



From Forests to Carbon Trade: How AMAN as a Policy Entrepreneur Advocates Indigenous Rights in Indonesia

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This document represents part of the author's study programme while at the International Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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List of Acronyms

AMAN	<i>Aliansi Masyarakat Adat Nusantara</i> (Indigenous Peoples' Alliance of the Archipelago)
BPAN	<i>Barisan Pemuda Adat Nusantara</i> (Archipelago Indigenous Youth Front)
BRWA	<i>Badan Registrasi Wilayah Adat</i> (Indigenous Territory Registration Agency)
DAMANNAS	<i>Dewan AMAN Nasional</i> (National Council of AMAN)
DAMANWIL	<i>Dewan AMAN Wilayah</i> (Regional Council of AMAN)
DAMANDA	<i>Dewan AMAN Daerah</i> (Local Council of AMAN)
FPIC	Free, Prior, and Informed Consent
GEG	Good Environmental Governance
GHG	Greenhouse Gas
GPS	Global Positioning System
IDR	Indonesian Rupiah
KMAN	<i>Kongress Masyarakat Adat Nusantara</i> (Congress of Indigenous Peoples of the Archipelago)
MoEF	Ministry of Environment and Forestry
NDC	Nationally Determined Contribution
NGOs	Non-Governmental Organizations
PB AMAN	<i>Pengurus Besar AMAN</i> (Central Governing Body/National Committee of AMAN)
PD AMAN	<i>Pengurus Daerah AMAN</i> (AMAN's Local Chapters)
PW AMAN	<i>Pengurus Wilayah AMAN</i> (AMAN's Regional Chapters)
PDIP	<i>Partai Demokrasi Indonesia Perjuangan</i> (Indonesian Democratic Party of Struggle)
PKS	<i>Partai Keadilan Sejahtera</i> (The Prosperous Justice Party)
PPMAN	<i>Perhimpunan Pembela Masyarakat Adat Nusantara</i> (The Association of Indigenous Peoples' Defender of the Archipelago)
REDD+	Reducing Emissions from Deforestation and Forest Degradation
RP	Research Paper
SRN	<i>Sistem Registeri Nasional</i> (National Registry System)
SPE-GRK	<i>Sertifikasi Peneurunan Emisi Gas Rumah Kaca</i> (GHG Emissions Reduction Certificate)

Abstract

This study examines the role of AMAN as an Indigenous organization in Indonesia in advocating for Indigenous rights within Indonesia's forestry carbon trade policy framework. Through the concept of policy entrepreneur, it analyses AMAN's advocacy efforts in selected strategies: Gathering Evidence, Creating and Working with the Coalition, and Using Multiple Venues. This study also attempts to understand which factors affect the result of policy advocacy by a policy entrepreneur like AMAN.

Using semi-structured interviews and document analysis as the methodology for gathering data, this study reveals that AMAN's strategy in gathering legal and spatial evidence provided an empirical basis for its policy goals, such as canceling the forestry carbon trade policy and enacting the Indigenous Peoples' Rights Bill along with Regional Regulations related to Indigenous Peoples' Rights. AMAN's coalition-building efforts also amplified its stance against the policy and highlighted Indigenous communities' vulnerabilities toward the policy. To advance policy changes, AMAN utilized multiple venues: the Supreme Court to file a judicial review in canceling the forestry carbon trade policy, engaging national executive and parliament branches to enact the Indigenous Peoples' Rights Bill, and supporting legal analysis to its members as a basis for local legislation as well as supporting its members/particular candidates in regional elections to get seats both in the regional executive and parliament branches in order to influence the regional regulations regarding Indigenous Peoples' rights.

Despite some successful efforts in enacting regional regulations through its strategies, AMAN's national-level objectives encountered challenges due to limited political support in the parliament branch that has elite oligarchic-driven decision-making characteristics alongside the domination of businesspeople as parliamentarians made political constraints to the passage of the Indigenous Peoples' Rights Bill. Although President Joko Widodo, during his administration, had more power to control the parliament to pass a bill due to his accommodative politics, his developmentalism agenda situated less concern in Indigenous Rights. In addition, AMAN's challenges in the litigation venue to cancel Presidential Regulation 98/2021 through the Supreme Court were constrained by the closed nature of Indonesia's judicial system, which hindered AMAN from demonstrating its ability to engage in persuasive advocacy and effectively challenge the regulation. Thus, as outlined by Cohen (2016), supportive policy venues are important prerequisites in enabling successful policy advocacy.

Relevance to Development Studies

This topic holds significant relevance to Development Studies because understanding the contentious issue of forestry and land resource management between Indigenous Peoples and the state, which is pivotal for promoting the well-being and welfare of these communities. In this research, the forestry carbon trade is presented as an example of such developmental projects that are contentious, thereby highlighting the broader tension between environmental initiatives and Indigenous rights. Furthermore, this study contributes to Development Studies by illustrating the critical role of a policy entrepreneur in bridging the gap between Indigenous Peoples and an environmental policy initiative, while also examining the factors that contribute to the success and failure results of a policy entrepreneur's advocacy efforts. This role is especially crucial in contexts where Indigenous

communities often lack direct access and capacity to influence state-led initiatives like the forestry carbon trade scheme.

Keywords

Policy Entrepreneur, AMAN, Indigenous Peoples, Carbon Trade, Forestry Sector

Chapter 1

Introduction

The escalating effects of climate change have spurred the exploration of various solutions to reduce carbon emissions. Among these, the forestry carbon trade scheme has emerged as a significant mechanism for addressing climate change, creating a market for carbon credits derived from forest conservation and sustainable management efforts. This scheme enables countries and companies to offset their carbon emissions by investing in initiatives that promote forest preservation and sustainable land management. Given Indonesia's extensive tropical forests, covering an estimated 125.9 million hectares (Coordinating Ministry for Maritime Affairs and Investment, 2022), the nation plays a crucial role in the forestry carbon trade scheme.

Recently, Indonesia implemented a carbon trading policy¹, a market-based approach to reduce greenhouse gas (GHG) emissions and meet the climate targets outlined in its 2030 Nationally Determined Contributions (NDC). The policy discourages GHG emissions by penalizing emitters and incentivizes parties that successfully reduce their emissions. This scheme is one of three mechanisms outlined in the Carbon Economic Value regulation, alongside Result-Based Payment and Carbon Levies. Furthermore, this scheme offers potential revenue generation for Indonesia, which is essential for supporting climate mitigation initiatives (Annur, 2022).

To operationalize the carbon trading scheme within the forestry sector, the Ministry of Forestry and Environment (MoEF) has issued guidelines² for entities eligible to participate. These stakeholders include holders of Forest Utilization Business Licenses, recipients of Social Forestry Management Approvals, Indigenous Forests, communities with forest tenure rights, and other business actors. This guideline stipulates that forest carbon governance in Indonesia must adhere to the formal legal regime, allowing only entities with documented land rights to participate in the carbon trade.

Despite its promise, the forestry carbon trade scheme has raised significant concerns, particularly around “green-grabbing”—a phenomenon that marginalizes forest-dependent communities by converting large forest areas into ecological reserves (Fairhead, Leach and Scoones, 2012; Corson, MacDonald and Neimark, 2013 in Astuti and McGregor, 2017). Indigenous Peoples, in particular, may lose their traditional access and use rights under carbon projects, as some areas are restricted to prevent deforestation (Mahanty *et al.*, 2012, p. 3). Beyond these access restrictions, Indigenous rights have often been compromised globally due to inadequate recognition within national legal frameworks (Sherpa *et al.*, 2018; Pham *et al.*, 2021; Guglyuvatyy, 2024). This legal gap leaves many Indigenous communities vulnerable, as they may lack formal land rights to protect their territories from various projects, including carbon initiatives.

This issue is particularly pertinent in Indonesia, the largest supplier of carbon offset credits (Sandy *et al.*, 2023). Indigenous Peoples, who steward extensive forested areas, often find their lands targeted for carbon projects. Despite their critical role in forest preservation, many Indigenous communities in Indonesia struggle to secure formal recognition of their

¹ It has been stipulated through Presidential Regulation 98/2021 on the Management of Carbon Economic Value Instrument for Nationally Determined Contribution (NDC) and the Control of Carbon Emission in National Development. According to Article 1 Paragraph 17, Carbon Trading is defined as a market-based mechanism to reduce GHG Emissions through the buying and selling of Carbon Units.

² This refers to the Minister of Forestry and Environment Regulation 7/2023 on the Carbon Trade Procedures in the Forestry Sector. According to Article 8, the requirement to be eligible as implementors of a carbon project is directly linked to the legal-formal ownership of the land.

territories (Van Der Muur, 2018, p. 165). The absence of legal recognition leaves these communities vulnerable to land commodification under carbon trading schemes. Consequently, Indigenous Peoples who actively maintain forests but lack formal legal status often find themselves excluded from the carbon trading market, unable to fully participate (Putri and Zakiyah, 2023, p. 15).

In this complex policy landscape, the role of a policy entrepreneur is critical. Policy entrepreneurs advocate for policy changes, leveraging their policy ideas to promote new or modified policies aligned with their goals (Kingdon, 1984; Mintrom and Norman, 2009). In the context of Indonesia's forestry carbon trade scheme, a policy entrepreneur could play a pivotal role in advocating for the legal recognition of Indigenous territories, ensuring that these communities are not left behind in carbon-related projects. Given the challenges faced by Indigenous Peoples in securing land rights, such a policy entrepreneur is essential for navigating the policy landscape, advocating for inclusive development, and promoting safeguards.

To influence policy changes, policy entrepreneurs employ various strategies, as outlined by numerous scholars. Aviram et al. (2020) identified around 20 strategies³ used by policy entrepreneurs across different sectors. Similarly, Meijerink and Huitema (2010) and Mintrom (2019) identified several common tactics, including problem framing, coalition building, leveraging multiple venues, and influencing decision-making forums. While their choice of strategy varies, successfully navigating the political landscape by targeting supportive policy venues is essential. Both endogenous factors, such as a policy entrepreneur's skills and abilities, and exogenous factors, like the institutional context, contribute to policy advocacy outcomes (Cohen, 2016).

In this context, one notable policy entrepreneur is the Indigenous Peoples' Alliance of the Archipelago (AMAN), Indonesia's largest Indigenous organization. Since its establishment in 1999 (Van Der Muur, 2018, p. 164), AMAN has advocated for the recognition and protection of Indigenous rights, particularly regarding land tenure and natural resource management. Through its policy advocacy efforts, AMAN has sought to protect Indigenous communities from being marginalized by development initiatives, including the forestry carbon trading scheme.

This research paper examines AMAN's role as a policy entrepreneur in advocating for the rights of Indonesian Indigenous Peoples within the forestry carbon trade scheme. By analyzing the strategies AMAN employs to advance Indigenous rights within this scheme, this study aims to provide insights into how an Indigenous organization can act as a policy entrepreneur and the challenges it faces in achieving its goals.

The paper is organized as follows: First, it outlines the main concepts and literature informing the research. Second, it details the research methodology. Third, it provides an in-depth profile of AMAN, highlighting its challenges within Indonesia's Indigenous policy framework. Subsequent sections explore AMAN's strategies as a policy entrepreneur in influencing forestry carbon trade policy, along with its impacts and challenges. Finally, the paper concludes with a summary of the findings.

³ These strategies include: Problem Framing, Solution Seeking, Venue Shopping, Process Planning, Strategic Use of Symbols, Risk Taking Focusing on the Core and Compromising on the Edge, Salami Tactics, Using Media Coverage, Strategic Information Dissemination, Team Leadership, Stimulating Potential Beneficiaries, Forging Interorganizational and Cross-Sectoral Partnerships, Networking in Government, Involving Civic Engagement, Political Activation, Gathering Evidence, Anchor Work, and Participating in the Evaluation of Policies. Source: (Frisch Aviram, Cohen and Beeri, 2020, pp. 622–624).

1.1 Research objective and question

The objective of this research is to examine the role of AMAN as a policy entrepreneur in advancing the rights of Indigenous Peoples within Indonesia's forestry carbon trade scheme. This study aims to deepen understanding of AMAN's strategies to influence policy development and secure safeguards for Indigenous rights within the context of carbon trading. By exploring AMAN's advocacy efforts, the research seeks to reveal how an Indigenous organization can navigate the complexities of the environmental policy landscape. Additionally, the study examines gaps in current policies that limit Indigenous Peoples' rights within the forestry carbon trade scheme. Accordingly, this research poses the following primary question:

How does AMAN, as a policy entrepreneur, advocate for the rights of Indigenous Peoples within the forestry carbon trade policy?

The main question is built upon the following sub-questions:

1. What specific advocacy strategies does AMAN use to promote Indigenous Peoples' rights within the forestry carbon trade scheme?
2. What are AMAN's advocacy results in the pursuit of Indigenous rights in the context of Indonesia's forestry carbon trade scheme?
3. How do the advocacy challenges faced by AMAN impact the results of their advocacy efforts?

Chapter 2

Literature Review and Analytical Concept

This chapter discusses key concepts that guide the analysis of this research. These concepts pertain to Indonesia's carbon trading policies and the rights of Indigenous Peoples in Indonesia. The discussion includes an examination of the two primary carbon trading mechanisms in Indonesia, namely cap-and-trade and carbon offset, and how the existing literature addresses the intersection of these policies with Indigenous Peoples' rights. Additionally, the concept of Indigenous Peoples in Indonesia is examined, highlighting the contentious nature of Indigenous recognition by the state, which impacts the protection of these communities in carbon projects. The analytical concept focuses on the concept of policy entrepreneur, examining how a policy entrepreneur employs specific strategies to drive policy changes and the factors contributing to the success of policy advocacy.

2.1 Literature Review

2.1.1 About Indonesia's Carbon Trading

Carbon trading operates through two main mechanisms: cap-and-trade and carbon offsets. Faure and Partain (2019, p. 125) explain that cap-and-trade systems set a maximum allowable limit on pollutants, allowing businesses to manage their emissions within this cap. Companies emitting below their allotted quota can sell surplus allowances to businesses that exceed their emissions limit. In contrast, Aldy and Stavins (2012, p. 158) describe carbon offsets as a flexible mechanism that allows businesses to compensate for their emissions by initiating or funding emission-reduction projects outside sectors covered by cap-and-trade systems. This mechanism enables entities to invest in environmental initiatives that reduce GHG emissions, such as reforestation and forest conservation projects, to offset their emissions.

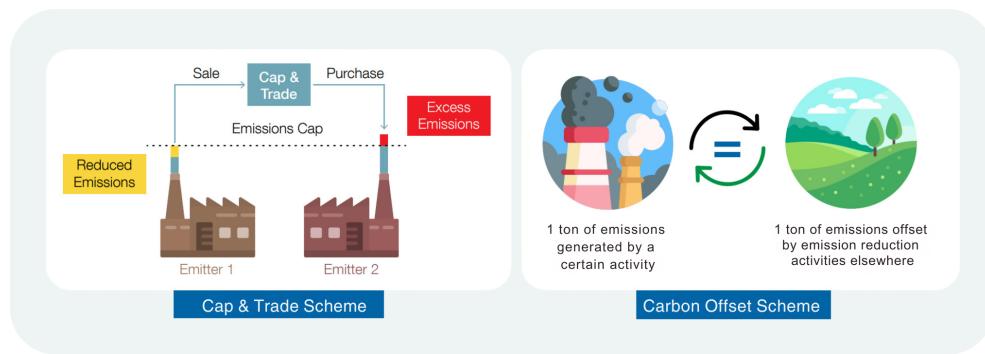


Figure 1. The Different Illustration between Cap & Trade Scheme and Carbon Offset Scheme. Source: (Indonesian Center for Environmental Law, 2021)

These mechanisms are integrated into Presidential Regulation Number 98/2021⁴, which introduces both emission trading and emission offsets. Under the emission trading framework, the government establishes a GHG Emission Upper Limit, defining the maximum permissible emissions for each business entity. Each entity is allocated a specific emissions quota for a given period, and at the end of this period, entities are required to report

⁴ In detail, the policy titled: Presidential Regulation Number 98/2021 on the Management of Carbon Economic Value Instrument for Nationally Determined Contribution (NDC) and the Control of Carbon Emission in National Development.

their emissions. If an entity exceeds its GHG Emission Upper Limit, it must purchase additional allowances from entities that have emitted below their quota.

On the other hand, the offset mechanism targets businesses that are not subject to the GHG Emission Upper Limit. These businesses are assigned specific emission reduction targets, and if their emissions exceed these targets, they must purchase carbon credits from other sources. Specifically for offsets, businesses are required to take climate change mitigation actions first. The core element traded within this scheme is the GHG Emissions Reduction Certificate, or Sertifikasi Penurunan Emisi GRK (SPE-GRK). These certificates represent verified reductions in emissions, and parties that manage activities in reducing GHG emissions can sell their SPE-GRK certificates to businesses needing to offset their excess emissions.

In the forestry carbon trade, primary activities include reducing deforestation, forest degradation, establishing plantation forests, sustainable forest management, increasing carbon stocks, and improving peat water management (Ministry of Environment and Forestry, 2023, p. 29). According to Minister of Forestry and Environment Regulation Number 7/2023 on Carbon Trade Procedures in the Forestry Sector, the forestry carbon trade scheme is primarily driven by carbon offset mechanisms, allowing businesses to offset their emissions by investing in forestry projects that contribute to emission reductions.

Overall, carbon trading in Indonesia can occur through domestic and/or international trade, either through a carbon exchange or direct transactions. Domestic trades are recorded in the national registry system (SRN), while international trades, involving foreign purchasers, are overseen by the relevant carbon authority. These transactions include the transfer of carbon rights from suppliers to purchasers and may take place across various sectors (Sandy *et al.*, 2023, p. 4).

Several academics have highlighted the benefits of carbon trade policy implementation in Indonesia. Rachmaniar *et al.* (2021) note that carbon trading could generate revenue with projections ranging from 51 trillion IDR to 180 trillion IDR. Additionally, Faradila and Aqilla (2022) discover that this policy could potentially help Indonesia meet its 2030 climate targets by adhering to Good Environmental Governance (GEG) principles, which emphasize participation, accountability, transparency, rule of law, effectiveness, and efficiency.

However, Indonesia's journey with carbon trading has involved complex policy challenges, especially for Indigenous communities. Prihatiningtyas *et al.* (2023) observe that while carbon trading assigns an economic value to carbon, it fails to formally recognize Indigenous communities, as the policy does not acknowledge them as holders of carbon rights, and some carbon projects (especially REDD+) overlap with Indigenous territories. Moreover, Cetera (2022) notes that the carbon trading license process is complex, with administrative and technical requirements often inaccessible to Indigenous communities, further limiting their involvement in carbon trading initiatives.

Research by Usop (2016) shows that when Central Kalimantan became a pilot province for REDD+ projects, unresolved land tenure issues among Indigenous Peoples created significant tensions with investors. These issues are closely tied to forestry management, where unclear land status and boundaries of customary forest areas posed significant challenges for REDD+ projects. Similarly, Sari *et al.* (2018) and Miles (2021) highlight the difficulties Indigenous communities face in overcoming communication barriers and limited access to information, which collectively impede their engagement in carbon trading projects. These barriers also weaken their ability to advocate for an equitable distribution of project benefits, which are often vague or unfair.

In conclusion, while carbon trading in Indonesia may provide economic and environmental benefits, research highlights critical gaps in the inclusion of Indigenous

communities, particularly in safeguarding their rights and ensuring equitable benefit distribution from this policy.

2.1.2 About Indigenous Peoples in Indonesia

The discourse on Indigenous Peoples in Indonesia has been contentious, primarily due to differing perspectives between the Indonesian Government and advocacy organizations. Research highlights how the Indonesian authoritarian regime, known as the New Order, suppressed Indigenous identities. According to Murray Li (2000, p. 149), the regime sought to homogenize citizens as Indigenous, aiming to eliminate cultural differences that could undermine centralized authority. Further complicating the issue, Van der Muur (2019, p. 81) found that during the New Order, the Indonesian Government categorized communities not by indigeneity but by marginalized social and economic status. Fay and Denduangrudee (2016, p. 95) note the use of terms such as *suku terasing* (isolated tribal community), *masyarakat terpencil* (remote community), and *masyarakat tertinggal* (marginalized community) in Indonesian law during this era.

The term "Indigenous Peoples" in Indonesia emerged after the fall of the New Order regime in 1998, specifically during the Reform Era when the 1945 Constitution was amended through its second amendment. Sabardi (2013, p. 171) discusses the inclusion of the terminology "adat law communities" or *Masyarakat Hukum Adat*, referring to the 1945 Indonesian Constitution. The Constitution⁵ explicitly acknowledges the existence of adat law communities to manage their traditional territories and resources according to customary laws. However, Sabardi (2013, p. 180) also points out the conditional nature of this recognition, as it is subject to state legislation. This suggests that the actual empowerment of Indigenous Peoples depends on the political will of the government.⁶ In other words, if the government prioritizes Indigenous rights, it may pass and implement laws that recognize these communities and protect their territories and resources.

Therefore, the Indonesian government has adopted the term "adat law communities" in current national legislation (*masyarakat hukum adat*) (Madani Berkelanjutan, 2021, p. 17). Wiratraman and Arizona (2010, p. 3) note that this terminology emerged during colonial times in the study of customary law, introduced by the Dutch scholar Cornelis Van Vollenhoven. Van Vollenhoven categorized these social groups as "legal societies" (*rechtsgemeenschappen*), where members were united by a shared legal system, and referred to these communities as "adat law communities." In recent legislation,⁷ the Indonesian government defines this terminology as a group of people who have lived for generations in a specific area of Indonesia. They are connected to ancestral natural resources and maintain traditional governance and legal systems within their territory (Fay and Denduangrudee, 2016, p. 95).

On the other hand, Indonesian NGOs and organizations advocating for these communities use the term "adat communities" (*masyarakat adat*) as a translation of Indigenous Peoples in the Indonesian context. AMAN also uses "adat communities" or Indigenous Peoples as an alternative to the term "adat law communities" used by the Indonesian government (Wiratraman and Arizona, 2010, p. 4). This term is a response to the Indonesian government's use of "adat law communities," which reduces Indigenous Peoples to a single dimension—legal—and does not encompass their full identity (Ibid). AMAN defines Indigenous

⁵ Particularly through Articles 18B and 28I.

⁶ The clause in Article 18B Paragraph (2) of the 1945 Indonesian Constitution states that the recognition of *adat* law communities is determined by law. This means that their formal existence and the rights granted to them are subject to legal recognition by the state, rather than being automatically acknowledged. Consequently, their existence, alongside their rights to land, resources, and cultural practices, depends on the political will of the government.

⁷ One of these laws refers to Article 1(6) Law 39/2014 concerning Plantation Development. Source: (Fay and Denduangrudee, 2016, p. 95).

Peoples as groups with ancestral connections to specific geographical areas, maintaining strong relationships with natural resources, and governed by a system of norms that shapes their economic, political, social, and legal structures (Ibid). Thus, according to Astuti and McGregor (2017, p. 456), AMAN's interpretation includes four main aspects of an Indigenous community: a definitive territory, Indigenous/adat law, Indigenous/adat culture, and Indigenous/adat structure.

In sum, the literature above reveals a divergence between the Indonesian government's legal framework for recognizing the concept of Indigenous Peoples (or adat law communities) and the multidimensional understanding of Indigenous Peoples (or adat communities) by advocacy organizations, including AMAN, the Indigenous organization in Indonesia. These diverse interpretations significantly impact the formal recognition of Indigenous rights, particularly in relation to forestry carbon trade projects, where formal recognition is crucial for safeguarding Indigenous lands. Since carbon trade frameworks often intersect with Indigenous territories, these divergent views determine which communities receive recognition, access to resources, decision-making, and protections within carbon initiatives.

For the purpose of this research, the definition provided by AMAN will serve as the conceptual basis for understanding the intersection between the forestry carbon trade scheme and Indigenous Peoples.

2.2 Analytical Concept: Policy Entrepreneur

Policy entrepreneurs are individuals or groups with the ability to influence policy through advocacy and innovation to drive desired changes. They are agents of change in the public policy process, seeking to modify the policy agenda or introduce new policies into existing systems and the government's agenda (Cairney and Jones, 2016). According to Crow (2010; in Arnold *et al.*, 2023, p. 660), policy entrepreneurs actively "fight" for policy change, emphasizing their determination and persistence in achieving their goals. Mintrom (2015, p. 103) describes policy entrepreneurs as "*political actors who seek policy changes that shift the status quo in specific areas of public policy.*" What distinguishes policy entrepreneurs from other actors is their willingness to invest resources such as time, energy, reputation, and even financial capital in pursuit of policy change (Kingdon, 1984, p. 122). They make these investments with the expectation of future returns in the form of the policy changes they aim to achieve.

The primary goal of policy entrepreneurs is to disrupt and challenge the existing status quo within the policy landscape, introducing changes that address unmet needs or overlooked issues (Gunn, 2017, p. 266). However, their motivations can vary widely. Some policy entrepreneurs are driven by strong ideological beliefs, aiming to advance values or principles they believe will improve society. Others may seek to raise awareness or enhance the profile of an underrepresented cause or issue.

Policy entrepreneurs may work within the government or operate externally as members of the epistemic community or other interest groups. Those within government include the administrative/executive branch (e.g., president/head of government, staff, or political appointees), civil servants, and legislative bodies. On the other hand, external policy entrepreneurs include interest groups (such as academics, researchers, and consultants), civil society organizations, the media, election participants, and public opinion influencers (Kingdon, 1984, pp. 45–70). According to Kingdon (1984, p. 45), the distinction between policy entrepreneurs inside and outside government has significant implications, as individuals holding government positions possess formal authority that external actors lack.

To effectively promote change, policy entrepreneurs typically employ specific strategies. Research by Huitema and Meijerink (2010), Mintrom (2019), and Aviram *et al.* (2020)

identifies techniques that policy entrepreneurs commonly use to advocate for policy change. From these, this research focuses on three primary strategies: Gathering Evidence, Creating and Working with Coalitions, and Using Multiple Venues. These three strategies were selected due to time constraints and data limitations, allowing for a more focused and manageable analysis. Each strategy is described in detail as follows:

- **Gathering Evidence**

Policy entrepreneurs often invest significant effort in gathering evidence to demonstrate the viability of their ideas (Mintrom, Salisbury and Luetjens, 2014, p. 424; Frisch Aviram, Cohen and Beeri, 2020, p. 13). Evidence provides an empirical foundation, supporting their case by proving that their ideas are grounded in reality, not merely theoretical. By gathering and presenting evidence, policy entrepreneurs can validate their ideas, overcome opposition, and influence policy decisions. Evidence is thus an essential component of the policy entrepreneur's toolkit, allowing them to make a compelling case for change.

Policy entrepreneurs must be adept at both collecting evidence and strategically using it to advocate for policy change. Evidence can highlight issues that require action and is collected in two main stages (Mintrom, 2019, p. 313). The first involves understanding existing evidence that supports a particular perspective on an issue. The second is identifying new evidence that can be strategically leveraged to support a policy proposal. In the often-contentious world of politics, no universal standard dictates which evidence should receive the most attention or credibility in policy discussions. The skill lies in building a thorough, defensible base of data to support a particular perspective, then presenting and debating it in ways that effectively garner support (Ibid, p. 313).

- **Creating and Working with Advocacy Coalitions**

Like their business counterparts, policy entrepreneurs must collaborate effectively. While individuals may initiate change, their strength is not solely derived from the force of their ideas. Policy entrepreneurs who work well with others and build strong networks within their policy contexts are more likely to succeed, as they understand the beliefs, motivations, and concerns of those whose support they need. Often, political intelligence is gathered, and strategies are developed through teamwork.

Policy change is frequently the result of coordinated efforts by multiple actors, making coalition building a crucial skill for policy entrepreneurs. According to Mintrom and Norman (2009, p. 657), advocacy coalitions consist of people from various positions who coordinate their actions over time and share a common belief system, including fundamental values, causal assumptions, and issue perceptions. Sabatier (1988, p. 140) argues that coalition building is essential for gathering resources, giving coalitions greater power to advocate their values and ideas.

The size of a coalition can indicate the level of support for a policy change proposal, while its composition can demonstrate the breadth of support for an initiative. Policy entrepreneurs often seek cooperation from groups that might be perceived as unexpected allies. When strategically utilized, the composition of a coalition can help counter the arguments of change opponents.

According to Meijerink and Huitema (2010), there are three types of coalitions for gaining support for new ideas:

- Those who share the same or similar ideas, values, and beliefs.

- Those who do not share the same ideas, values, and beliefs but share an interest in achieving the same specific policy change.
- Those who do not share similar ideas, values, or beliefs, nor preferences for policy change, but who are interdependent in achieving respective goals.

- **Using multiple venues**

Policy entrepreneurs must thoroughly understand the policy system in which they operate when advocating for particular policies (Huitema and Meijerink, 2010). Within this context, they can strategically select policy arenas as mediums for framing issues and transforming policy ideas into decisions. This technique involves developing new venues, modifying or bypassing existing venues to increase representation, and "venue shopping," which involves seeking other policy arenas with a more favorable audience (*Ibid*). In some situations, policy entrepreneurs may choose to work within regular, established policy arenas, while at other times, or simultaneously, they may prefer venues that lack the typical or prescribed structure. Possible venues include not only different levels of government (central or regional) but also regulatory organizations and legislative bodies (Brouwer, Huitema, and Biermann, 2009, p. 17).

Additionally, access to power centers is a critical factor in the success of policy initiatives, as policy entrepreneurs are more likely to achieve their objectives if they can gain entry to key decision-making arenas where policies are formulated and negotiated (Cairney and Zahariadis, 2016, pp. 101–102). Access to these networks allows policy entrepreneurs to engage directly with policymakers, enabling them to advocate for their proposals, influence issue framing, and secure support for their initiatives. The key to policy entrepreneurs' success is their ability to navigate policy networks effectively, fostering connections that bolster their arguments among policymakers (Mintrom and Vergari, 1996, p. 423). This access provides opportunities to present their ideas during windows of opportunity, which may arise from shifts in the political or social landscape or within predictable policy timelines.

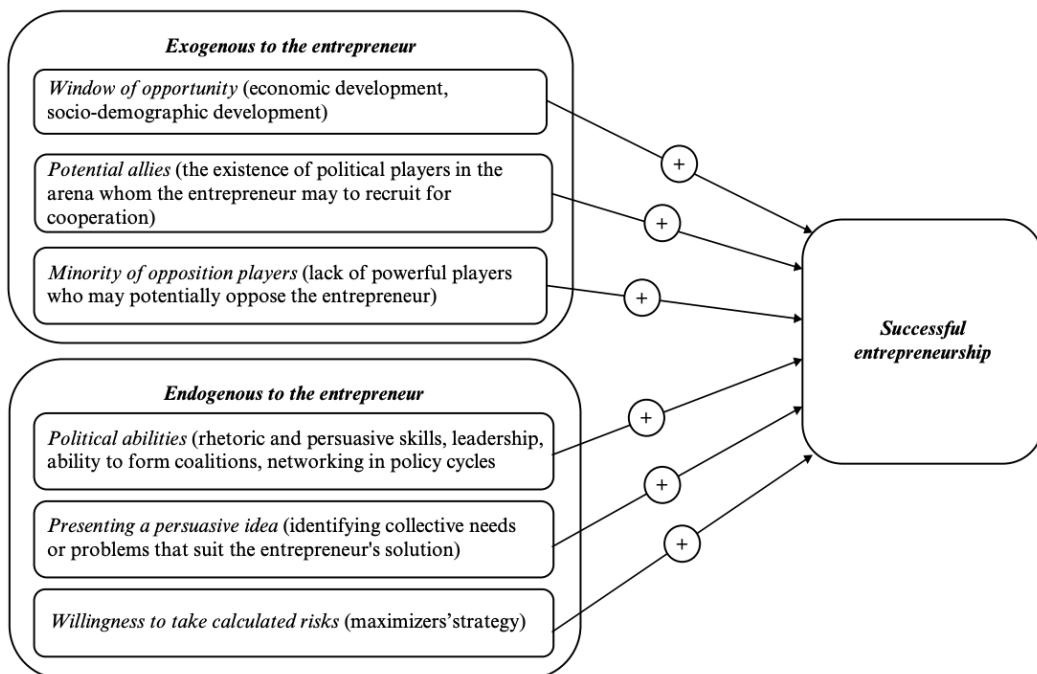


Figure 2. Factors contributing to the success of policy entrepreneurs in advancing policy proposals. Source: (Cohen, 2016, p. 190)

Cohen (2016, pp. 190–193) explains that the success of policy entrepreneurship/advocacy depends not only on the entrepreneur's skills, strategies, and favorable policy venue conditions but on a combination of all these factors working in unison (both exogenous and endogenous to the policy entrepreneur). These factors are detailed in the table below.

Proposition	Explanation
As the window of opportunity expands, the policy entrepreneur's opportunities to impact public policy increases	The most crucial factor for policy entrepreneurship is the existence of an opportunity that offers policy entrepreneurs to impose their policy proposal in which timing and outcomes align. The opportunity may arise from political system changes, economic developments, or socio-demographic changes, or mix of these factors.
As more potential allies become available for policy entrepreneurs to team up with, their chances of impacting public policy grow	To succeed, policy entrepreneurs must garner support from key actors in the policy venue, especially when strong opposition favors the status quo. The more influential supporters, the easier it becomes for policy entrepreneurs to gather resources for establishing a new agenda and advancing formal policy changes
As the influence of opposition actors in the policy venue decrease, the policy entrepreneurs' chances to affect public policy will grow	When opposition players whose veto rights are inactive in the policy venue, the policy entrepreneurs' task becomes easier. If there are few powerful opponents in a policy venue, the chances of success for the policy entrepreneur improve
As policy entrepreneurs enhance their political skills, their likelihood of impacting public policy rises	The success of policy entrepreneurs relies on persuasion, pragmatism, and a willingness to compromise, which is a vital political skill in a democratic society. Their rhetorical and persuasive abilities are strong indicators of success.
The more persuasive a policy entrepreneur's ideas, the greater their chances of impacting public policy	Successful policy entrepreneurial efforts stem from recognizing the needs of key societal groups and the political potential in meeting those needs. Thus, the more collective the needs addressed by a policy entrepreneur's solutions, the greater chances of success. Effective policy entrepreneurs connect specific problems to their own interests, frame issues as crises using evidence, expose the shortcomings of current policies, and garner support from actors outside the immediate context of the problem.
As a policy entrepreneur's willingness to take calculated risks increases to other actors in the policy venue, the chances of impacting public policy will increase	Willingness to take calculated risks is key to a policy entrepreneur's success. They often take bigger risks than others, boosting their chances of success and their reputation. Sometimes, they pursue strategies that seem risky but can lead to greater rewards.

Table 1. Explanation of factors contributing to the success of policy entrepreneurs. Source: (Cohen, 2016)

Chapter 3

Methodology

3.1 Qualitative Interview

This research adopts a qualitative approach as the primary methodology to explore the advocacy strategies of AMAN and its efforts to secure the rights of Indigenous Peoples within Indonesia's forestry carbon trade scheme. According to Hennink (2020, p. 10), "*qualitative research is an approach that allows you to examine people's experiences in detail by using a specific set of research methods such as in-depth interviews, focus group discussions, observation, content analysis, visual methods, and life histories or biographies.*" This approach is particularly valuable for this study as it facilitates a deep and nuanced understanding of the strategies employed by AMAN, focusing on the experiences, perceptions, and actions of those directly involved in its advocacy work.

To gather detailed insights into AMAN's strategies in advocating within the Indonesian forestry carbon trade scheme, eight semi-structured interviews were conducted with relevant stakeholders. These interviews were designed to provide a comprehensive examination of AMAN's activities and approaches. All interviews were conducted in Bahasa Indonesia to ensure clarity and comfort for the informants. Although a general interview guide was followed⁸, flexibility was maintained by modifying, adding, and rephrasing questions as needed based on the informants' responses. This adaptive interviewing technique captured a wider range of perspectives and deeper insights into AMAN's advocacy efforts. By tailoring questions to the flow of conversation, it was possible to probe more deeply into specific areas, clarify ambiguities, and uncover insights that may not have emerged through a rigid set of pre-determined questions.

Informants for this study were selected through purposive sampling, a method that ensures data richness by deliberately selecting individuals with extensive knowledge about AMAN's advocacy within the forestry carbon trade scheme. As Etikan (2016, pp. 2–3) suggests, purposive sampling enables the researcher to gather detailed insights from key stakeholders with direct experience in the area under study. Both formal and informal networks were utilized to reach these informants. My previous tenure with an environmental NGO in Indonesia provided informal networks that facilitated the identification and access of knowledgeable stakeholders. Although informal networks were used during the research, the informants are senior-level organizational representatives. Additionally, formal letters were used to secure official permission for interviews with policymakers.

The selected informants included:⁹

- AMAN and its wing organization leaders: To understand their strategies, challenges, and successes.
- Partner Organizations: To explore the nature of collaborations and coalitions.
- Indigenous Community Members: To gain insights into their perspectives on AMAN's advocacy.
- Policymakers: To understand how AMAN's advocacy is perceived and its influence on policy decisions.
- Indonesian Constitutional Law Experts: To gain insights into the legal perspectives on AMAN's advocacy efforts in litigation.

⁸ See Appendix 2-7.

⁹ These detailed informants can be found in Appendix 1.

After data collection, the thematic analysis method was employed. Thematic analysis is a technique used to identify patterns or themes within qualitative data (Maguire and Delahunt, 2017, p. 3354). This process involves several steps: familiarizing oneself with the data, generating initial codes, identifying potential themes, reviewing and defining these themes, and writing up the findings (Braun and Clarke, 2006, as cited in Maguire and Delahunt, 2017, p. 3354). Analysis began with data gathered from informants and was supplemented with secondary sources such as regulations, academic articles, news articles, and organizational reports/position papers. The data were then categorized into codes to identify emerging patterns and themes, which helped reveal the key elements of AMAN's advocacy strategy.

3.2 Document Analysis

Document analysis was also chosen as a method in this study, providing an opportunity to analyze documents gathered from informants, such as organizational reports/position papers, legal decrees, and expert witness testimony documents. This method is frequently used alongside other qualitative research methods as a means of triangulation, ensuring alignment and corroboration through multiple data sources (Bowen, 2009, p. 28).

Document Analysis allows the researcher to gain insights into the formal positions and policy stances of AMAN, as reflected in their official reports and publications. Analyzing legal decrees also provides a deeper understanding of the regulatory context, shedding light on the outcomes of advocacy efforts. It clarifies the legal standing within the forestry carbon trade scheme and illustrates the results and challenges faced by AMAN in advocating for Indigenous Peoples' rights within this framework. Furthermore, expert witness testimony documents provide a perspective on legal interpretations regarding forestry carbon trading, presenting nuanced arguments that shape legal evidence to strengthen AMAN's advocacy efforts.

An overview of documents analyzed in this study can be found in the table below.

Source	Title	Type
AMAN	Political Economy Perspectives on Carbon Trading and Its Impact on Indigenous Communities	Position Paper
AMAN and its coalition	Civil Society Joint Letter on Carbon Trading: Boycott Carbon Trading, Stop Emission Releases, and Accelerate Indigenous and Local Community Areas	Position Paper
Yance Arizona (Expert Witness)	Expert Witness Testimony on the Judicial Review of Presidential Regulation 98/2021	Expert Witness Testimony
AMAN	Supreme Court Decree Number 61/P/HUM/2022 on the Right to Judicial Review of Presidential Regulation 98/2021	Supreme Court Decree
PPMAN	Legal Analysis on Supreme Court Decree Number 61/P/HUM/2022 on the Right to Judicial Review of Presidential Regulation 98/2021	NGO Report

Table 2. List of Documents

3.3 Field Observation

This research employs observational data from fieldwork conducted in Jakarta and Banten from 17 July to 18 August 2024. During fieldwork, I participated in the International Conference on Indigenous Peoples: Innovation and Traditional Knowledge, held by AMAN to celebrate the International Day of the World's Indigenous Peoples 2024. Many of AMAN's members attended this event, providing an opportunity to introduce myself to an AMAN member from Banten province and obtain contacts for further information gathering. Additionally, I visited AMAN's office and engaged in discussions regarding their activities related to the advocacy of forestry carbon trade issues.

3.4 Positionality and Limitation

It is essential to acknowledge the researcher's positionality, as it can influence the research process (Holmes, 2020, p. 3). My background as a former employee of an environmental NGO has provided certain advantages, including access to personal networks that facilitated contact with informants. However, this may also introduce a degree of subjective bias in the research process. Moreover, as I am neither affiliated with any customary communities nor personally involved, I recognize that my beliefs, influenced by my previous NGO experience and current position as an ISS student, view Indigenous Peoples' involvement in development projects as essential. I approach the concept of insider-outsider status as a continuum rather than a strict dichotomy (Mercer, 2007, p. 1). While eliminating bias entirely is challenging, I employed triangulation techniques to validate data and insights from informants with secondary data sources, such as regulations, academic articles, news articles, and NGO reports/position papers.

This study has limitations regarding the informants, as it includes only AMAN members from Lebak Regency directly involved in AMAN's advocacy efforts in forestry carbon trading. This limited scope may not fully capture the diversity of perspectives among other AMAN members on this issue. Furthermore, this study focuses on three specific selection strategies, narrowing the scope of the research. While these strategies provide an analytical framework for understanding AMAN's advocacy approach, they may not encompass all of AMAN's strategies. Additionally, while other informants outside AMAN were included, specific policy venue representatives were not consulted to gather primary data on the factors determining the success or failure of AMAN's advocacy efforts. However, I attempted to address this limitation by using secondary data from academic sources.

Chapter 4 Setting the Context: Overview of AMAN’s Profile and Its Challenges in Legal Recognition in Indonesia

This chapter provides an overview of AMAN’s profile to contextualize it as an Indigenous organization in Indonesia. It further examines the challenges AMAN faces within Indonesia’s Indigenous policy landscape, specifically regarding legal recognition, which is closely tied to the forestry carbon trade scheme. Legal land rights serve as a prerequisite for determining the involvement of Indigenous Peoples in this policy. By discussing AMAN’s nature as an Indigenous organization and the challenges it faces, this chapter situates AMAN’s position within the forestry carbon trade scheme, along with its strategies for advocating Indigenous Peoples’ rights, which are elaborated in the subsequent chapter.

4.1 AMAN’s Profile

4.1.1 AMAN’s History

Understanding AMAN’s historical context is essential for grasping the systemic challenges that Indigenous communities in Indonesia have faced. This background sheds light on AMAN’s foundation and mission as an Indigenous organization, grounded in the historical marginalization and exclusion of these communities from formal recognition by the state.

AMAN’s roots trace back to the mid-1980s, when non-governmental organizations (NGOs) and social scientists began to recognize the adverse impacts of development policies on Indigenous communities in Indonesia. These communities were frequently marginalized and excluded from decision-making processes, especially regarding the protection of their lands. For instance, in Borneo, the Dayak Bentian, renowned for their expertise in rattan cultivation, faced ongoing challenges from logging companies that destroyed their forests and rattan gardens (Moniaga, 2007, p. 9). Similarly, in 1988, hundreds of Batak Toba communities in North Sumatra opposed a concession granted to a company that authorized the clearing of their forests for timber plantations designated for a pulp and paper mill (Ibid, 2007, p. 9).

In response to these challenges, the Network of Defenders of the Rights of Indigenous Peoples (*Jaringan Pembela Hak-Hak Masyarakat Adat*, or JAPHAMA) was established in 1993 in Toraja, South Sulawesi. Initiated by Indigenous leaders, academics, legal aid workers, and social movement activists, JAPHAMA emerged as a platform to strengthen the Indigenous movement in Indonesia and align with global Indigenous movements. JAPHAMA also introduced the term *Masyarakat Adat* (Indigenous Peoples) as a form of resistance against derogatory terms like “outcast tribe,” “forest dwellers,” and “primitive”—terms that infringed upon the constitutional rights of Indigenous Peoples to be treated equally as Indonesian citizens.

Building on this momentum, JAPHAMA organized the first Congress of Indigenous Peoples of the Archipelago (*Kongres Masyarakat Adat Nusantara I* or KMAN I) in 1999 (Tamma and Duile, 2020, p. 276). Held at Hotel Indonesia in Jakarta, KMAN I brought over 400 Indigenous leaders from across the archipelago together to address issues threatening Indigenous existence, including human rights violations, land expropriation, and the marginalization of customs and culture.

KMAN I established a foundational vision, mission, and principles for the Indigenous movement. It also defined Indigenous communities as those inhabiting ancestral domains for generations, holding sovereignty over their lands and natural resources, and governed by Indigenous laws that maintain their social and cultural institutions. KMAN I laid the groundwork for establishing AMAN as the organizational body representing Indigenous communities in Indonesia. Since then, 17 March has been celebrated as the Day of the Resurrection of Indigenous Peoples of the Archipelago (*Hari Kebangkitan Masyarakat Adat Nusantara*, or HKMAN), marking the founding of AMAN (*Aliansi Masyarakat Adat Nusantara*) as an independent civic organization (AMAN, no date).

AMAN's primary goal is to ensure that the Indonesian state acknowledges the existence and rights of Indigenous communities (Acciaioli, 2001; Li, 2001). AMAN does not seek to overthrow the government or create a separate political entity; instead, it focuses on reinforcing the position of Indigenous communities within the nation-state framework. Thus, AMAN's establishment responded to the state's marginalization and lack of formal recognition of Indigenous communities.

4.1.2 AMAN's Members

AMAN's members consist of Indigenous communities that have formally agreed to and endorsed AMAN's Statutes and Bylaws. According to AMAN's Statutes (2022a)¹⁰, these communities are recognized as legal entities that have inhabited specific geographical areas for generations. They share a cultural identity, strong ancestral ties, and a close relationship with their land, territory, and natural resources. These communities adhere to a distinct value system that shapes their economic, political, social, and legal institutions and are governed by Indigenous laws that maintain their social and cultural structures (Fay and Denduangrudee, 2016, p. 95).

To join AMAN, communities must meet specific membership criteria and voluntarily declare themselves as members. Once these criteria are met, they are officially recognized as AMAN members. AMAN's membership is exclusive to communities, and individuals must be part of a community recognized as an AMAN member to become part of the organization.

Individual members of recognized Indigenous communities within AMAN are termed "cadres." The cadre categories include Main Cadres (*Kader Utama*), Beginner Cadres (*Kader Pemula*), Driving Cadres (*Kader Penggerak*), and Leader Cadres (*Kader Pemimpin*). Main Cadres, in particular, are the initiators, founders, and guardians of the Indigenous Peoples' movement vision in Indonesia, with their commitment proven over at least 15 years. The nomination and ratification of Main Cadres follow specific regulations set by AMAN's Central Governing Body (*Pengurus Besar AMAN*). According to AMAN's Bylaws (2022b), the membership requirements for each category are as follows:

¹⁰ Specifically in Article 11, Paragraph 2.

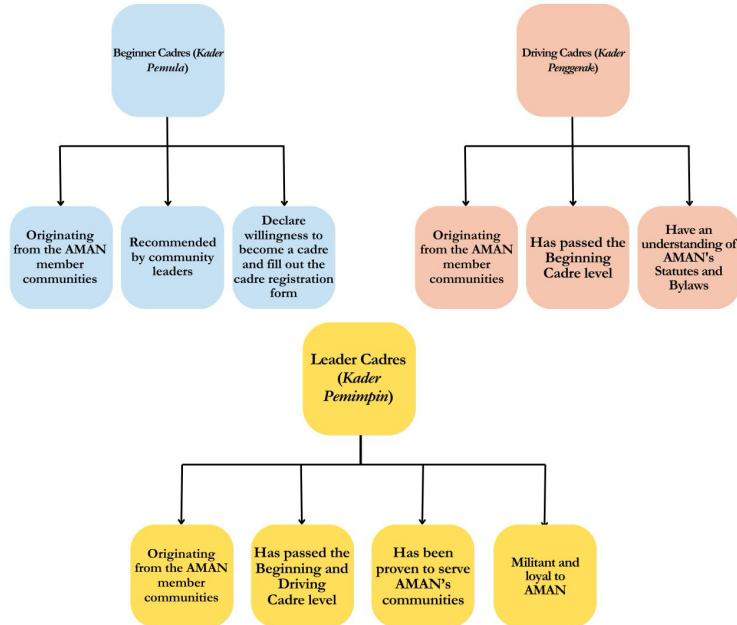


Figure 3. Membership Requirements for AMAN Cadres. Source: (AMAN, 2022b)

4.1.3 AMAN's Structure

AMAN has established 21 Regional Chapters (*Pengurus Wilayah*) and 115 Local Chapters (*Pengurus Daerah*) across 33 provinces. It now represents 2,422 Indigenous villages, with an estimated population of around 20 million people (AMAN, no date), though AMAN does not specify how it arrived at this population estimate (Muur, 2019, p. 86). AMAN's organizational structure, spanning from the local to the national level, is presented as follows:

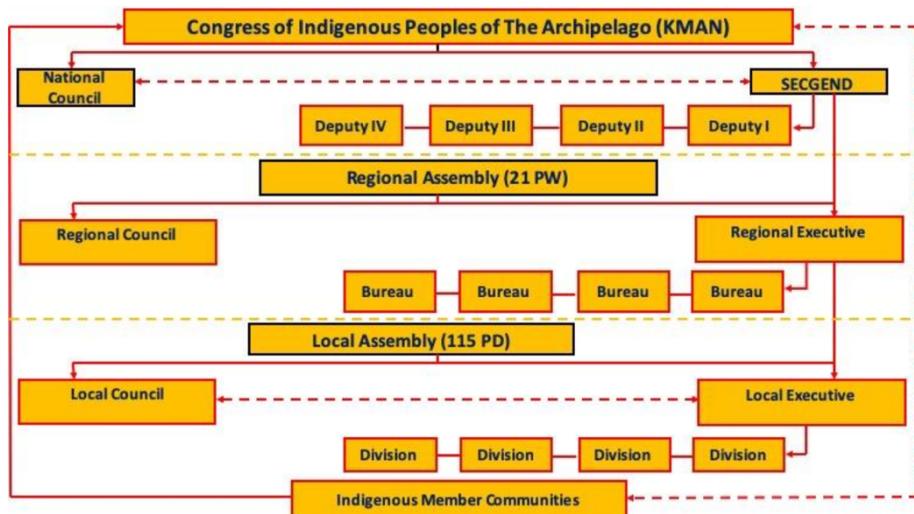


Figure 4. AMAN's Structure. Source: (AMAN, no date)

At the national level, leadership is vested in the Central Governing Body of AMAN (*Pengurus Besar* or PB AMAN). PB AMAN is led by a Secretary-General, who is responsible for implementing the organization's mandates and is elected by KMAN. Supporting the Secretary-General is the National Council (*Dewan AMAN Nasional* or DAMANNAS), composed of 14 Indigenous leaders—one male and one female—from each of AMAN's seven regional divisions: Sumatra, Borneo, Java, Bali and Nusa Tenggara, Sulawesi, Maluku, and Papua. DAMANNAS members are also selected by KMAN. To aid in managing AMAN's

Secretariat, the Secretary-General appoints four Deputies overseeing Organizational Affairs, Political Affairs, Economic Affairs, and Social-Cultural Affairs.

At the regional level, AMAN's Regional Chapters (*Pengurus Wilayah AMAN* or PW AMAN) manage leadership. Each Regional Chapter's scope can be determined by provincial administrative boundaries or Indigenous territorial boundaries, depending on mutual agreements and the historical context of the communities in that area. Each Regional Chapter consists of a Regional Executive Body (*Badan Pengurus Harian Wilayah* or BPHW) and a Regional Council (*Dewan AMAN Wilayah* or DAMANWIL). As of March 2017 (KMAN V), there are 21 Regional Chapters.

Locally, AMAN's Local Chapters (*Pengurus Daerah AMAN* or PD AMAN) operate within district/regency administrative boundaries or Indigenous territories. Each Local Chapter comprises a Local Executive Body (*Badan Pengurus Harian Daerah* or BPHD) and a Local Council (*Dewan AMAN Daerah* or DAMANDA). As of January 2019, there are 115 Local Chapters across 33 provinces.

AMAN also established three Wing Organizations to strengthen grassroots work: *Barisan Pemuda Adat Nusantara* (BPAN, the Archipelago Indigenous Youth Front), *Persekutuan Perempuan Adat Nusantara – PEREMPUAN AMAN* (Indigenous Women's Union of the Archipelago), and *Perhimpunan Pembela Masyarakat Adat Nusantara – PPMAN* (Association of Indigenous Peoples' Defenders of the Archipelago). Each organization has a distinct purpose, as outlined in Figure 5.

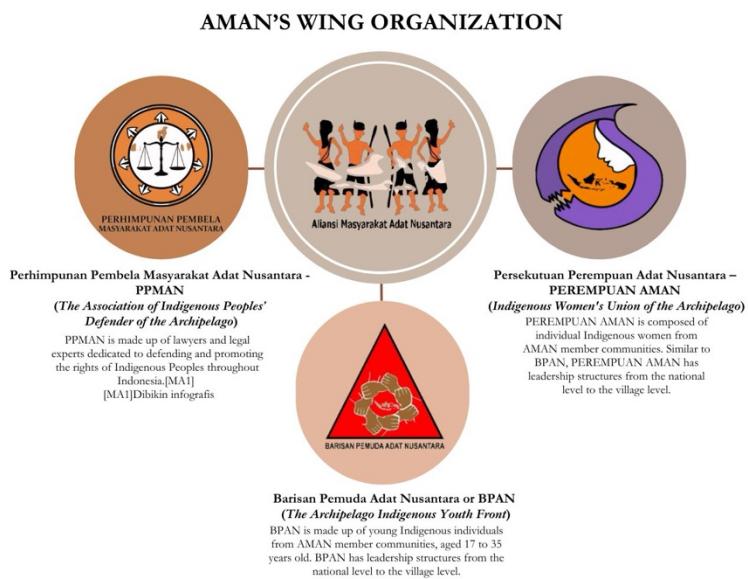


Figure 5. AMAN's Wing Organization. Source: (AMAN, no date)

4.2 AMAN's Challenges in Legal Recognition in Indonesia

In Indonesia, the central aim of the Indigenous community movement has long been to secure legal recognition (Li, 2001, pp. 645–646). During KMAN I in 1999, the movement adopted the bold motto: “If the state refuses to recognize us, we will refuse to recognize the state.” At that time, the primary goal of recognition was to erase the stigmatizing labels attributed to Indigenous Peoples, such as “isolated community,” “shifting cultivators,” and “forest encroachers” (Li, 2001, p. 655).

However, the movement's objectives have since evolved. The demand for recognition has expanded beyond combating stereotypes to encompass broader aspirations for

autonomy and self-determination. Indigenous communities now view legal recognition as essential for reclaiming control over their territories and managing natural resources. Achieving land rights and authority to govern their territories has become a primary focus (ICRAF, AMAN and Forest Peoples Programme, 2003).

External threats, such as government infrastructure projects and commercial land acquisitions, have intensified the urgency for legal recognition. These pressures frequently lead to land dispossession, displacing Indigenous communities and depriving them of their rights to manage their lands and resources (Colchester, 2006). For many Indigenous communities, legal recognition is seen as a critical defense mechanism, offering a means to prevent and resolve land disputes, and ensuring long-term protection over their territories (Arizona, 2022, p. 13).

In Indonesia's forestry sector, the government considers most forests as "state forests" under state law, defining their boundaries and classifying them by purpose, such as conservation, protection, and production, in accordance with Forestry Law 41/1999 (Purnomo *et al.*, 2023, pp. 2–4). Consequently, access to these forests is restricted, and only those with official permits are allowed usage. Legally, state forests are designated as areas without private ownership by individuals or groups. As a result, Indigenous communities, who have inhabited and depended on these forests for generations, are often regarded by the government as "trespassers" on land claimed entirely by the state, complicating their struggle for government recognition.

A significant milestone for the Indigenous rights movement was the Constitutional Court ruling No. 35/PUU-X/2012, which enabled the legal recognition of Indigenous communities' land rights. This decision redefined Indigenous forests, acknowledging them as distinct from state-owned land (Siscawati *et al.*, 2017, p. 15). By granting Indigenous communities legal ownership over these forests, the ruling empowers them with formal control over their ancestral lands and the resources within.

Nonetheless, the absence of a comprehensive law protecting Indigenous Peoples' rights led the Constitutional Court to argue that local and regional governments could enact regulations recognizing and protecting Indigenous Peoples' rights, including their territories, under the Forestry Law¹¹ (Safitri and Uliyah, 2014, pp. 7–8). This decision underscores the vital role that regional and local governments play in recognizing and safeguarding Indigenous rights in their respective areas.

Despite this progress, the number of regional regulations accommodating the recognition and protection of Indigenous communities' rights remains limited. One major challenge lies in the diversity of subjects¹², objects¹³, and legal instruments available at the local level¹⁴ (Zakaria, 2016). This variation complicates the creation of regulations that are inclusive and reflective of each community's unique circumstances.

Furthermore, the enactment of regional legislation on Indigenous rights is closely tied to the political will of local governments. Many local authorities hesitate to pass such regulations, often citing the absence of a national law on Indigenous Peoples' rights as

¹¹ Specifically in the Article 67 Paragraph 2 of the Forestry Law 41/1999.

¹² For instance, Minangkabau communities have various subjects such as *kaum/buah gadang, suku* (clan), or *nagari*. *Kaum/Buah Gadang* refers to the smallest unit of the Minangkabau community structure, which is tied by genealogy relationships (based on matrilineal lines) and territoriality. Meanwhile, *suku* (clan) is formed solely based on genealogical relationships and consists of a combination of several *kaum* (sub-clans). Lastly, *Nagari* refers to the unit of indigenous government, which consists of several clans (*suku*) within a certain territory. Source: (Zakaria, 2016, p. 135; Warman, 2010, p. 44; Azwar, Yunus and Permatasari, 2018, pp. 231–232).

¹³ For instance, Minangkabau communities have various right objects such as *tanah ulayat kaum* (customary land of *kaum*), *tanah ulayat suku* (customary land of *suku*), and *tanah ulayat nagari* (customary land of *nagari*). Source: (Zakaria, 2016, p. 135).

¹⁴ There are several regional regulation choices such as *Peraturan Daerah* (Regency/City/Provincial Regulations), Regent Decrees, or Governor Decrees for regulating the recognition and protection rights of those subjects and objects depending on different community characteristics. Source: (Zakaria, 2016, p. 135).

justification (Safitri, 2015, p. 33). Many policymakers believe they must wait for the enactment of the Indigenous Peoples' Rights Bill before implementing local regulations that recognize Indigenous territories.

In addition to legal ambiguity, political and economic factors further obstruct Indigenous territory recognition. Local governments often prioritize land allocation for large-scale investments over Indigenous land rights, creating a significant barrier to implementing policies that recognize Indigenous territories, even after key rulings like Constitutional Court No. 35/PUU-X/2012 (Safitri, 2015, p. 45). Of the 124 local regulations on Indigenous Peoples passed between 1979 and early 2015, only a small number directly address the recognition of Indigenous territories, with just 21 regulations identifying total Indigenous areas and including Indigenous territory maps (Malik, Arizona and Muhajir, 2015, p. 4). This limited recognition indicates a broader issue of prioritization, where Indigenous land rights are often overshadowed by other regional concerns or economic interests.



Figure 6. The Procedure of Indigenous Forest Recognition. Source: (Simarmata, 2024, p. 148)

Despite the Constitutional Court's emphasis on decentralized forest management in Indigenous forests, the role of the central government remains dominant. Even after Indigenous communities receive recognition from their regional governments, Indigenous leaders must still seek validation for designated Indigenous forests from the MoEF. This validation procedure, necessary for verifying the authenticity of claims, requires MoEF approval (Simarmata, 2024, p. 148). Meanwhile, the central government is apprehensive that granting forest rights to Indigenous communities could hinder the country's ambitious economic development plans, as it believes large enterprises, with their substantial resources and efficiencies, are better equipped to manage resources than Indigenous communities (Ibid, 2024, p. 150). Consequently, this perspective underpins the central government's reluctance to formally recognize Indigenous territories, posing an additional challenge for Indigenous Peoples' territorial claims.

In the context of forestry carbon trading, the lack of legal recognition presents even greater challenges for Indigenous Peoples. Eligibility to participate in such schemes, whether to accept or reject them, is directly tied to formal legal land ownership. Without recognized legal rights to their land, Indigenous communities risk exclusion from these initiatives. According to Madani Berkelanjutan's spatial analysis, approximately 4.1 million hectares of Indigenous territories overlap with areas of primary natural forests and peatlands (Madani Berkelanjutan, 2021). These types of forests are often targeted for carbon projects due to their role as carbon sinks. This overlap creates significant disadvantages for Indigenous communities, who frequently face unclear land governance.

Chapter 5 AMAN's Position and Strategy Towards the Forestry Carbon Trade

5.1 AMAN's Rejection of the Forestry Carbon Trade

AMAN's opposition to the carbon trading policy is rooted in its view that such initiatives represent a market-driven solution that disregards the intrinsic relationship Indigenous communities have with their environment, particularly the ecosystems essential to their survival and cultural identity. In an interview with Rukka Sombolinggi, Secretary General of AMAN, she explained that the organization does not see carbon as a tradable commodity but as a vital environmental service that is integral to the ecosystems sustaining Indigenous Peoples' livelihoods. According to her, carbon trading reduces these vital resources to mere market goods—a problematic approach given that, in her view, the global market has already failed to address the climate crisis.

“One of the reasons we are facing a climate crisis is the failure of the global market. Relying on a broken system, which we refer to as 'bakke' in Toraja – meaning a loser, something that has clearly failed – is not logical.” (Rukka, 2024).

Beyond environmental concerns, AMAN also argues that carbon trading can serve as a vehicle for "greenwashing." This scheme enables companies to continue harmful practices by purchasing carbon credits to offset their environmental impact. Rukka emphasized that Indigenous Peoples do not wish to be used as instruments in such unethical practices.

“If one community’s land is destroyed by mining, and the company buys carbon credits from another community, it undermines mutual support and is ethically wrong. True zero-carbon companies would not need to buy carbon credits.” (Rukka, 2024)

Syamsul Alam Agus, Chief of PPMAN, highlighted the urgency of responding to the threats posed by the forestry carbon trade scheme, especially in light of Presidential Regulation 98/2021, which governs the scheme. He noted that if the provisions within this regulation remain unchallenged, Indigenous Peoples could become even more vulnerable.

“AMAN Congress mandates that all organizational resources are directed toward ensuring the protection and fulfillment of Indigenous rights. This directive implies that any regulation threatening Indigenous Peoples must be actively addressed, including the forestry carbon trade policy.” (Syamsul, 2024).

Syamsul's concerns are not without precedent. Carbon projects have, in several cases, further marginalized Indigenous Peoples. For instance, in Katingan, Central Kalimantan, the Rimba Makmur Utama company has managed a carbon project since 2013 over a 600,000-hectare area. This project, in partnership with international organizations and major corporations, has triggered agrarian conflicts, particularly affecting the Dayak Misik community (Lala, 2023). Similarly, the Kalimantan Forest Climate Partnership (KFCP), a joint project between Indonesia and Australia, encountered significant issues due to non-transparent management and lack of local participation. Despite its substantial funding, the project largely benefited its facilitators rather than local communities (Hidayah, 2013). In another case, the Melchor Group's carbon project in the Aru Islands of Maluku has led to the conversion of

591,000 hectares of Indigenous forest areas. The local Indigenous communities rejected the project, citing concerns over losing access to their forests due to the company's misleading practices during initial consultations (AMAN, 2024).

In summary, AMAN's opposition to carbon trading is multifaceted, driven by concerns for Indigenous rights, the ethical implications of commodifying environmental services, and the risk of greenwashing. AMAN contends that carbon trading not only fails to address the underlying causes of the climate crisis but also deepens the marginalization of Indigenous communities. The organization advocates for a more just and inclusive approach to climate mitigation—one that centers the rights, knowledge, and governance systems of Indigenous Peoples rather than relying on market-driven solutions that have repeatedly fallen short.

Following this position, AMAN has decided to advocate for the cancellation of the forestry carbon trade policy and the enactment of the Indigenous Peoples' Rights Bill, along with regional regulations protecting Indigenous Peoples' rights. These measures would shift the focus from market-based solutions to community-centered approaches that prioritize the well-being of Indigenous Peoples and their environments, ensuring that any climate action undertaken genuinely benefits those most affected. With this stance and policy advocacy, the next subchapter explores AMAN's efforts, focusing on three main strategies: Gathering Evidence, Creating and Working with Coalitions, and Using Multiple Venues.

5.2 Gathering Evidence

This strategy aims to provide an empirical foundation to support AMAN's policy goals. By collecting and presenting data, AMAN substantiates its claims and builds a persuasive case for policy changes. AMAN has gathered and utilized two types of evidence: legal and spatial. These are explained as follows:

5.2.1 Gathering Legal Evidence to Show the Flaws in the Forestry Carbon Trade Policy

AMAN's strategy for collecting legal evidence to support the cancellation of the forestry carbon trade policy began with an in-depth legal analysis of Presidential Regulation 98/2021, which facilitates carbon trading in Indonesia. Through a critical examination, AMAN sought to identify legal grounds for cancellation, with a particular focus on potential conflicts with Indigenous Peoples' rights. Findings from this analysis form the basis of AMAN's advocacy for repealing the regulation.

One of AMAN's primary concerns is the lack of Indigenous Peoples' participation in the policy's formulation process. Through its wing organization, PPMAN, AMAN began collecting testimonies from Indigenous communities, particularly in Lebak Regency, where formal recognition has been granted by local government¹⁵. This local legal recognition strengthens these communities' legal standing, making their testimonies especially compelling in AMAN's case against the forestry carbon trade policy.

Dulhani, an Indigenous leader from Kasepuhan Cibarani in Lebak Regency and a member of AMAN, shared his community's experience in an interview. He stated that they were excluded from the forestry carbon trade policy's legislative process. Dulhani's critique highlights a procedural shortcoming: Indigenous communities were not genuinely included in the formulation of this regulation.

¹⁵ The regulation refers to the Regency Regulation of Lebak Number 8/2015 concerning the Recognition, Protection, and Empowerment of Kasepuhan Indigenous Communities.

“Why did the government not invite us? For example, we were once invited to a regulation discussion in Bandung and stayed for three nights. It should be like that; we are involved from the beginning of the legislation process.” (Dulhani, 2024)

AMAN also confirmed that they never received invitations to participate in legislative discussions for the forestry carbon trade policy, despite being listed as invitees. As Rukka pointed out, this practice of "false participation" is deeply problematic, as it reduces engagement to a formality without genuine inclusion. She highlighted that simply being listed as an invitee is often counted as participation, irrespective of whether the invitation was received, confirmed, or attended.

“Just being invited is considered participation. We get invited, but I never receive the invitation. They send an invitation, put our names on it, but whether it reaches us or not, whether it's confirmed or not. Once your name is written down, it means you've participated.” (Rukka, 2024).

Based on these testimonies, PPMAN identified¹⁶ that the formulation of the forestry carbon trade policy contradicts the Formation of Legislative Regulation law¹⁷, which mandates transparency and public participation at every policy-making stage. Furthermore, PPMAN observed that the policy failed to uphold principles of meaningful participation¹⁸, as defined by the Constitutional Court, which include the right to be heard, the right to have input considered, and the right to receive explanations. PPMAN emphasized that meaningful participation is not just procedural but also a critical element for policies designed to enhance citizen welfare.¹⁹

Beyond the issue of meaningful participation in the legislation process, PPMAN's analysis revealed that the forestry carbon trade policy could undermine Indigenous Peoples' rights by treating them as passive participants rather than active stakeholders with authority over carbon resources. In an interview, Syamsul Alam Agus (Chief of PPMAN) underscored the importance of recognizing Indigenous Peoples as active agents within the forestry carbon trade framework.

“This regulation fails to specifically recognize Indigenous Peoples as active subjects, merely referring to them as 'communities.' The distinction is crucial as it affects their legal standing. If recognized as active subjects, they can say no to investors because they are active participants.” (Syamsul, 2024)

PPMAN further strengthened its legal evidence by citing the Agrarian Principles Law and the Paris Agreement Ratification Law²⁰, both of which underscore the essential role of Indigenous Peoples in natural resource management and climate action. The Agrarian Principles Law acknowledges the importance of Indigenous Peoples by recognizing their rights and role as active participants in managing and governing natural resources.²¹ Similarly, the

¹⁶ According to the PPMAN's legal analysis that was obtained from PPMAN's document and the Supreme Court Decree Number 61/P/HUM/2022 concerning the Right to Judicial Review of Presidential Regulation 98/2021.

¹⁷ It refers to Law Number 13/2022 on the second amendment to Law Number 12/2011 concerning the Formation of Legislative Regulation. See the explanation of the Article 5 G.

¹⁸ As defined by the Constitutional Court Decree Number 91/PUU/XVIII/2020.

¹⁹ As defined by Constitutional Court Decree Number 3/PUU-VIII/2010. This decree provides constitutional criteria for evaluating whether a policy or program is designed to enhance citizens' prosperity. One of the criteria includes the level of participation of citizens to determine natural resource benefits.

²⁰ In detail, it refers to the Agrarian Principles Law Number 5/1960 and The Ratification of Paris Agreement To The United Nations Framework Convention on Climate Change Law Number 16/2016.

²¹ Especially Article 2 Paragraph 4 in the Agrarian Principles Law Number 5/1960.

Paris Agreement Ratification Law highlights the significance of Indigenous Peoples' role as active participants in climate actions, with the stipulation that these actions must respect their rights.

Furthermore, PPMAN discovered that the forestry carbon trade policy also conflicts with the Forestry Law²². The policy's assertion of state ownership over carbon rights creates a legal overlap with this law, which recognizes Indigenous Peoples' rights over customary forests. Despite Indigenous Peoples already owning their lands, the carbon rights are not directly embedded. By placing carbon rights exclusively under state control, the forestry carbon trade policy exacerbates tensions between state claims and Indigenous Peoples' ownership of their forests.

To strengthen their legal evidence, PPMAN conducted expert consultations to identify loopholes in the forestry carbon trade policy.

"We also consult with constitutional and Indigenous law experts, such as Yance Arizona, to gather their insights. These consultations are crucial." (Syamsul, 2024).

Yance Arizona, a constitutional law expert from Universitas Gadjah Mada, was one of the experts who testified before AMAN and was appointed as an expert witness during the judicial review process that AMAN filed with the Supreme Court. When I interviewed Yance to gather information about his testimony, he provided the document on the Judicial Review of the carbon trade policy. In his document, he explained that the carbon trade policy gives minimal attention to the position of Indigenous Peoples in climate action. The policy does not define Indigenous Peoples in the general provisions section, despite their key role in addressing climate change. Moreover, the Paris Agreement recognizes the rights and contributions of Indigenous Peoples in climate actions. He emphasized his point about the Paris Agreement during the interview:

"The point is that the Paris Agreement has already been ratified by the Indonesian government. The Paris Agreement provides significant opportunities for Indigenous Peoples to play a major role. Thus, if there is a regulation under the law that ignores the rights of Indigenous Peoples in the context of climate actions, then it contradicts the Paris Agreement. That's the key point." (Yance, 2024).

In addition to the Paris Agreement ratification, his testimony document also addressed the state's rights over carbon. It demonstrated that the forestry carbon trade policy contradicts the 1945 Indonesian Constitution, which mandates that such control must be exercised for the maximum benefit of the people's welfare. However, the policy fails to comply with the principles of meaningful participation, which are necessary to achieve its aim of promoting people's welfare.²³

In conclusion, the process of gathering legal evidence was instrumental in exposing the flaws in the forestry carbon trade policy. By referencing relevant legal frameworks, AMAN demonstrated the crucial role of Indigenous Peoples in natural resource management and climate action. PPMAN's analysis, supported by Yance's opinions, revealed not only a failure to incorporate meaningful participation but also a disregard for the rights of Indigenous Peoples as active subjects in decision-making processes.

²² It refers to the Forestry Law Number 41/1999.

²³ The detail comes from Article 33 Paragraph (3) of the 1945 Indonesian Constitution. This article grants the state control over natural resources, including carbon, but mandates that such control must be exercised for the maximum benefit of the people's welfare. As interpreted by the Constitutional Decree Number 3/PUU-VIII/2010, any policy intended to provide these benefits must ensure meaningful participation by citizens in determining how natural resources are used, especially during the policy's formulation. Without such participation, the welfare goal is undermined.

5.2.2 Gathering Spatial Evidence to Show Threats from the Forestry Carbon Trade and Support Indigenous Peoples' Rights Regulation

To ensure they have valid evidence that strengthens AMAN's arguments regarding the potential destruction caused by the carbon trading scheme to Indigenous Peoples' rights over land use, AMAN has established a monitoring mechanism through mapping their territories. This allows them to track damage and permits within Indigenous territories.

"For example, in Aru, continuous monitoring by our organization helps us identify numerous permits being issued." (Rukka, 2024).

Badan Registrasi Wilayah Adat (BRWA,) or Indigenous Territory Registration Agency, supports AMAN in monitoring and consolidating Indigenous territory data through a structured registration process. This process includes stages of registration, verification, validation, and publication. Initially, BRWA gained its first legal recognition as an autonomous body under AMAN.²⁴ Since 2017, BRWA has been established as an independent institution, with regional offices in West Kalimantan, Central Sulawesi, and South Sulawesi. BRWA's data on the status of Indigenous territory recognition aims to ensure that government permits or development plans, including carbon trading projects, adhere to safeguards such as FPIC (Free, Prior, and Informed Consent) and identify any overlaps between Indigenous territories and proposed projects.



Figure 7. The Status of Indigenous Territory Recognition in Indonesia as of August 2024.²⁵ Source: (BRWA, 2024)

As a result of its efforts to gather spatial evidence, the updated Indigenous Territory Status is regularly published, showing that many Indigenous territories remain at risk from development projects when recognition is not carried out. As of August 2024, approximately 25.2 million hectares of Indigenous territories remain unrecognized by local governments.

²⁴ It was stipulated through the AMAN's Secretary-General Decree Number No. 01/SK-BRWA/PB-AMAN/III/2011.

²⁵ *Penetapan* or Stipulated refers to an Indigenous Territory that has already been formally recognized by local governments. This recognition means that the Indigenous community's rights to their land are officially acknowledged and documented. The local government's recognition is often accompanied by official decrees or certificates that validate the community's claim to their land. On the other hand, *Pengaturan* or Regulated refers to a situation where the necessary regulations or guidelines for recognizing Indigenous Territories are in place, but no specific Indigenous Territory has been formally recognized by the local government yet. In other words, while the legal framework or policy exists to support the recognition process, specific Indigenous territories have not been officially acknowledged. This status indicates that further steps are needed for Indigenous communities to gain official recognition of their territories. Source: Interview with Ariya Data and Information Manager of BRWA (2024).

Furthermore, the data derived from spatial mapping significantly bolsters the justification for passing the Indigenous Peoples' Rights Bill. This information provides policymakers with evidence of areas that require legal protection, supporting the enactment of the bill, which mandates local governments to recognize and protect Indigenous territories.

On the other hand, spatial data serves as a valuable tool for Indigenous Peoples at the local level to propose policy initiatives, such as the Recognition, Protection, and Empowerment of Indigenous Peoples Regional Regulations, as well as Regent Decrees on Indigenous Territories. As illustrated by Wahid, an Indigenous community leader of Kasepuhan Karang in Lebak Regency, the availability of accurate mapping data strengthens the validity of policy proposals. Wahid also emphasized the challenges faced by Indigenous communities in conducting mapping, particularly the lack of necessary tools such as GPS and skilled operators at the local committee level.

“Indigenous communities can conduct mapping, but we don’t have the tools at the local committee level, like GPS. We requested them, and when the tools were available, our people who operate the GPS weren’t skilled. So, they came to train them. It’s mostly based on requests. The national committee of AMAN mainly responds to requests.” (Wahid, 2024).

In conclusion, the spatial evidence gathered highlights the vulnerability of Indigenous territories to development projects, including carbon trading initiatives, when formal recognition and legal protections are lacking. By documenting the status and extent of these lands, the spatial data provides a compelling basis for advocacy efforts, emphasizing the need for more robust regulatory frameworks that prioritize Indigenous rights. This evidence also became a key tool for advancing Indigenous rights protections at the local level, fostering policies that respect Indigenous rights over their territories.

5.3 Creating and Working with the Advocacy Coalition

“We believe we cannot move forward alone. The key now is to work together,” said Syamsul (2024), explaining the importance of the coalition in advocating their concerns on the forestry carbon trade scheme. Following this statement, AMAN formed a coalition with several NGOs, including WALHI (*Wahana Lingkungan Hidup Indonesia* or Indonesian Forum for the Environment/Friends of the Earth Indonesia), Yayasan PIKUL, Yayasan PUSAKA, JATAM (Jaringan Advokasi Tambang or Mining Advocacy Network), SED (Sekolah Ekonomi Demokratik or School of Democratic Economics), and Greenpeace Indonesia.

In building the coalition for the forestry carbon trade issue, AMAN identified various issues that aligned with the interests of the network. For example, the forestry carbon trade policy is related to climate issues, which intersect with other concerns, meaning that other NGOs have an interest in forming a coalition. Although most members focus on environmental issues, land-use issues are also intertwined with concerns like social justice. Torry Kuswardono from Yayasan PIKUL confirmed that his organization’s concerns cannot be separated from land-based issues.

“Although PIKUL began as a social justice organization, we realized that nature and land issues are intertwined with social justice because they concern access to resources and resource justice.” (Torry, 2024).

Furthermore, these organizations perceive the forestry carbon trade scheme as an unethical way to compensate emitters, similar to AMAN's perspective.

"When a company releases carbon, the question is whether it only releases carbon and thus becomes eligible to offset by buying carbon rights. No. Oil companies, for example, release not only carbon but also pollution and engage in exploitation in their areas of operation. Then they try to absolve themselves by buying carbon rights. Is that ethical? For us, it is not. Any entity that releases carbon causes suffering and environmental damage that may not be repairable." (Torry, 2024).

The formation of this coalition was largely driven by pre-existing individual networks among organizations that were already familiar with each other. These informal connections served as stepping stones, enabling the coalition to form when the issue of carbon trading emerged. It often began with individuals asking, "Do you know someone in that organization?" and building connections from there (Torry, 2024). Additionally, the coalition's formation was influenced by the cross-cutting work and locations of its member organizations. For instance, many of the communities that WALHI worked with included Indigenous Peoples, leading to a natural intersection of interests. As Uli Arta Siagian (Forest and Plantation Campaign Manager of WALHI) noted,

"In many cases, the communities that WALHI works with include members of Indigenous Communities. This overlap in our work leads us to oppose carbon trading together." (Uli, 2024)

The coalition was composed of organizations with diverse expertise, each contributing based on their unique resources and mandates. This diversity in expertise was complemented by a culture of intellectual exchange within the coalition, which became an integral part of their work.

"For example, recently in Sulawesi, AMAN organized a paralegal training session and recognized the importance of including a specific segment on carbon trading due to the increasing number of carbon concessions targeting Indigenous lands in South Sulawesi. WALHI and Greenpeace contributed as speakers, sharing knowledge and conducting joint campaigns. This exchange of expertise is crucial in our advocacy efforts." (Uli, 2024).

However, the coalition's working system is collaborative and flexible, allowing it to adapt to changing circumstances and respond to emerging challenges without the rigidity of a formalized structure. This openness fostered a cooperative environment where decisions were made collectively, rather than through rigid hierarchies.

"We don't have a strict mechanism; everything flows naturally. Our approach is more flexible, without formal obligations, allowing us to adapt and respond dynamically. If WALHI wants to organize a discussion, we involve everyone. There is no fixed list of tasks. Almost all our advocacy intersects with climate issues, providing a natural entry point. When AMAN discusses Indigenous rights, we highlight the need to protect these rights from projects like carbon trading. This cross-cutting approach helps us integrate our efforts seamlessly." (Uli, 2024)



Figure 8. Position Paper of AMAN with its coalition. Source: (WALHI *et al.*, 2023)

AMAN and its coalition sought to highlight issues surrounding carbon trading by publishing a position paper. The paper asserted that the state's treatment of corporations was evident in its allocation of over 50% (97 million hectares) of Indonesia's land to corporations through various permits in the forestry sector, as well as land-use rights for large-scale plantations and coal, oil, and mineral mining permits. In contrast, the position paper stated that the state's neglect of its obligations was reflected in its slow recognition of Indigenous Peoples' land rights. While corporations could secure land-use rights within just 14 days, Indigenous communities often faced years-long processes to obtain similar rights to manage their land.

In sum, AMAN's strategy of forming a coalition with like-minded organizations aimed to consolidate a collective voice firmly opposed to practices detrimental to Indigenous communities. This approach supports the idea that coalition-building is often motivated by the desire to enhance the coalition's influence on the policy-making process, with the primary goal of framing messages about the detrimental effects of the forestry trade policy in this case.

5.4 Using Multiple Venues

AMAN's strategy of utilizing multiple policy venues highlights its adaptive approach to advocating for the rights of Indigenous communities, particularly within the context of forestry carbon trade policy. AMAN tailored its approach to align with the nature of specific policy types, such as regulations derived from existing laws and the enactment of bills or regional regulations, which span the judicial, executive, and parliamentary branches. A more detailed explanation of these venues is provided below:

5.4.1 Using Litigation Venue to Cancel the Forestry Carbon Trade Policy

AMAN utilized litigation as a key policy venue to advocate against the forestry carbon trade in Indonesia, specifically by filing a judicial review through the Supreme Court. The Supreme Court was selected over the Constitutional Court as the venue for advancing AMAN's policy objectives to challenge the forestry carbon trade policy. This was because judicial reviews of regulations derived from existing laws are exclusively conducted by the Supreme Court. As

Syamsul explained regarding the venue for challenging the forestry carbon trade policy, which is derived from existing regulations,

"Yes, we took it to the Supreme Court because it was a Presidential Regulation. We couldn't bring it to the Constitutional Court." (Syamsul, 2024)



Figure 9. AMAN filed a judicial review to the Indonesian Supreme Court. Source: (Mongabay Indonesia, 2022)

AMAN filed the lawsuit with three plaintiffs: the Kasepuhan Cibarani Indigenous community, an individual member of the Kasepuhan Karang community (Jero Wahid), and the AMAN organization. These plaintiffs have legal standing because they are recognized as Indigenous Communities and Indigenous organizations. They filed the judicial review based on legal evidence that the forestry carbon trade policy did not include meaningful participation during its formulation and failed to position Indigenous Peoples as active subjects in the forestry carbon trade scheme.

"We sought recognition for Indigenous peoples to be involved as subjects controlling carbon trading, correcting the Presidential Regulation for its lack of meaningful participation and FPIC principles." (Syamsul, 2024)

These issues illustrate the contradiction between the forestry carbon trade policy and higher-level laws, as explained in the subchapter on legal evidence.²⁶ Therefore, AMAN leveraged judicial processes to push for a more equitable policy framework that honors Indigenous rights. The aim was not only to halt the policy's implementation but also to set a legal precedent affirming the rights of Indigenous Peoples in national environmental governance.

²⁶ There is a principle of law hierarchy that requires all regulations to comply with higher regulations and laws that known as *Lex Superiori Derogate Legi Inferiori* principle which it stresses a lower regulation must not contradict a higher regulation (Aditya and Winata, 2018, p. 80). This principle applies to cases where a lower regulation like Presidential Regulation 98/2021 contradicts higher legal provisions.

5.4.2 Using National Executive and Legislative Venues to Enact Indigenous Peoples' Rights Bill



Figure 10. The Declaration of AMAN in Supporting Joko Widodo for the Presidential Election 2014. Source: (AMAN, 2014)

The Indigenous Peoples' Rights Bill is seen as a crucial regulatory foundation for safeguarding the rights of Indigenous communities in the context of carbon trading policies. AMAN views the current regulatory framework for natural resource governance in Indonesia as fragmented and lacking cohesion, particularly in relation to Indigenous Peoples. Each law focuses on sector-specific regulations that emphasize different elements of Indigenous Peoples and what constitutes an Indigenous community.²⁷ As Rukka explained, this disjointed approach is a key reason why a comprehensive Indigenous Peoples Law is urgently needed.

"It's as if Indigenous Peoples live in a large house with different rooms, but there are no doors connecting them. We want an Indigenous Peoples Law to create doors between those rooms, providing pathways and connections that are currently missing." (Rukka, 2024)

In pursuit of the enactment of the bill, AMAN actively engaged with both the executive and parliamentary branches to advance its policy objectives. During the 2014 Presidential Election, AMAN endorsed Joko Widodo (Jokowi), driven by his promise to enact the Indigenous Peoples' Rights Bill. Rukka emphasized their continued efforts to hold the President accountable to this promise, which included advocating for the establishment of a dedicated task force on Indigenous Peoples as part of his NAWACITA agenda.

"We continuously strive for this, including proposing that the president establish a task force for Indigenous Peoples to help fulfill his NAWACITA promise." (Rukka, 2024)

Furthermore, Rukka highlighted their engagement in the legislative process to enact the Indigenous Peoples' Rights Bill, working closely with parliamentary experts.

"Yes, we have. We even worked together with the experts from the House of Representatives, drafting the bill and its academic papers." (Rukka, 2024)

²⁷ For instance, Law Number 27/2007 concerning the Management of Coastal Areas and Small Islands views that Indigenous Peoples are not only groups that have their own value systems, but are also a group of coastal communities that inhabit certain areas. Meanwhile, Forestry Law Number 41/1999 stresses that Indigenous Peoples are communities who continue to rely on forest resources to meet daily living needs.

By collaborating with experts from parliament, AMAN sought to bring a nuanced understanding of Indigenous Peoples' rights into the legislative drafting process, working alongside parliamentary staff experts to shape the bill's intent. However, Rukka pointed to the significant financial and logistical investments made throughout this process, revealing the scale of their commitment to advancing the bill and their proactive approach to advocating for the Indigenous Peoples' Rights Bill.

“We've spent billions on meetings. We invited members of parliament to all the meetings.”
(Rukka, 2024).

Therefore, this multi-pronged effort not only demonstrated AMAN's efforts but also amplified its broader goal: to institutionalize Indigenous rights within national legislation, thereby providing a legal framework that empowers Indigenous communities in natural resource governance. Through this approach, AMAN aimed to reshape the national discourse on Indigenous rights, creating a foundation for development policies that prioritize Indigenous voices in development processes.

5.4.3 Using Local Executive and Legislative Venues to Enact Regional Regulations Regarding the Protection of Indigenous Peoples' Rights

The advocacy efforts were not only employed at the national level, but AMAN also utilized advocacy strategies at the local level. This approach was based on the Constitutional Court's opinion that Local Governments have the authority to recognize customary communities in order to address the legal vacuum in national regulations that can protect Indigenous Peoples' rights (Safitri and Uliyah, 2014, pp. 7–8).²⁸ Those regional decrees form the foundation for Indigenous Peoples to determine and protect their rights in relation to carbon projects in their respective areas. For instance, in Lebak Regency, AMAN played a crucial role in assisting its members to advance a Regional Regulation concerning the Recognition, Protection, and Empowerment of Kasepuhan Indigenous Communities. This regulation is significant as it aims to secure legal recognition and protection for the rights, customs, and lands of the Kasepuhan Indigenous communities.

When local Indigenous communities encountered obstacles in advancing the regulation, AMAN intervened, leveraging its legal expertise to strengthen the argument for enacting the Regional Regulation proposal. AMAN's national committee provided a comprehensive legal analysis, utilizing its deep understanding of national legal frameworks, and reinforced local efforts by identifying relevant legal references and frameworks that could justify the enactment of the regional regulation regarding Indigenous Peoples' rights.

Wahid explained that the national committee of AMAN presented specific laws, illustrating how national law could serve as a basis for local legislation. This strategic guidance helped local communities navigate the complex legal landscape, ultimately facilitating the passage of regulations aimed at protecting Indigenous rights.

“Our colleagues from the national committee brought the law. They said, “You can create a regional regulation by referring to this law.” (Wahid, 2024)

Another of their advocacy strategies is involvement in regional elections. AMAN has emphasized the expansion of Indigenous Peoples' political participation in regional elections since 2009. They aim to assign their cadres to run as candidates and to be elected as parliament members or executives at the local level, in order to create Regional Regulations for

²⁸ According to the Article 67 Paragraph 2 of the Forestry Law 41/1999.

Indigenous Peoples' rights. In the 2024 parliamentary election, held in February 2024, there were four candidates for the Provincial House of Representatives and 24 candidates for the Regency/Municipality House of Representatives (BBC News Indonesia, 2024).

Encouraging its members to engage in politics is a strategy of Political Activation, where AMAN's members become active subjects/actors in politics (Frisch Aviram, Cohen and Beeri, 2020, p. 624). This activation involves engagement with political processes, where AMAN's cadres strive to be involved as candidates in regional elections. By having representatives within these bodies, AMAN can directly influence the drafting, negotiation, and adoption of policies that affect Indigenous communities.

“AMAN, since the 2009 election, has emphasized expanding Indigenous peoples' political participation. We assign AMAN cadres to sit in parliament and the executive, hoping they will create policies for Indigenous peoples. So, if we talk about policy champions, they are indeed AMAN cadres who enter the Regional Parliament Bodies. They would clearly feel have interests to enact a decree to support Indigenous communities because it could be their village.” (Rukka, 2024)

Apart from their cadres, AMAN also provides recommendations for other candidates who wish to participate in regional elections. Rukka has issued Circular Letters to AMAN's members to encourage dialogue with potential candidates. These interactions are crucial as they allow AMAN and its members to assess and evaluate parliamentary and executive candidates at the local level through traditional Indigenous discussions, such as *Kombongan* in Toraja and *Riungan* in Banten. These forums are vital spaces for deliberation, where the community collectively evaluates candidates based on their track records, promises, and alignment with Indigenous Peoples' rights.

“We keep doing this in villages to evaluate who we will entrust to represent us. It continues to be discussed in villages, and if they have recommendations for candidates they want to support, they convey them to the organization.” (Rukka, 2024)

Overall, AMAN's regional advocacy approach mirrored its national-level strategy by engaging both the executive and parliamentary branches to secure protections for Indigenous Peoples' rights. AMAN leveraged political activation to build alliances within regional government structures, positioning Indigenous issues as essential items on policy agendas.

Chapter 6 AMAN’s Advocacy Impacts and Its Challenges

6.1 AMAN’s Advocacy Impacts

The lawsuit from AMAN was not accepted by the Supreme Court.²⁹ The Defendant (in this case, the President of the Republic of Indonesia) provided evidence that the Government had complied with the transparency principle. The Government opened the consultation process for citizens by sending invitations through several ministries from January 2020 to April 2022. The Government argued that when citizens did not provide any inputs during the process of forming regulations (despite the access to provide inputs being open), those particular citizens were deemed to have not exercised their right to provide inputs. Furthermore, regarding Indigenous Peoples as active subjects, the Government argued that the choice of terminology was largely a technical decision driven by legal drafting considerations, where general terms are preferred over specific ones like ‘Indigenous Peoples.’ As Noer Adi Wardojo (Secretary of the Directorate General of Climate Change Control at the MoEF) explained to me about the legal drafting consideration of the forestry carbon trade policy,

“From the legal drafting perspective, the Ministry of Law and Human Rights also considers this issue carefully. If we specify too much, it could lead to interpretations that restrict eligibility only to those explicitly mentioned. Those who are not named might be perceived as excluded, which is not the intention. It’s a delicate balance in legal crafting’ we aim to be inclusive, not to exclude or overlook anyone. This has been discussed with the Ministry of Law and Human Rights, and it’s important to understand that these choices are made with careful consideration.” (Noer, 2024)

Hence, the Supreme Court did not find legal facts indicating that the plaintiffs had made efforts to proactively engage in providing inputs during the formulation process of the forestry carbon trade policy. AMAN was seen as having chosen not to exercise its right to participate in the legislative process. As a result, there were no inputs for the court to consider. Additionally, the judges agreed with the government’s argument that the term “Indigenous Peoples” should not be specifically emphasized, as climate change mitigation extends beyond the forestry sector, which primarily involves Indigenous communities.³⁰

Similarly, the Indigenous Peoples’ Rights bill has yet to make considerable progress, even though AMAN has advocated for its enactment for over a decade. By the end of Jokowi’s administration in October 2024, the promise to enact the Indigenous Peoples’ Rights bill remained stalled. Rukka pointed out that despite the drafting process of this bill having been discussed across all Indigenous territories in Indonesia, the bill has not yet been enacted.

“The drafting of the Indigenous peoples’ law has been participatory, discussed across all indigenous territories in Indonesia. Is there any law more participatory than that? No, there isn’t. But the fact is, it hasn’t been enacted yet.” (Rukka, 2024)

²⁹ It was stipulated through the Supreme Court Decree Number 61 P/HUM/2022.

³⁰ According to the Supreme Court Decree Number 61 P/HUM/2022.

Meanwhile, at the regional level, AMAN achieved some success in enacting regional regulations regarding the recognition and protection of Indigenous Peoples' rights. Through its strategic political activation and engagement, AMAN has claimed credit for contributing to the creation and enactment of 148 Local Laws, which include 64 Local Regulations (*Peraturan Daerah*), 82 Head of District Decrees (*Keputusan Bupati*), and two Head of Regency Regulations (*Peraturan Bupati*) (AMAN, no date). However, despite AMAN claiming these achievements, the success of enacting these policies may also have been influenced by various local political factors and circumstances, which could have played a critical role in the enactment of these policies.

For instance, in Lebak Regency, a political agreement between the incumbent regent and the Kasepuhan Indigenous communities contributed to the electoral success of the incumbent's daughter during the 2013 regency head elections (Arizona, 2022, pp. 178–179). In exchange for supporting his daughter's candidacy, the regency head committed to recognizing Indigenous communities. Additionally, the 2014 local parliament elections saw an increase in representatives with Kasepuhan Indigenous backgrounds (Arizona, 2022, pp. 178–179). The Chairman of Lebak's district parliament during the 2014–2019 period, Junaedi Ibnu Jarta, a member of the Kasepuhan Indigenous communities, actively championed the legal recognition of the Kasepuhan Indigenous communities. As a result, the Regent issued decrees recognizing 522 Kasepuhan Indigenous communities and designated 116,789 hectares as Kasepuhan Indigenous territory—about one-third of Lebak Regency—in 2015. Furthermore, the enactment of Lebak's Regent Regulation regarding Indigenous Peoples' Rights, specifically Regent Regulation Number 8/2015 concerning the Recognition, Protection, and Empowerment of Kasepuhan Indigenous Peoples, was achieved. Through these two strategies, the Indigenous communities in Lebak Regency ensured that their needs and demands were taken seriously by politicians, who relied on such support to secure their electoral success.

Yet, in the context of Indonesia's decentralization system, there is a power dynamic that reflects the central government's reluctance to implement decentralized forest management (Simarmata, 2024, p. 149). Therefore, in addition to the efforts of the Kasepuhan communities to pass their policy goals, they also lobbied national stakeholders, particularly leaders of central party boards who appointed specific ministers. As Wahid explained to me,

"We just brought the documents, already signed by the Regent, with recommendations from the local committee of the parties. We took it to the Leaders of the Central Party Board, and the Minister signed off. The decree was completed. AMAN's national committee handled the technical process, but the lobbying was my responsibility." (Wahid, 2024)

By securing recommendations from party leaders, they were able to exert influence on ministers in the central government, who are often compelled to follow the directives of their party leadership. This observation shows that political party leaders in Indonesia, most of whom lead personalistic parties (Fionna and Tomsa, 2020), wield considerable power in shaping regulations due to their authority to recall cadres or politically affiliated individuals as ministers.

6.2 AMAN's Challenges in Advocacy Efforts in the Forestry Carbon Trade Scheme

In considering the potential reasons behind the failure of AMAN's advocacy, several challenges may have made their strategies ineffective, foremost relating to the circumstances of

the policy venues that AMAN used. As stated by Mintrom (2015, p. 154) and Cohen (2016, pp. 190–193), policy outcomes are shaped not only by the policy entrepreneur's capabilities, but also by the circumstances of the policy venue in which they operate. Each venue has its own dynamics and stakeholders, which are crucial for the success of any advocacy effort. In AMAN's case, the strategy to utilize certain venues, such as the Supreme Court for filing a judicial review to cancel Presidential Regulation 98/2021 and the Indonesian parliament alongside President Jokowi to enact the Indigenous Peoples' Rights Bill, may not have been supportive venues for advancing their goals in the forestry carbon trade context. However, it is important to acknowledge that policy entrepreneurs often have limited options when selecting policy venues (Brouwer, Huitema and Biermann, 2009, p. 5), as different policy venues are dedicated to specific types of policy proposals. Therefore, further explanations are provided below:

6.2.2 Challenges in the Litigation Venue for Canceling the Forestry Carbon Trade Policy

The judicial review proceeding system within the Supreme Court is regulated according to its rules, which mandate a process that is efficient, low-cost, and simple.³¹ Despite these provisions, in practice, the Supreme Court appears to implement a closed trial system. The review process predominantly functions as an administrative procedure, generally excluding direct engagement with the parties involved in the lawsuit (Hidayat, 2019, p. 39). As Syamsul described his experience during the judicial review in the Supreme Court,

“Once filed in the court, the hearings were closed sessions. It’s a panel system, so we just wait. Once a decision is made, the considerations of the judges and the consulted parties were disclosed.”
(Syamsul. 2024)

This raises concerns regarding transparency in how judicial review cases are managed. According to Butt and Parsons (2014, p. 72), after plaintiffs file their judicial review requests, they are not given updates on their case progress. Most of the time, the Supreme Court posts the case results on the Supreme Court website without notifying the plaintiffs. Such a system can significantly impact cases like AMAN's lawsuit, where plaintiffs are unable to verify evidence during the trial or actively participate in the judicial process.

Another concern relates to how arguments are presented and considered by the Supreme Court due to its closed trial system. The Indonesian Supreme Court typically does not allow parties to present oral arguments or respond directly to submissions from the opposing side (Butt and Parsons, 2014, p. 73). After written submissions are lodged, the judges assigned to the case meet to discuss the matter and reach a decision. This process is applied in nearly all Supreme Court cases, further limiting the parties' ability to engage with the proceedings.

While gathering evidence is essential, its impact is maximized when paired with well-crafted arguments that effectively persuade judges. This process, known as framing, involves policy entrepreneurs tailoring their arguments to address the perspectives and concerns of various stakeholders (Brouwer, Huitema and Biermann, 2009, p. 8). In AMAN's litigation efforts, framing requires not only the presentation of evidence but also the strategic crafting of arguments that resonate with the judges. However, AMAN's experience in the Supreme Court illustrates the challenges of framing arguments within a closed trial system. The lack of transparency and direct engagement in such a system limits their ability to tailor their

³¹ It is stated in the Article 5 Paragraph 2 in Supreme Regulation 1/2011 concerning Judicial Review

arguments effectively, making it difficult to fully address the viewpoints and concerns of those involved in the case.

In addition to transparency issues, several other challenges may have hindered AMAN's litigation advocacy efforts in the Supreme Court. For example, the caseload of the Supreme Court is a potential factor that could have affected the decision in this case. The Court faces an overwhelming number of cases, with 10,000 to 15,000 new cases filed annually, and only 40 to 50 judges to manage them at any given time (Butt, 2019, pp. 90–91). As a consequence, judges spend less time on each case, which may negatively impact the quality of their decisions. Another issue concerns the legal expertise and experience of the judges in handling judicial review cases. Most Supreme Court judges are career judges, having worked their way up through the judicial system without handling review cases until they reach the Supreme Court, since lower courts in Indonesia do not have judicial review authority (Butt, 2019, p. 91).

However, because the forestry carbon trade policy is derived from existing laws, the Supreme Court is the only possible venue for judicial review of a policy based on those laws. This constraint prevents AMAN from engaging in "venue shopping"—a strategy in which policy entrepreneurs select a more supportive venue where the likelihood of successfully imposing a policy idea is higher (Frisch Aviram, Cohen and Beeri, 2020, p. 622). In many cases, policy entrepreneurs face limited options for advancing their policy ideas, with few available venues for imposing their proposals (Brouwer, Huitema and Biermann, 2009, p. 5). As a result, AMAN was forced to rely solely on the Supreme Court as a policy venue, where the closed trial system further restricted its ability to present framing arguments. Unless AMAN had sufficient networks with the President—who made and signed the policy—they could have urged for its repeal. Yet, AMAN seems to lack such networks, as Wahid explained,

"When it comes to the President, before signing, there should be a consultation. How do the Indigenous activists feel about it? Is it beneficial? We should know in advance before it becomes regulations. We should whisper, "Sir, this is very detrimental to Indigenous communities." We shouldn't wait until it's enacted and then file a lawsuit." (Wahid, 2024)

In conclusion, this lack of alternative venues significantly limits AMAN's litigation strategy and constrains its efforts to challenge the forestry carbon trade policy. The closed trial system of the Indonesian Supreme Court prevents plaintiffs from verifying the defendant's evidence and presenting their arguments to the judges. Therefore, there is a need for AMAN to adopt broader and more diversified strategies, particularly in engaging with policymakers responsible for enacting this policy. However, this engagement is complicated by the fact that policymakers often adhere to their development agendas and perspectives, which further shape the conditions of the policy venues in which AMAN operates to achieve its other goal: enacting the Indigenous Peoples' Rights Bill. The conditions of these policy venues are further elaborated in the subsequent subchapter.

6.2.2 Challenges in National Parliament and Executive Venues for Enacting the Indigenous Peoples' Rights Bill

Parliamentary dynamics present a significant challenge for AMAN in advancing the Indigenous Peoples' Rights Bill. According to AMAN, the Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan*, PDIP), the winner of the 2019 General Election, perceives the Indigenous Peoples Bill as unclear regarding its regulations. They argue that it could reintroduce feudalism and hinder investments in Indonesia (Media Indonesia,

2022). The Golkar Party, another major political party in Indonesia, has also expressed opposition to the bill. Like the PDIP, Golkar contends that the bill could obstruct investment and reinstate feudalistic practices in the country (Media Indonesia, 2022). This stance reflects broader concerns within certain political and economic circles that stronger Indigenous rights may lead to increased regulatory challenges for investors, particularly in extractive industries, where Indigenous lands are often targeted for large-scale projects.

The perception among political parties in parliament that the Indigenous Peoples' Rights Bill would impede investments is shared by Willy Aditya, the Coordinator of the Working Committee for the bill at the Indonesian House of Representatives (Malau, 2021). Some political parties view the bill as potentially obstructing economic growth, especially in sectors like natural resources and infrastructure development. This concern stems from the belief that granting stronger legal protections to Indigenous Peoples would restrict access to land and resources, complicating operations for businesses and investors in those areas.

Given that AMAN has spent years attempting to pass the bill and considering the opposition from influential political parties, the issue suggests that AMAN faces challenges in accessing the policy network within parliament. As Wahid explained:

“Yes, why was it rejected? The question is, have we not engaged well enough with Golkar or with PDIP? This needs to be addressed, whether it's in parliament or in the government, where the problem hasn't been resolved.” (Wahid, 2024)

According to Zahariadis and Allen (1995, p. 91), access to a policy network is crucial for shaping how policy ideas travel through the policy stream. In this context, the key policy network in parliament consists of key members and leaders of political parties. This is because the decision-making process in the Indonesian parliament is heavily influenced by these political leaders (Sherlock, 2012). In Indonesia, parliamentary decisions often rely on a consensus-driven practice, where agreements are made between party leaders rather than individual parliamentarians. Political party leaders have control over parliamentary seats through the mechanism of recalling individual parliament members³² (Sherlock, 2012, p. 556), giving them significant power to influence their members' positions in parliament (Ziegenhain, 2008, pp. 42–43).

These party leaders wield substantial influence over parliamentarians, shaping not only legislative outcomes but also the stances individual members take on issues such as Indigenous rights. For AMAN, this means that policy advocacy may have limited impact unless it aligns with the interests of these key actors. Consequently, AMAN's efforts to push for the Indigenous Peoples' Rights Bill could be thwarted by influential actors in political parties, particularly if the bill does not serve the immediate political interests of those in power.

Furthermore, the political economy context plays a pivotal role in the passage of a bill, particularly the composition of parliamentarians who drive legislative priorities. In the Indonesian parliament during the 2019–2024 period, a significant portion of parliamentarians are businesspeople, with 55% or 318 members out of 575 total members (Defbry Margiansyah *et al.*, 2020). Of these, 25% or 236 parliamentarians are involved in the extractive sector, which often conflicts with Indigenous land rights. This dominance of business interests in parliament creates substantial barriers to the passage of the Indigenous Peoples' Rights Bill. While the process of enacting laws related to the economic interests of certain groups can be highly effective, this is not the case for bills concerning public interests, such as the Indigenous Peoples' Rights Bill (Indonesian Parliamentary Center, 2022).

³² The authority is stipulated according to Law 10/2008 regarding Elections.

The policymaking process in the Indonesian parliament during President Jokowi's administration was predominantly influenced by its oligarchic nature (Asrinaldi, Yusoff and Karim, 2022; Tambunan, 2023). Oligarchs exert influence over the legislative process by controlling parliamentary factions (Tambunan, 2023, p. 648), allowing them to prioritize laws that secure their interests within the government coalition (Asrinaldi, Yusoff and Karim, 2022, p. 198). For instance, party oligarchs aligned with President Jokowi's administration passed the Omnibus Law on Creation Job into Law Number 11/2020 (Asrinaldi, Yusoff and Karim, 2022, p. 197), in less than a year (April-October 2020) (Karunia and Djumena, 2020), despite the law's extensive scope, amending 79 sectoral laws and spanning 1,187 pages (Suntoro and Nureda, 2022, p. 110).

This situation is exacerbated by the imbalance of power in parliament, as nearly all political parties joined President Jokowi's administration. After the 2019 election, many expected Prabowo Subianto and his party (Gerindra Party), who were rivals of the President, to act as a counterbalance in parliament. However, Prabowo and his party chose to join the government, leaving only PKS and the Democratic Party, which adopted an unclear opposition stance (Asrinaldi, Yusoff and Karim, 2022, p. 199). As a result, there has been a lack of corrective action from opposition parties, reducing the likelihood of passing public-interest bills such as the Indigenous Peoples' Rights Bill.

On the other hand, the executive branch, specifically President Jokowi, has not provided a favorable venue for AMAN's efforts to push the Indigenous Peoples' Rights Bill. The President has pursued a strategy of "accommodative politics", where he seeks to reduce opposition in the parliament by cooperating closely with its members (Asrinaldi, Yusoff and Karim, 2022, p. 199). To achieve this, he built a large political coalition by granting political party elites significant influence over the appointment of key ministerial positions. This approach enabled the President to exert considerable control over parliament by aligning his cabinet with the interests of political party elites, which has weakened parliament's role in maintaining checks and balances.

While this strategy has been beneficial for advancing the President's development agenda, it has led to a less democratic approach toward critics or those challenging his priorities (Slater, 2020, pp. 57–58). The broad coalition he formed has made it difficult for opposition voices to gain traction, further marginalizing efforts to introduce legislation that conflicts with his administration's agenda. The President's focus on maintaining control and advancing economic development policies, particularly infrastructure, deregulation, and de-bureaucratization (Warburton, 2016, p. 298) has left little room for the Indigenous Peoples' Rights Bill.

Despite the President's considerable influence over parliament, which would allow him to push through legislation, he has not demonstrated a strong commitment to fulfilling his earlier promise to enact the Indigenous Peoples' Rights Bill. Although he has the political authority to urge parliament to pass the bill, his prioritization of other aspects of his development agenda has resulted in minimal progress on this issue. This reveals a disconnect between Jokowi's earlier pledges to support Indigenous rights, which he received support for during the 2014 Presidential Election (Muar, 2019; Arizona, 2022).

In sum, AMAN's efforts to enact the bill faced significant hurdles. The parliament's decision-making process was heavily influenced by the elites of political parties and dominated by businesspersons, reflecting substantial political barriers in the parliament venue. Likewise, President Jokowi, with his development agenda, underscored the broader challenges in advocating this bill in the executive venue, despite AMAN's support for his candidacy in 2014.

Chapter 7 Conclusion

This research paper examines the work of AMAN in advocating for Indigenous rights within the context of Indonesia's forestry carbon trade policy. To understand the role of an Indigenous organization in influencing policy proposals in line with its objectives, the study is grounded in several key questions concerning the specific strategies employed by AMAN, the impacts of these strategies, and the challenges affecting the outcomes of their advocacy efforts. The study draws on the analytical concept of policy entrepreneurs' strategies, referencing frameworks from scholars such as Meijerink and Huitema (Meijerink and Huitema, 2010), Mintrom (2019), and Aviram et al (2020). Due to time constraints and data limitations, this research focuses on selected strategies amalgamated from these scholars: Gathering Evidence, Creating and Working with the Coalition, and Utilizing Multiple Venues. Additionally, the study aims to understand factors that can affect the impacts of policy advocacy, drawing on prerequisite factors identified by Cohen (2016) to assess the success of policy entrepreneurship/advocacy.

The findings reveal that AMAN's strategy of gathering legal and spatial evidence provides an empirical foundation to support its objectives of repealing the forestry carbon trade policy and enacting the Indigenous Peoples' Rights Bill, alongside Regional Regulations related to Indigenous Peoples' Rights. To amplify its advocacy efforts, AMAN formed a coalition with like-minded organizations, which emphasized a shared stance against unethical compensation methods for emitters and produced a position paper highlighting how the slow recognition of land rights leaves Indigenous communities vulnerable.

To advance these proposals, AMAN utilized multiple policy venues in accordance with the nature of its policy proposals. For the repeal of the forestry carbon trade policy, AMAN filed a judicial review through the Supreme Court. Meanwhile, the advocacy for the enactment of the Indigenous Peoples' Rights Bill involved engagement with the national executive and parliamentary branches. Specifically, for enacting regional regulations related to Indigenous Peoples' rights, AMAN provided legal support to its members as a basis for local legislation and engaged in political activation to encourage AMAN's representation in regional policy venues, thereby influencing the legislative process in respective areas.

Despite its extensive advocacy efforts, the strategies aimed at national policy venues to repeal the forestry carbon trade policy and pass the Indigenous Peoples' Rights Bill remained unfulfilled. However, successes were achieved in certain regional legislations for Indigenous rights, including in Lebak Regency, where plaintiffs in the judicial review against the forestry carbon trade policy originated from Kasepuhan communities based in this regency. The supporting environment of the policy avenue emerged as a crucial factor in achieving the policy entrepreneur's goals. As Cohen (2016) emphasizes, exogenous factors such as securing the backing of more prominent actors and reducing the number of opposition actors in a policy venue are critical for creating favorable conditions for policy change. In AMAN's case, a lack of national-level political support, coupled with a political landscape dominated by entrenched elites and executive agendas, likely constrained its advocacy efforts. This situation limited the space for opposition voices to effectively challenge the dominant policy agenda, making it more difficult for issues such as Indigenous rights to gain necessary traction within the policymaking process. This outcome highlights the challenges that policy entrepreneurs often face when lacking the political backing required to advance their policy proposals (Cohen and Naor, 2017; Haar and Krebs, 2021; Safuta, 2021).

In the litigation venue, AMAN's efforts to challenge Presidential Regulation 98/2021 through a judicial review in the Supreme Court highlight the distinct challenges faced by

policy entrepreneurs. The Supreme Court's closed trial system significantly constrained AMAN's ability to engage in persuasive advocacy and effectively challenge the regulation. Furthermore, AMAN's experience underscores the limited options available to challenge regulations derived from laws enacted by the government, unless AMAN has sufficient policy networks and favorable conditions in the executive branch to revise the regulation. Other factors, such as the judges' workload and experience, may also be determinant in determining the outcome of AMAN's advocacy efforts in the litigation venue.

This study, however, has several limitations. *First*, despite offering insights into the potential reasons for the unsuccessful advocacy efforts of AMAN, it is important to recognize the limitations of this research, particularly with regard to the availability of primary data on the political landscape within the national executive and parliament branches. The scarcity of such data underscores the need for further research to deepen our understanding of how political actors within these institutions influence the outcomes of policy advocacy, particularly in relation to Indigenous rights. A more detailed exploration of the decision-making processes within parliament and the internal dynamics of executive negotiations could provide a clearer understanding of the challenges faced by policy entrepreneurs.

Second, this study focused on three specific strategies, thus limiting the exploration of other potential tactics employed by policy entrepreneurs. Expanding the scope of future studies to include additional strategies not covered in this research could yield deeper insights into how policy entrepreneurs can shape policy outcomes to align with their objectives. Such an expanded investigation would not only address the gaps identified in this study but also enhance the understanding of policy entrepreneurship/advocacy more broadly.

Third, this research did not examine the legal substance of AMAN's litigation efforts, which could have significant implications for the outcomes of their advocacy. A law-focused research approach could offer a more detailed examination of the legal aspects of AMAN's litigation, providing a nuanced understanding of how legal strategies intersect with policy advocacy. A combination of legal and policy research would offer a comprehensive view of the opportunities and challenges facing policy entrepreneurs advocating for the rights of Indigenous Peoples.

Finally, while this study highlights certain successes in enacting Indigenous rights through regional regulations, these achievements warrant further investigation. Future research should explore how the varied environments of policy venues in different regions affect the success of such advocacy efforts, particularly in decentralized governmental settings like Indonesia. Understanding these regional dynamics could provide valuable insights into the strategies most effective in different political and cultural contexts, thereby enhancing the efficacy of policy advocacy for Indigenous rights.

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Plantation Development Law Number 39/2014

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Supreme Court Decree Number 61/P/HUM/2022 concerning the Right to Judicial Review of Presidential Regulation 98/2021

Supreme Court Law Number 5/2004

The 1945 Indonesian Constitution

The Ratification of Paris Agreement to The United Nations Framework Convention on Climate Change Law Number 16/2016

Appendices

Appendix 1. List of Informant(s)

Name	Position	Description
Rukka Som-bolinggi	Secretary General of the Indigenous Peoples Alliance of the Archipelago (AMAN)	The biggest organization of Indigenous People in Indonesia that represents 2,422 indigenous communities and 20 million individual members
Syamsul Alam Agus	The Chief of <i>Perhimpunan Pembela Masyarakat Adat Nusantara - PPMAN</i> (The Association of Indigenous Peoples' Defender of the Archipelago)	It is a wing organization of AMAN that focuses on the defending and promoting the rights of indigenous peoples throughout Indonesia. It consists of lawyers and legal experts.
Ariya Dwi Cahya	Data and Information Manager at <i>Badan Registrasi Wilayah Adat</i> (BRWA) or Indigenous Territory Registration Agency	Institution for registration of customary areas on the initiative of the Indigenous Peoples Alliance of the Archipelago (AMAN), Participatory Mapping Network (JKPP), Forest Watch Indonesia (FWI), Community Forestry System Support Consortium (KPSHK), and Sawit Watch (SW).
Uli Arta Sia-gian	Forest and Plantation Campaign Manager of Wahana Lingkungan Hidup Indonesia (Walhi) or Indonesian Forum for the Environment/Friends of the Earth Indonesia	Walhi is one of the organizations that includes as a coalition member in rejecting the forestry carbon trade scheme together with AMAN
Torry Kus-wardono	Executive Director at Yayasan Pikul	Yayasan Pikul is one of the organizations that includes as a coalition member in rejecting the forestry carbon trade scheme together with AMAN

Name	Position	Description
Jero Wahid	An Indigenous Community Leader of Kasepuhan Karang in Banten Province.	Kasepuhan Karang Indigenous Community is one of AMAN's community members based in Banten Province. Kasepuhan Karang with AMAN filed a judicial review of Presidential Regulation Number 98/2021 on the Implementation of the Economic Value of Carbon for Achieving Nationally Determined Contribution Targets and Controlling Greenhouse Gas Emissions in National Development to the Supreme Court
Dulhani	An Indigenous Community Leader of Kasepuhan Cibarani in Banten Province.	Kasepuhan Cibarani Indigenous Community is one of AMAN's community members based in Banten Province. Kasepuhan Cibarani with AMAN filed a judicial review of Presidential Regulation Number 98/2021 on the Implementation of the Economic Value of Carbon for Achieving Nationally Determined Contribution Targets and Controlling Greenhouse Gas Emissions in National Development to the Supreme Court
Yance Arizona	Indonesian Constitutional Law Expert at Universitas Gadjah Mada	Yance's research focus on the Indonesian Indigenous People in particular the indigenous law within the contemporary law and practice in Indonesia. He also teaches about lawmaking and legal drafting. Furthermore, he was an expert witness for AMAN when the organization filed judicial review of Presidential Regulation Number 98/2021 on the Implementation of the Economic Value of Carbon for Achieving Nationally Determined Contribution Targets and Controlling Greenhouse Gas Emissions in National Development to the Supreme Court
Noer Adi Wardojo	Secretary of Directorate General of Climate Change Control at the Ministry of Environment and Forestry	The Ministry of Environment and Forestry has roles to undertake the formulation and implementation of policies in the field of climate change control

Appendix 2. Questionnaire for Syamsul Alam Agus (The President of Perhimpunan Pembela Masyarakat Adat Nusantara - PPMAN (The Association of Indigenous Peoples' Defender of the Archipelago) and Rukka Sombolinggi (Secretary General of the Indigenous Peoples Alliance

Interview Form	
Interviewee's Identity	
Name	
Place/Date of Birth	
Position	
Interview Description	
<p>This interview is part of a research that aims to examine the role of AMAN as a policy entrepreneur in advocating their members' rights in the forestry carbon trade scheme. It seeks to understand the organization's strategies, actions, and influence in shaping policies to ensure that Indigenous people's rights are recognized and protected in the forestry carbon trading scheme</p> <p>Interview shall be conducted with semi-structured. Following the research process, all interviews will be conducted in <i>Bahasa Indonesia</i>. It is divided into 5 sections and those questions are possibly expanded to explore and probe the answers from informants. If it is needed, further correspondence will be conducted to clarify the answers or questions in this interview.</p>	
Themes	Questions
Gathering Evidence	<ul style="list-style-type: none"> • How does AMAN approach the process of gathering evidence to support Indigenous Peoples' rights? • What are the main challenges AMAN faces when collecting evidence related to Indigenous territories and customary rights? • Could you describe the methodologies AMAN uses to gather evidence from Indigenous communities? • How does AMAN involve its members in the process of gathering evidence? • How does AMAN utilize gathered evidence to influence policy-making?

Creating and working with coalitions	<ul style="list-style-type: none"> • How does AMAN identify potential partners for forming coalitions in the context of the forestry carbon trade? What criteria does AMAN use to select coalition partners? • What are the primary goals and objectives of the coalitions that AMAN forms regarding the forestry carbon trade scheme? How are these aligned with the interests of indigenous people regarding the forestry carbon trade scheme? • What strategies does AMAN use to build and maintain strong relationships with coalition partners? • What strategies and tactics do coalitions use to influence policy change in the forestry carbon trade? • What are the main challenges AMAN faces when forming and working with coalitions? How does AMAN address and overcome these challenges? • How do coalition members share resources (e.g., information, funding, expertise) to achieve common goals? What mechanisms are in place to ensure equitable resource distribution among coalition partners?
Using, developing, and/or controlling multiple venues	<ul style="list-style-type: none"> • How does AMAN identify the most strategic venues (e.g., governmental bodies, international forums, media platforms) to influence policy change in the forestry carbon trade? • What criteria does AMAN use to determine the relevance and potential impact of these venues? • What internal processes or structures does AMAN have in place to manage its multi-venue advocacy strategy? • What challenges does AMAN face in using, developing, and controlling multiple venues for policy advocacy?

Appendix 3. Questionnaire for Ariya Dwi Cahya (Data and Information Manager at Badan Registrasi Wilayah Adat (BRWA) or Indigenous Territory Registration Agency)

Interview Form	
Interviewee's Identity	
Name	
Place/Date of Birth	
Position	
Interview Description	
<p>This interview is part of a research that aims to examine the role of AMAN as a policy entrepreneur in advocating their members' rights in the forestry carbon trade scheme. It seeks to understand the organization's strategies, actions, and influence in shaping policies to ensure that Indigenous people's rights are recognized and protected in the forestry carbon trading scheme</p> <p>Interview shall be conducted with semi-structured. Following the research process, all interviews will be conducted in <i>Bahasa Indonesia</i>. It is divided into 4 sections and those questions are possibly expanded to explore and probe the answers from informants. If it is needed, further correspondence will be conducted to clarify the answers or questions in this interview.</p>	
Themes	Questions
Background and Role	<ul style="list-style-type: none"> • How does BRWA's role contribute to the larger mission of strengthening Indigenous Peoples rights, especially in registering Indigenous territories? • What are the key challenges you face in managing data related to Indigenous territories?
Data Collection and Management	<ul style="list-style-type: none"> • How does BRWA collect data on Indigenous territories? • What challenges do you encounter in integrating data from different regions or communities?

Indigenous Territory Registration Process	<ul style="list-style-type: none"> • Can you explain the steps involved in registering an Indigenous territory with BRWA? • What criteria or standards does BRWA use to recognize and validate Indigenous territories?
Community Engagement	<ul style="list-style-type: none"> • How does BRWA involve Indigenous communities in the process of data collection and territory registration? • Are there any particular success stories where data management has significantly benefited an Indigenous community's recognition or land rights?

Appendix 4. Questionnaire for AMAN's Partners

Interview Form	
Interviewee's Identity	
Name	
Place/Date of Birth	
Position	
Interview Description	
<p>This interview is part of a research that aims to examine the role of AMAN as a policy entrepreneur in advocating their members' rights in the forestry carbon trade scheme. It seeks to understand the organization's strategies, actions, and influence in shaping policies to ensure that Indigenous people's rights are recognized and protected in the forestry carbon trading scheme</p>	
<p>Interview shall be conducted with semi-structured. Following the research process, all interviews will be conducted in <i>Bahasa Indonesia</i>. It is divided into 5 sections and those questions are possibly expanded to explore and probe the answers from informants. If it is needed, further correspondence will be conducted to clarify the answers or questions in this interview.</p>	
Themes	Questions
Background and Involvement	<ul style="list-style-type: none"> • Can you describe your organization's role within the coalition focused on forestry carbon trade? • What specific contributions has your organization made to the coalition's efforts? • How did your organization come to partner with AMAN on this initiative? • What are main reasons your organization decided to join coalition with AMAN?
Coalition Dynamics	<ul style="list-style-type: none"> • How does your organization coordinate activities with AMAN and other coalition members? • Can you provide examples of successful collaboration within the coalition? • What communication strategies are in place to ensure effective information sharing within the coalition? • How frequently does your organization communicate with AMAN and other partners?

	<ul style="list-style-type: none"> • How are decisions made within the coalition? • What is your organization's role in the decision-making processes?
Strategies and Impact	<ul style="list-style-type: none"> • How does your organization coordinate activities with AMAN and other coalition member? • What specific strategies has the coalition used to influence policy changes in the forestry carbon trade? • Can you share any successful outcomes or policy changes that resulted from these strategies? • What challenges has the coalition faced in its advocacy efforts? • How have these challenges been addressed collectively by the coalition?
Resource Sharing	<ul style="list-style-type: none"> • How are resources (e.g., funding, expertise, information) shared among coalition members? • What mechanisms are in place to ensure equitable resource distribution?
Feedback and Recommendations	<ul style="list-style-type: none"> • What improvements could be made to enhance collaboration within the coalition? • Are there any additional support or resources that your organization believes would benefit the coalition's efforts? • What strengths does AMAN bring to the coalition, and where could improvements be made? • What recommendations do you have for the coalition's future work in the forestry carbon trade? • Do you have any additional suggestions for improving the coalition's impact on forestry carbon trade policies?

Appendix 5. Questionnaire for AMAN's Member

Interview Form	
Interviewee's Identity	
Name	
Place/Date of Birth	
Position	
Interview Description	
<p>This interview is part of a research that aims to examine the role of AMAN as a policy entrepreneur in advocating their members' rights in the forestry carbon trade scheme. It seeks to understand the organization's strategies, actions, and influence in shaping policies to ensure that Indigenous people's rights are recognized and protected in the forestry carbon trading scheme</p>	
<p>Interview shall be conducted with semi-structured. Following the research process, all interviews will be conducted in <i>Bahasa Indonesia</i>. It is divided into 4 sections and those questions are possibly expanded to explore and probe the answers from informants. If it is needed, further correspondence will be conducted to clarify the answers or questions in this interview.</p>	
Themes	Questions
Role and Involvement	<ul style="list-style-type: none"> • How long have you been a member of AMAN, and what is your role within the organization? • How are you and your community involved in AMAN's advocacy efforts related to the forestry carbon trading issue?
Communication Channels	<ul style="list-style-type: none"> • How does AMAN communicate with its members regarding advocacy strategies and updates on the forestry carbon trading issue? • What communication methods (e.g., meetings, newsletters, workshops) are most commonly used, and how effective are they in keeping you informed?
Participation in Advocacy Efforts	<ul style="list-style-type: none"> • How do AMAN's members, including yourself, participate in advocacy activities related to forestry carbon trading? • Can you describe a specific instance where your community actively engaged in AMAN's advocacy efforts?
Feedback Mechanisms	<ul style="list-style-type: none"> • Does AMAN provide opportunities for members to give feedback or share their perspectives on advocacy strategies? • How responsive is AMAN to the feedback and concerns raised by its members?
Support and Resources	<ul style="list-style-type: none"> • What types of support (e.g., legal, informational, financial) does AMAN provide to its members to help them engage in advocacy efforts?

	<ul style="list-style-type: none"> • Are there any additional resources or support you believe would help your community participate more effectively?
Awareness and Understanding	<ul style="list-style-type: none"> • How well do you and your community understand the forestry carbon trading issue and its implications for indigenous rights? • How has AMAN's advocacy work increased awareness and understanding of this issue among your community members?
Perceptions of Impact	<ul style="list-style-type: none"> • What challenges have you or your community faced in relation to forestry carbon trading, and how has AMAN helped address these challenges? • Are there any areas where you feel AMAN's advocacy could be more effective in supporting your community? • What tangible impacts has AMAN's advocacy had on your community, particularly regarding the forestry carbon trading issue? • Can you provide examples of specific changes or benefits your community has experienced as a result of AMAN's advocacy? • What benefits have indigenous communities experienced due to AMAN's advocacy in the forestry carbon trade? • How has your involvement with AMAN and its advocacy efforts impacted you personally and your community? • What changes have you observed at the community level due to AMAN's work?
Feedback and Recommendations	<ul style="list-style-type: none"> • How would you evaluate AMAN's leadership and coordination in its advocacy work? • What strengths do you see in AMAN's approach, and where do you think improvements could be made? • What do you believe should be the future priorities for AMAN's advocacy in the forestry carbon trade? • How can AMAN further improve its advocacy strategies to achieve these goals? • Do you have any suggestions for improving AMAN's advocacy efforts within the forestry carbon trade? • How can AMAN better engage and mobilize its members in these efforts?

Appendix 6. Questionnaire for Noer Adi Wardojo, Secretary of Directorate General of Climate Change Control at the Ministry of Environment and Forestry

Interview Form	
Interviewee's Identity	
Name	
Place/Date of Birth	
Position	
Interview Description	
<p>This interview is part of a research that aims to examine the role of AMAN as a policy entrepreneur in advocating their members' rights in the forestry carbon trade scheme. It seeks to understand the organization's strategies, actions, and influence in shaping policies to ensure that Indigenous people's rights are recognized and protected in the forestry carbon trading scheme</p>	
<p>Interview shall be conducted with semi-structured. Following the research process, all interviews will be conducted in <i>Bahasa Indonesia</i>. It is divided into 3 sections and those questions are possibly expanded to explore and probe the answers from informants. If it is needed, further correspondence will be conducted to clarify the answers or questions in this interview.</p>	
Themes	Questions
Role and Responsibilities	<ul style="list-style-type: none"> • Can you describe your role and responsibilities as the Director of Climate Change Mitigation within the Ministry of Environment and Forestry? • How does your office contribute to the development and implementation of forestry carbon trade policies?
Perception of AMAN's Advocacy	<ul style="list-style-type: none"> • Can you describe any instances where you or your office have directly engaged with AMAN representatives? • What advocacy strategies used by AMAN have been most noticeable or impactful from your perspective? • How does AMAN typically communicate its concerns and recommendations to the Ministry?

	<ul style="list-style-type: none"> • How does AMAN's input and advocacy influence the policy development process for forestry carbon trade within the Ministry? • Are there any specific policies or regulations in the forestry carbon trade context that have been significantly shaped by AMAN's contributions? • How does the Ministry engage with AMAN during the consultation and decision-making processes for forestry carbon trade policies? • What challenges or barriers exist in incorporating AMAN's advocacy in the forestry carbon trade into policy decisions? • How can these challenges be addressed to improve collaboration and policy outcomes?
Recommendations	<ul style="list-style-type: none"> • What recommendations do you have for improving collaboration between the Ministry and AMAN in the context of forestry carbon trade? • How can the Ministry better support AMAN's advocacy efforts to ensure more effective policy outcomes?

Appendix 7. Questionnaire for Yance Arizona, Indonesian Constitutional Law Expert at Universitas Gadjah Mada

Interview Form	
Interviewee's Identity	
Name	
Place/Date of Birth	
Position	
Interview Description	
<p>This interview is part of a research that aims to examine the role of AMAN as a policy entrepreneur in advocating their members' rights in the forestry carbon trade scheme. It seeks to understand the organization's strategies, actions, and influence in shaping policies to ensure that Indigenous people's rights are recognized and protected in the forestry carbon trading scheme</p> <p>Interview shall be conducted with semi-structured. Following the research process, all interviews will be conducted in <i>Bahasa Indonesia</i>. It is divided into 3 sections and those questions are possibly expanded to explore and probe the answers from informants. If it is needed, further correspondence will be conducted to clarify the answers or questions in this interview.</p>	
Themes	Questions
Role	<ul style="list-style-type: none"> • How did you become involved with AMAN's advocacy efforts related to the forestry carbon trade? • Can you describe your role when AMAN did advocacy works toward the carbon trading policy?
Contribution to AMAN's Advocacy	<ul style="list-style-type: none"> • How did you assist AMAN in understanding and navigating the legal complexities of the forestry carbon trade policies? • Can you provide examples of specific legal arguments you developed to support AMAN's judicial review? • How did you prepare for your testimony and what were the key points you presented?

	<ul style="list-style-type: none"> • What challenges did you and AMAN encounter while preparing and presenting the judicial review? • How did you address these challenges in your legal strategy?
Insights into the Supreme Court's Decision	<ul style="list-style-type: none"> • In your opinion, what were the main reasons the Supreme Court rejected AMAN's judicial review? • How did the Court's interpretation of the law differ from arguments presented by AMAN? • What are the broader legal implications of the Supreme Court's decision on the forestry carbon trade? • How does this decision impact future advocacy efforts related to indigenous rights? • Are there legal venues or strategies that you believe could be more effective? • What recommendations do you have for AMAN and other advocacy groups when challenging similar issues in the future?

Appendix 8. The provisions in the Paris Agreement in relation to the position of Indigenous People in overcoming climate change. Source: Expert Testimony Document from Yance Arizona

Provision	Description
Preamble	Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities , migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.
Article 7 (5)	Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach , taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of Indigenous peoples and local knowledge systems , with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate
Decision 1/CP.21	Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of Indigenous Peoples , local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity, Agreeing to uphold and promote regional and international cooperation in order to mobilize stronger and more ambitious climate action by all Parties and non-Party stakeholders, including civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and Indigenous peoples .
V (135)	Recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and Indigenous Peoples related to addressing and responding to climate change, and establishes a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner;