for the sustainability of peace in Aceh. (Daudy, 2019)

4 CONCLUSION

Non-international armed conflict in Aceh, GoI and GAM hold responsibility together to realize the protection and reduce the suffering of victims of anti-personnel mines. The reasons are contrary-productive to that commitment as early as possible to avoid, given the national policy is quite important, in order to avoid claim of the international community.

As the former armed conflict, Aceh should be used as one measure of the success of Indonesia as a State Party to the Ottawa Convention 1997. In accordance MoU Helsinki, the both parties should work together to maintain peace and to support the sustainable development agenda post-conflict in Aceh. Even the role of ASEAN countries is very strategic to be maximized in order to convince fellow states that Indonesia remains committed to realizing a "Mine-Free World".
REFERENCES


Ottawa Convention on Anti-Personnel Landmines.


