

Collaborative Resistance:

How Civil Society Replaced the State in Brazil's Land Conflicts

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Abstract:

When state institutions abandon constitutional mandates, civil society organizations can sustain democratic practices by assuming counter-mediating roles—a process that this article terms collaborative resistance. The article applies this argument to the Indigenous mobilization in Brazil during the Bolsonaro administration (2019–2022). It shows how the capture of state agencies produced institutional substitution: the Indigenous Peoples of Brazil (APIB) displaced the weakened National Indian Foundation (FUNAI) as the primary mediator between Indigenous communities and institutional arenas. Using network analysis of the litigation about the temporal framework for land demarcation (*Marco Temporal*), the study traces how APIB mobilized legal, transnational, and domestic alliances to defend land rights and reactivate channels of negotiation with hostile state actors. The findings demonstrate that democratic resilience in contexts of democratic decline largely depends on civil society's capacity to reconstruct collaborative governance when the state abandons its constitutional role. These dynamics contribute to understanding minority rights, protection and democratic renewal in Latin America and beyond.

Keywords: democratic decline, indigenous minorities, land dispossession, civil society, collaborative governance, Marco Temporal

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Data Accessibility

The research data and materials supporting the framework and findings of this article are openly available and publicly accessible in the Mendeley Data repository and are cited as: *Ferreira do Vale, Helder (2026), "Collaborative Resistance", Mendeley Data, V1, doi: 10.17632/hzbb6s8gth.1* The data is provided under the Creative Commons Attribution 4.0 International (CC BY 4.0) license.

1. Introduction

In 2025, Brazil marked forty years of uninterrupted democracy—the longest democratic period in its history. This milestone, however, followed a recent episode of democratic decline and sustained societal resistance to authoritarian pressures.² This article examines Indigenous land conflicts in Brazil to explain how minority groups mobilize institutional networks to defend constitutionally guaranteed rights under conditions of democratic erosion. It argues that civil society organizations may operate as mediating institutions that reconstitute democratic processes by linking marginalized groups to domestic and transnational governance arenas, even as violent land conflicts persist.

Democratic decline has become a defining feature of contemporary politics. Since the mid-2000s, democracies worldwide have faced mounting pressures (Diamond 2022), producing a global trend of decline (Bartels et al. 2023). Although democratic reversals are not new, the current wave is distinctive in that it follows the most extensive expansion of democratic regimes at the end of the twentieth century. By 2022, the number of liberal democracies had fallen to thirty-four—returning to mid-1990s levels—while global democratic standards resembled those of 1989 (V-Dem Institute 2022).

Despite growing attention to democratic decline and its multiple drivers (Bernhard 2021; Stoesz 2022; Hyde 2020), the mechanisms of democratic resistance remain overlooked (Mainwaring & Pérez-Liñán 2013; Gamboa 2022; Levitsky & Way 2023). This article contributes to this literature by examining how democratic resistance is enacted through civil society institutions when formal state agencies deviate from their

² In this article, the terms erosion, backsliding, recession, and decline are used interchangeably to describe negative trajectories of democracy. For reasons of conceptual consistency, the analysis adopts the term *democratic decline*.

constitutional mandates.³ Focusing on Brazil during Jair Bolsonaro's presidency (2019–2022), it shows how Indigenous organizations mobilized collaborative networks to preserve conditions for political participation amid institutional capture. Based on V-Dem indicators, this period was marked by declining horizontal accountability and increased hostility toward minority rights. Public confidence in democracy also eroded: in 2023, only 46 percent of Brazilians considered democracy preferable to any other regime, with even lower support among Indigenous populations (Corporación Latinobarómetro 2023).

Within this context, civil society institutions assumed a critical representative and coordinating role. Central to this process is the Articulation of Indigenous Peoples of Brazil (*Articulação dos Povos Indígenas do Brasil* – APIB), a national Indigenous organization founded in 2004 that consolidates political representation across fragmented regional movements and engages domestic and international institutions to enforce constitutionally recognized rights (Castro 2024).⁴ As this article shows, Brazil's centralized constitutional architecture and history of state-mediated participation generated distinctive conditions for resistance, distinguishing this case from plurijudicial systems elsewhere in Latin America.⁵

³ In the 2020 Latinobarómetro survey, Brazil recorded an even lower level of democratic preference, with only 40% of respondents favoring democracy over other regime types (Corporación Latinobarómetro 2023).

⁴ Quilombola communities—self-identified ethnic-racial groups with shared historical and territorial ties linked to African descent and resistance to enslavement—are also affected by land dispossession. Their claims extend beyond territorial rights to recognition of social organization, kinship, and cultural autonomy (INCRA 2017).

⁵ These systems, which contrast with legal centralism, establish legal pluralism and juridical overlaps within the same judicial system (Swenson 2018).

Democratic resistance is conceptualized here as the collective mobilization of civil society organizations to defend minority rights amid the erosion of constitutional guarantees. Prior research has approached resistance through social mobilization (Rakner 2021), the interaction between agency and institutions (Riedl et al. 2025), and the formation of alternative governing coalitions (Do Vale 2024). This article points to institutional deviation as a core condition of democratic resistance. In the domain of Indigenous land governance, democratic decline may occur when institutions formally tasked with protecting Indigenous rights cease to perform these functions.

The trajectory of the National Indian Foundation (*Fundação Nacional do Índio* – FUNAI) illustrates this institutional deviation.⁶ Established in 1967 to protect Indigenous interests, FUNAI was progressively weakened under the Bolsonaro government. Budget cuts, administrative restructuring, and political interference curtailed land demarcations, facilitated invasions of Indigenous territories, and reduced state protection in contexts of escalating violence (Soares and Baines 2021). As FUNAI's mediating capacity eroded, civil society organizations embraced expanded roles in representing Indigenous interests.

The article centers on the *Marco Temporal's* (Temporal Framework) legal dispute, a landmark case concerning the constitutional criteria for Indigenous land demarcation. Although initiated in 2007, the case gained renewed salience during Bolsonaro's presidency and became a focal point for Indigenous mobilization. Through this case, the article analyzes how APIB functioned as a coordinating institution linking legal advocacy, mass mobilization, and transnational engagement.

⁶ Several state institutions are formally responsible for protecting Indigenous lands and ecosystems, including the Brazilian Institute of Environment and Renewable Natural Resources (*Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis*—IBAMA). This article focuses on FUNAI because of its specific constitutional mandate to represent Indigenous interests within the federal government.

The performance of civic associations during democratic crises appears to be central to understanding resistance under democratic decline. When official mediating institutions were captured or neutralized, APIB expanded the scope of Indigenous representation by organizing large-scale mobilizations, coordinating national and international advocacy, and pursuing legal accountability through domestic courts and international bodies, including the International Criminal Court (ICC). These activities illustrate how civil society can compensate for institutional failure with reconfiguration of channels of political representation.

The analysis conceptualizes such organizations as mediating institutions that bridge societal divides, promote democratic norms, and facilitate accountability and inclusion (Kerrine & Neuhaus 1979; Wolobrecht 2005).⁷ Under conditions of democratic decline, APIB operated as a counter-mediating institution, reconnecting Indigenous communities with constitutional state actors while contesting elite capture of formal governance structures. This role became particularly salient as the Bolsonaro administration suspended land demarcations, reduced FUNAI's resources, and sought to transfer its authority to the Ministry of Agriculture, aligning Indigenous policy with agribusiness interests.⁸

The article employs an expanded collaborative governance framework, which puts emphasis on deliberation, coordination, and consensus-oriented institutional arrangements (Ansell & Gash 2008; Emerson et al. 2012). The framework is adapted to contexts of democratic decline in order to examine how collaborative relations can be

⁷ Mediating institutions operate across multiple social domains, connecting otherwise fragmented social spheres such as family, religious organizations, labor unions, political parties, and voluntary associations.

⁸ In the National Congress, agribusiness interests are consolidated through the Agricultural Parliamentary Front (APF), which coordinates land-governance strategies and has successfully advanced legislation favorable to the sector (Graciano et al. 2023). In parallel, mining interests pressure Brazilian institutions through coordinated efforts to weaken environmental protections (Santos et al. 2024).

reconstructed from below when formal institutions deviate from democratic mandates. Methodologically, the article uses network analysis to map both state-aligned and resistance-oriented networks.

In the next pages, the article proceeds as follows. The next section situates the Brazilian case within the broader literature on democratic decline. The third section outlines the analytical framework and methodological approach. The fourth section maps the state-aligned governance network during the Bolsonaro administration, while the fifth analyzes the resistance network coordinated by APIB. The sixth section explains through network analysis reconfiguration of relationships among critical actors. The concluding section discusses the article's contributions and limitations.

2. State of Democracy in Brazil and in the World

2.1 The Decline of Democracy in the World and in Brazil

Democratic decline occurs when mediating institutions lose their capacity to intermediate state-society relations, leading to weakened governance and heightened power concentration (Laebens & Lührmann 2021). This process typically manifests through restrictions on civil liberties, press freedom, political opposition, and electoral integrity. The literature identifies four recurrent drivers of democratic decline: executive aggrandizement, party system transformation, polarization and misinformation, and coalition-building for state capture.

Across diverse democratic contexts, elected leaders have incrementally expanded executive authority by weakening institutional checks and balances, frequently through attacks on independent judiciaries and legislatures (Bermeo 2016). In parallel, since the early 2000s, center-right parties in many democracies have shifted toward more radical positions, reducing centrist consensus and destabilizing democratic competition (Gidron

& Ziblatt 2019). Democratic institutions may inadvertently facilitate decline through party gatekeeping, court-packing, and politicized corruption (Levitsky & Ziblatt 2018; Garcia Holgado & Sánchez Urribarri 2023; Stephenson 2015; Linz 1978). Furthermore, polarization and misinformation, which erode trust in democratic institutions and legitimize authoritarian practices (Levitsky & Ziblatt 2018; Lindberg 2023), can potentialize these dynamics. As Mounk (2022) notes, democracies are especially vulnerable when they fail to manage social and cultural diversity.

Brazil's recent trajectory reflects the interaction of these mechanisms. Executive aggrandizement became a defining feature of Jair Bolsonaro's presidency, marked by repeated challenges to institutional constraints, including attacks on Brazil's Supreme Federal Court (STF), the free press, and open praise for the military dictatorship. Party system fragmentation and post-impeachment polarization facilitated Bolsonaro's rise as a political outsider following widespread disillusionment triggered by corruption scandals. Central to his electoral success and governability was the *Centrão*, a loosely coordinated, patronage-oriented center-right bloc that trades legislative support for access to state resources. During Bolsonaro's presidency, *Centrão* parties controlled approximately 39 percent of seats in the Chamber of Deputies (Bezerra & Vieira 2022).

Coalition-building for state capture was exemplified by the corruption probe Operation Car Wash (*Operação Lava Jato*), launched in 2014. The investigation exposed a large-scale kickback scheme centered on the state-owned oil company Petrobrás, involving an estimated US\$2 billion in embezzled funds and implicating more than sixty politicians (Do Vale 2022). The scandal severely eroded public trust in state institutions and contributed to Dilma Rousseff's impeachment in 2016, despite the absence of evidence directly implicating her in corruption. Her successor, Michel Temer, governed

until 2018 and implemented austerity policies that deepened polarization of the electorate (Holland 2019).

Polarization and misinformation—particularly disseminated through digital platforms and APIS such as WhatsApp—accelerated democratic erosion (Cavalcanti et al. 2019). Bolsonaro’s government exploited racial, social, and ideological divisions, normalized hate speech, and repeatedly delegitimized electoral institutions with unfounded claims of fraud (Bernardino-Costa 2023; González et al. 2024). As Bolsonaro failed to secure a reelection in 2022, his delegitimizing discourse culminated in the violent attacks on federal institutions in Brasília on January 8, 2023 (Hunter 2023).

Following Bolsonaro’s departure, Brazil has shown signs of partial democratic recovery, including improvements in press freedom rankings (Reporters Without Borders 2024). Nevertheless, persistent polarization and distrust in political institutions continue to constrain democratic consolidation. Also, the Agricultural Caucus, anchored in conservative parties, remain influential in the defense of agrobusiness interests (Graciano et al, 2023; Mancuso, 2024).

2.2 Indigenous Peoples and the Rise of Land Conflict

In Brazil, land is often tied to economic development (Benedetti & Anjos, 2021). For Brazil’s indigenous peoples land is considered sacred and central to cultural life (O’Dwyer, 2010), while for the state and the economic elites it is a profit-driven resource (Santos et al, 2021; Andrade, 2022). This clash of values reflects and sustains deep inequalities across society and manifests itself through land conflict.

Historically, rural social mobilization has been largely coopted (Bastos, 1984). The agribusiness elites are well-organized and articulate their interests, among other institutions, through the Agrarian Caucus in the Brazilian national congress (Helfand

1999) and has historically received concessions of the state (e.g., subsidies) (Mueller & Mueller, 2016). This Caucus coordinate actions between Congress and the Presidency through the Agricultural Parliamentary Front (*Frente Parlamentar da Agropecuária* – FPA), which has been particularly active during Bolsonaro’s government (Mancuso et al. 2024). The interests of this powerful parliamentary group have been systematically met by the incumbent federal governments. As a reflection of agribusiness political power, the 2017 Agricultural Census indicates that from 2006 to 2017, Brazil witnessed a concentration of land ownership among individuals possessing rural properties over 1,000 hectares, rising from 45% to 47.65% of the total arable land in the country (Sampaio et al. 2020). This shows that Brazilian agrarian elites concentrate critical resources.

The demarcation of Indigenous lands is important for the preservation of the cultural heritage of approximately 305 Indigenous ethnic groups in Brazil (IWGIA, 2025, p. 332). Despite the importance of land demarcation, since 2016 Indigenous land demarcation has been halted in Brazil (Mondardo, 2022, p. 10). As of 2024, there were 631 Indigenous land legally demarcated, representing 13,8% of Brazil’s territory: however, there are 162 territories awaiting legalization (FUNAI, 2023). Furthermore, data shows that there is a 42,3% of land claimed by indigenous communities that have not initiated the administrative steps for its regularization (CIMI, 2022).

Conflict over land demarcation in Brazil reflects extreme land concentration: approximately 1.78% of landowners control nearly 50% of the national territory (Mondardo 2022, p. 10). This inequality fuels rural violence, particularly in Indigenous territories targeted by neoliberal extractivism. The average annual rate of land disputes increased by 17.84% after 2016, while expulsions rose by 16.78% (CPT 2025). Between 2018 and 2019 alone, conflicts grew by 11%. Of the 144,742 households involved in land

disputes during this period, 49,750 were Indigenous—making Indigenous peoples the most affected group (CPT 2025; Santos et al. 2021, p. 673).

The database called Cartography of Attacks against Indigenous Peoples (CACI) documents violent incidents since 1986, revealing important trends (CACI, 2025). First, violence has been steadily rising since 2005, although the number of incidents oscillated from year to year. Second, most incidents are concentrated in four states: Mato Grosso do Sul, Amazonas, Roraima, and Pará—precisely the states with large number of Indigenous populations. Third, the most common types of violence are cultural clashes, suicides, homicides, and threats. Lastly, there has been a big rise from 2019 to 2020 and again from 2022 to 2023 (CPT, 2025: 25).

2.3 Brazil's Indigenous Movement in Comparative Perspective

The Brazilian Indigenous movement is analytically distinct within Latin America mainly due to four structural factors that shaped its capacity to resist democratic decline through collaborative resistance. Together, these factors explain why the movement shifted from state-integrated participation to more insurgent repertoire during the Bolsonaro administration while retaining its core objective of reactivating formal institutional mediation.

First, Brazil operates under a centralized constitutional paradigm that privileges legal homogeneity while marginalizing the epistemic norms and legal traditions of Indigenous peoples. Unlike the plurijuridical models adopted in Andean countries—where Indigenous autonomy is constitutionally recognized through decentralized jurisdictional authority, as in Bolivia's 2009 Constitution or Ecuador's 2008 Constitution—Brazil's 1988 Constitution embedded Indigenous rights within a centralized framework administered by federal institutions. While this early

constitutionalization positioned Brazil as a regional pioneer and influenced subsequent reforms across Latin America (Velasco and Kline 2025), it also generated institutional dependency of Indigenous populations on federal institutions. Once the central state became hostile under Bolsonaro, the FUNAI emerged as a single point of failure. By contrast, plurijuridical systems provide Indigenous communities with parallel juridical arenas that remain partially insulated from shifts in national executive power.

Second, Brazilian Indigenous mobilization historically relied on “inside” institutional channels. From the 1990s through the 2010s, Indigenous organizations engaged extensively with formal participatory mechanisms embedded within the state, including national councils, policy conferences, and direct representation in federal agencies (Avritzer 2009). This pattern contrasts with Andean cases, where Indigenous movements have more frequently relied on “outside” repertoires—mass mobilizations, road blockades, and territorial occupations—to exert political pressure (Yashar 2012). The capture and neutralization of FUNAI and related agencies during the Bolsonaro administration disrupted these institutional pathways, forcing a repertoire shift. In response, the movement adopted what can be described as “insurgent institutionalism,” which refers to the transformation of existing institutions to alternative ones through social smobilization (Prujt & Roggeband 2014), and it can happen in the absence of state authority (Mampilly & Stewart 2020), showing similarities with APIB’s actions. Indeed, APIB’s joint initiatives can be considered “insurgent”: combining electoral engagement, international litigation, and mass mobilization with the explicit aim of restoring the institutional mediation that the state had abandoned.

Third, APIB’s organizational capacity and political autonomy distinguish it from many regional counterparts. Created in 2004 to coordinate seven regional Indigenous organizations, APIB functions as a centralized bridging institution that aggregates

territorially fragmented struggles into unified national and transnational advocacy. This structure differs from more decentralized confederative models, such as Ecuador’s CONAIE, and from movements in Chile and Peru that were historically subsumed under left-wing party projects (Somma 2020). APIB’s non-partisan origins and institutional coherence enabled strategic flexibility during democratic decline, allowing it to coordinate legal action, transnational advocacy, and electoral mobilization without subordination to partisan agendas. This autonomy was critical to resisting cooptation and sustaining collaborative resistance across multiple arenas simultaneously.

Fourth, the movement has adopted a judicialization tactic of legal framing. Rather than prioritizing cultural recognition or territorial autonomy alone—dominant frames in earlier phases of Latin American Indigenous mobilization—Brazilian Indigenous organizations increasingly emphasize structural racism, land dispossession, and environmental destruction as interlinked threats (Chaney 2025). This shift is exemplified by APIB’s strategic use of international law to frame environmental harm as a modality of genocide and crimes against humanity. The submission of “ecocide” allegations to the ICC reflects an effort to compensate for domestic institutional dissonance—the gap between constitutional guarantees and state hostility—by leveraging transnational legal authority. While international advocacy is not unique to Brazil, few Indigenous movements in the region have pursued such systematic strategies at the intersection of environmental and human rights law. Table 1 summarizes these comparative dimensions.

Table 1: Brazil’s Constitutional Model in Comparison

Feature	Brazil (Centralized Constitutional Model)	Andean Model (Plurijuridical)
Constitutional Framework	Centralized federal protection	Decentralized Indigenous jurisdictions
Main Arena	National agencies (FUNAI)	Regional/communal governance
Mobilization Repertoire	Participatory councils (“inside”)	Street protests/blockades (“outside”)

Feature	Brazil (Centralized Constitutional Model)	Andean Model (Plurijuridical)
Political Alignment	Autonomous/non-partisan	Often linked to leftist parties
Organizational Structure	Centralized network (APIB)	Regional confederations (e.g., CONAIE)
Legal Strategy	Expansionist (ecocide/genocide framing)	Cultural/territorial recognition

Source: Author's elaboration

These factors position Brazil's Indigenous movement as distinctly equipped to contest democratic decline with coordinated domestic and transnational strategies. The capacity to alternate between inside and outside repertoires while pursuing institutional reactivation distinguishes collaborative resistance from purely confrontational or accommodationist strategies elsewhere.

3. Analytical Framework

3.1 Collaborative Governance Approach

This article applies Emerson et al.'s (2012) collaborative governance framework to analyze how democratic decline reshaped Indigenous–state relations in Brazil. Collaborative governance focuses on institutional arrangements through which multiple actors pursue public purposes, building on Ansell and Gash's (2008) emphasis on limited conflict and manageable power asymmetries as conditions for collaboration.

Brazil's declining institutional trust, escalating land violence, and paralysis of demarcation policy undermine these conditions. However, the framework remains analytically useful when extended to conflictual contexts under democratic decline. Ulibarri et al. (2023), for example, adapt collaborative governance to environmental conflicts by treating political contestation as integral to governance and emphasizing the creation of mechanisms that reconstitute collaboration under adverse conditions.

APIB's experience illustrates how organized civil society can reshape hostile governance environments. Under democratic decline, APIB moved beyond conventional advocacy by combining judicial strategies, transnational engagement, and sustained pressure on domestic institutions. Importantly, this strategy sought not to replace state institutions, but to reactivate weakened arenas of institutional mediation.

Alternative approaches—such as advocacy coalition frameworks or social movement theory—capture elements of mobilization but are less suited to explain two central dynamics: the continued orientation toward institutionalized negotiation and the role of multi-actor collaboration in restoring public authority. Incentives for collaboration were sharply asymmetric during Brazil's democratic decline. Indigenous communities faced existential threats to land and livelihoods, while agribusiness and extractive actors benefited from weak enforcement and political impunity (Santos et al. 2021). This asymmetry helps explain APIB's turn toward counter-mediating strategies.

3.2 *The argument*

The article argues that democratic decline can be resisted by institutions that assume counter-mediating roles when minority rights are eroded. That said, we argue that even when legislative, executive, and judicial authorities systematically disregard formally recognized minority rights, civil society organizations are encouraged to mobilize in order to contest institutional deviation and preserve democratic practices.

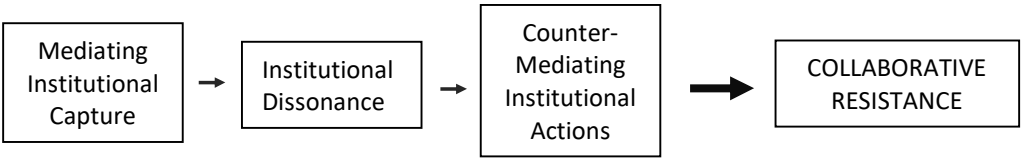
Democratic resistance emerges from institutional dissonance, which is characterized by public institutions' failure to uphold their democratic mandates, creating a gap between constitutional ideals and lived realities that disproportionately harms minorities. As state mediation erodes, civil society organizations assume roles that go beyond collaboration, becoming challengers to captured state authority. These actors function as *counter-mediating institutions*, operating against hostile public institutions by

articulating rights-based claims and shielding minorities from state-sponsored encroachment. More specifically, we contend that APIB acted as such a counter-mediator, coordinating collective action to compel the restoration of public institutions’ democratic mandates. This conceptualization aligns with Harris and Milofsky’s (2019) account of mediating institutions in crisis, defined by autonomy, legitimacy, and representational capacity to absorb shocks through cohesion, accountability, and collective democratic mobilization.

In our case study, the outcome of APIB’s counter-mediating role is conceptualized as “collaborative resistance.” This refers to the reactivation of institutional dynamics characteristic of the pre-democratic decline phase under certain behaviors and mechanisms: counter-mediating institutions attain greater relevance by adopting expanded roles during democratic erosion; they publicly denounce mandate deviation within formal institutions; and institutional dissonance is resolved through the restoration of the original mandates of captured bodies. Thus, the concept of collaborative resistance captures how Indigenous actors, despite heightened marginalization during democratic decline, can regain institutional centrality in efforts to counter its effect.

Figure 1 summarizes the process of collaborative resistance and its core components, namely, captured mediating institutions, a context of institutional dissonance, and the actions of counter-mediating institutions.

Figure 1: Process of democratic resistance as a political-institutional outcome



Source: Author’s elaboration

3.3 Network Analysis

The article employs a network analysis to explain APIB's increasing relevance in resisting democratic decline. This approach is well suited to democratic crises, in which formal institutional linkages weaken and new state–society relations emerge, making network structures critical for understanding how coordination and influence are reconstituted beyond formal hierarchies. Mapping APIB's network, therefore, reveals the relational configurations through which power is exercised.

Network analysis captures how civic networks generate collective leverage through bridging agents during crises (Barrett et al., 2011; Berkes & Ross, 2013). Consistent with Borgatti (2009), this analysis treats network structure as explanatory, examining how APIB's multi-level embeddedness sustained resistance (Vieira & Quack 2016).

Network connections among institutions, agencies, and collective actors can be analyzed using degree, eigenvector, and betweenness centrality to assess influence and brokerage within governance structures (Golbeck 2013). However, given the small number of institutional actors and the high density of formal ties in this case, the analysis adopts a weighted social matrix, which encodes observed interactions and their intensity, allowing centrality to be assessed through path distances rather than tie counts alone.

Within this framework, betweenness centrality is analytically primary because it captures brokerage and mediation—precisely the mechanisms through which institutional displacement unfolds under democratic decline. While degree and eigenvector centrality were considered, these measures largely reflect formal authority in small institutional networks and exhibit limited variation. Betweenness centrality, by contrast, reveals shifts in control over institutional flows, highlighting how mediating capacity migrated from state agencies to civil society actors after 2019. By focusing on betweenness centrality, the article emphasizes relational reconfiguration rather than positional status. This

research choice aligns network measurement with the article's theoretical conceptual building blocks of counter-mediation and collaborative resistance. That said, betweenness centrality complements collaborative governance theory because it captures mediation and brokerage when formal institutional authority and trust have eroded (Emerson et al. 2012).⁹

The weighting scheme in the development of the social matrices of the evolving network detailed in Appendix A, is designed to support bridging and betweenness diagnostics. The pre-2019 configuration encodes three core dynamics: FUNAI's institutional dissonance as a captured mediator ($\text{FUNAI-APIB} = -1$), APIB's emergent counter-mediation through judicial channels ($\text{APIB-STF} = +2$), and constitutional conflict between Congress and the Supreme Federal Court ($\text{Congress-STF} = -1$). This approach strengthens causal inference by analyzing the complete observed network instead of selectively emphasizing particular ties. Absences and negative relationships are treated as substantively meaningful, which in turn allows continuity and rupture to be assessed within a single analytical frame. The resulting structure documents the erosion of legacy institutional authority alongside the consolidation of a new mediating center, providing structural evidence of institutional change under democratic decline.

Within this configuration, four nodes display distinctive bridging properties. Congress exhibits the highest control over institutional flows, functioning as the dominant coordinating node. The STF serves as the sole cross-network institutional bridge, linking otherwise segmented actors. APIB operates as the primary civil society gateway

⁹ Whereas Ansell and Gash (2008) conceptualize collaboration as emerging within stable deliberative arenas, betweenness centrality captures how collaboration is reconstructed through brokerage when such arenas are captured or dismantled. Under democratic decline, collaborative governance thus becomes *insurgent*: deliberation gives way to intermediation, and brokerage positions reveal how civil society actors reconstitute institutional coordination within fragmented governance systems.

connecting Indigenous communities to formal institutional arenas, while the Agribusiness Caucus channels elite economic interests into legislative processes.

The social matrices reveal the emergence of two opposing networks during the Bolsonaro administration. One is a state-aligned network centered on Congress and the Agribusiness Caucus, which deploys legislative authority to produce restrictive legal instruments such as the *Marco Temporal*. The other is a resistance network centered on APIB, which mobilizes collective action, legal advocacy, and international appeals to contest institutional capture.

Congress remains a highly active node, challenging the STF, advancing restrictive legislation (Law 14.701), and absorbing sustained influence from agribusiness interests. Although FUNAI was progressively co-opted by the executive, Congress emerged as the principal driver of Indigenous rights retrenchment. By contrast, APIB became the critical node within the resistance network, exhibiting high betweenness centrality by linking grassroots Indigenous communities to national judicial arenas and international advocacy platforms.

To capture network reconfiguration, the analysis constructs a *difference network* (Δ network), which traces changes in relational authority over time by comparing pre- and post-2019 tie weights. This approach renders institutional displacement and counter-mediation directly observable. Appendix A presents the pre-2019 network matrix, Appendix B reports the post-2019 relational weights, and Appendix C details the calculation of their differences. The resulting Δ network isolates ties that intensified, weakened, or newly emerged during democratic decline, making the redistribution of mediating functions visible. Although formal institutions such as FUNAI persisted, their mediating ties deteriorated, while APIB gained brokerage capacity by establishing new domestic and transnational connections—most notably with the STF and the ICC. The

end-result configuration provides direct structural evidence of counter-mediation and collaborative resistance. Table 2 synthesizes this transformation, linking democratic resistance to contextual conditions and empirical network outcomes (theory → context → evidence → structure).

Table 2: Linkage between Concepts and Network Transformation

Article’s Concepts	Contextual Effect	Empirical Manifestation	Network Transformation
<i>Institutional dissonance</i>	Critical juncture	FUNAI’s mandate captured by agribusiness interests	FUNAI disconnected from APIB
<i>Counter-mediation</i>	Feedback mechanism to institutional rupture	APIB assumes legal responsibilities formerly held by FUNAI	APIB → STF bridging
<i>Democratic decline</i>	State retreat from constitutional mandates + hostility toward minorities	Constitutional protections for Indigenous peoples are systematically disregarded	Dense elite triangle
<i>Collaborative resistance</i>	Strategic response to democratic erosion	APIB directly petitions STF to compel state compliance	Rewired paths through courts
<i>Judicial battleground</i>	Contestation over constitutional norms	APIB expands conflict to ICC, framing land dispossession as “ecocide” and crimes against humanity	STF high betweenness

Source: Author’s elaboration

3.4 Alternative Explanation

The article could also have engaged more directly with the “boomerang effect” framework developed by Keck and Sikkink (1998) in *Activists Beyond Borders*. Originally applied to Brazilian cases, this framework explains how civil society organizations facing domestic blockage mobilize international allies to pressure resistant states. In their analysis of Brazilian NGOs opposing state-led Amazonian resettlement programs that threatened Indigenous livelihoods, Keck and Sikkink show that domestic mobilization alone proved insufficient; only through alliances with international actors were local NGOs able to generate pressure capable of constraining state action.

At its core, the “boomerang effect” holds that local NGOs face structural limits when domestic institutions are unresponsive or hostile. These constraints can be mitigated by activating transnational advocacy networks that reintroduce pressure “from above” and “from outside.” The framework also highlights capacity asymmetries: international actors provide resources, expertise, and reputational leverage that domestic organizations often lack, enabling political action and visibility that otherwise would be unattainable in captured governance environments.

The “boomerang effect,” while analytically valuable, does not fully capture APIB’s strategy for three interrelated reasons. First, as an umbrella organization coordinating Indigenous leadership across Brazil, APIB constitutes a dense and internally integrated network with substantial coordinating capacity—its mobilization cannot be explained as a response to organizational weakness, which is central to the “boomerang” logic. Second, institutional context matters and, as such, APIB mobilized when abandoned their mandates, indicating that formal institutions failure to exercise constitutional authority can trigger a process of resistance. Third, strategic orientation proved critical for APIB, which centered its actions on judicialization—activating domestic and international courts to enforce existing legal commitments—rather than the reputational campaigns typical of “boomerang” activism.

These three distinctions position APIB’s strategy closer to what Pallas and Boodgood (2022) term “trans-scalar” advocacy, rather than strictly transnational, with leverage generated through coordinated engagement across domestic, judicial, and international arenas. They further argue that contemporary advocacy coalitions increasingly select partners based on their capacity to reinforce locally salient norms and governance practices. Instead of compensating for domestic capacity deficit, APIB’s engagement with international legal institutions reflects a strategic effort to recalibrate

institutional authority across scales in response to democratic decline. As such, APIB's strategy should not be perceived as an external substitution, but as the reconstitution of institutional mediation through multi-scalar legal engagement.

All considered, this distinction is analytically crucial: democratic resistance under institutional capture operates not through external substitution but through the reconstitution of mediation across scales.

4. Collaborative Resistance through Institutional Substitution

4.1 APIB's Counter-Mediating Strategy

APIB's resistance to democratic decline operated through institutional substitution, which occurs by systematically mediating functions that FUNAI abandoned following its capture. This substitution manifested across three institutional arenas—domestic courts, transnational legal bodies, and public advocacy—demonstrating how civil society organizations can reconstitute democratic linkages when formal state agencies cease performing their constitutional mandates.

The capture of FUNAI created institutional dissonance, which is understood here as a gap between the agency's formal constitutional role as protector of Indigenous rights and its operational alignment with agribusiness interests. Bolsonaro's administration operationalized this capture through three main mechanisms. First, limiting FUNAI's budget which in turn reduced its operational capacity. Second, personnel replacement with political appointees aligned with extractive industries, displacing experienced technical staff (Soares & Baines 2021). Third, normative reinterpretation facilitated land appropriation and mining in Indigenous territories, transforming FUNAI from defender to enabler of dispossession. APIB's public denunciations of these measures positioned the organization not as the defender of FUNAI's original constitutional mandate.

APIB's counter-mediation strategy combined judicial activation, transnational legal engagement, and reputational pressure. During the COVID-19 pandemic, APIB filed a cases, mainly ADPF 709, before the Supreme Federal Court (STF),¹⁰ securing judicial recognition that the state had abandoned its constitutional duties toward isolated Indigenous communities and compelling the restoration of FUNAI's police authority to expel invaders from demarcated territories (APIB 2024). This action illustrates how counter-mediation operates: APIB used litigation to reactivate institutional functions that formal agencies had ceased performing.

Simultaneously, APIB pursued transnational legal strategies to compensate for domestic institutional blockage. In August 2021, it submitted a communication to the ICC alleging genocide and "ecocide" by the Bolsonaro government. This framing was strategic since treating systematic environmental destruction and institutional weakening as evidence of intent to destroy Indigenous groups (Kingston 2015; Branch & Minkova 2023; Chaney 2025), APIB would repositioned land conflicts as violations of international criminal law rather than domestic policy disputes. That said, the ICC submission thus served dual functions. On the one hand, it generated external pressure on Brazilian institutions, while, on the other hands, it documented state complicity in environmental crimes for future accountability mechanisms.

APIB complemented legal strategies with transnational advocacy campaigns. European tours engaged political leaders and businesses to isolate the Bolsonaro government diplomatically and economically, while international dossiers documenting hate speech and environmental crimes amplified reputational costs. These actions demonstrate that counter-mediation under democratic decline requires multi-scalar

¹⁰ An *Arguição de Descumprimento de Preceito Fundamental* (ADPF) is a constitutional instrument through which the Supreme Federal Court reviews violations of fundamental constitutional principles.

coordination, in which domestic litigation establishes legal precedent, transnational engagement raises costs for authoritarian regression, and public mobilization sustains pressure across institutional arenas.

4.2 The Marco Temporal Dispute as Network Reconfiguration

The Marco Temporal litigation provides direct evidence of institutional substitution and network reconfiguration. The dispute concerns the constitutional interpretation of “lands traditionally occupied by Indians” (Article 231, 1988 Constitution). Until 2007, established doctrine recognized Indigenous territorial rights as pre-constitutional, acknowledging centuries of dispossession. The Marco Temporal thesis sought to restrict these rights to territories occupied on October 5, 1988, onwards—the date of constitutional promulgation—thereby legitimizing historical dispossession and enabling further appropriation of Indigenous lands.

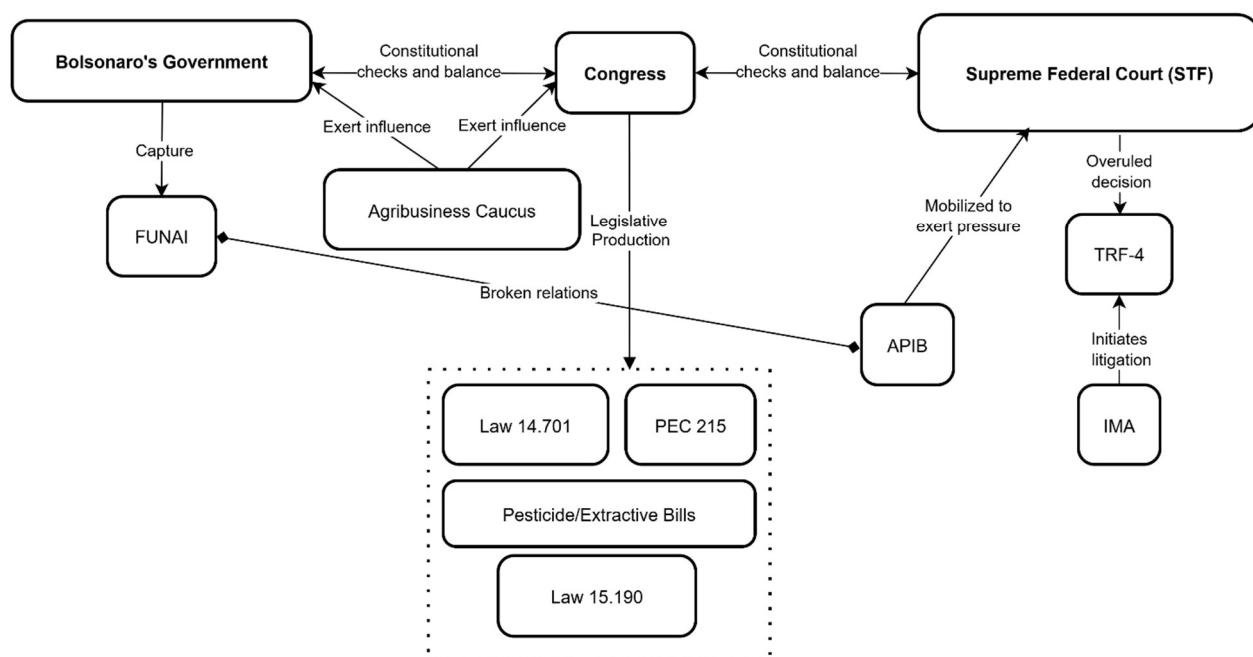
This case exemplifies institutional dissonance because FUNAI, the agency that originally defended Indigenous territorial rights before the STF, effectively reversed its position in combating the Marco Temporal following capture. APIB assumed the role of principal legal defender, transforming from a peripheral advocacy organization into the central node linking Indigenous communities to judicial and legislative arenas. This shift was caused by state abandonment of constitutional duties.

Congress emerged as the primary antagonist, producing regressive legislation including PEC 215 and Law 15.190, coordinated through the Agribusiness Caucus linking legislative production to extractive economic interests. Law 14.701, enacted in December 2023, crystallizes this dynamic. Passed just months after the STF ruled the Marco Temporal doctrine unconstitutional, the law effectively reinstated the doctrine through ordinary legislation, overriding both a presidential veto and a Supreme Court decision. This sequence demonstrates executive aggrandizement through legislative

means: Congress asserted authority to reinterpret constitutional provisions that the judiciary had already adjudicated, directly challenging horizontal accountability. The law jeopardizes 733 Indigenous territories encompassing 1.5 million hectares, illustrating how institutional capture translates into material dispossession. Subsequent legislation such as Law 15.190 approved in 2025 reduces the criteria for obtention of environmental licenses for activities that could potentially harm the environment. However, a major backlash against the agribusiness interests happened in 2023 when a constitutional amendment, PEC 215, that would transfer land demarcation from the national executive to Congress failed to be approved within the established legal period, being archived in 2023. This showed the lack of leverage of the Agribusiness Caucus to enact legislation that requires high political support such as constitutional amendments.

Figure 2 depicts the network structure during Bolsonaro's administration. In this structure, Congress occupies the highest betweenness centrality, as demonstrated in Section 6, functioning not as a mediator between competing interests but as an engine of rights erosion. FUNAI appears disconnected from civil society, its ties redirected toward agribusiness and executive actors. APIB occupies a peripheral position in this state-aligned network, connected primarily through the STF—the sole institutional node retaining partial autonomy. In this context, the STF became the battleground, simultaneously pressured by APIB to enforce constitutional mandates and challenged by Congress to cede interpretive authority.

Figure 2: Network behind the “Temporal Framework” case under Bolsonaro's government



Source: Author's elaboration

In sum, the pre-2019 network shows a hegemonic core, national executive–Congress–Agribusiness Caucus, which became the main drivers of democratic/indigenous rights decline by producing anti-indigenous legislation, a subordinated state agency (FUNAI), and a counter-network (APIB–STF) struggling to mar democratic decline through courts alone.

4.3 Judicial Contestation and Institutional Fragility

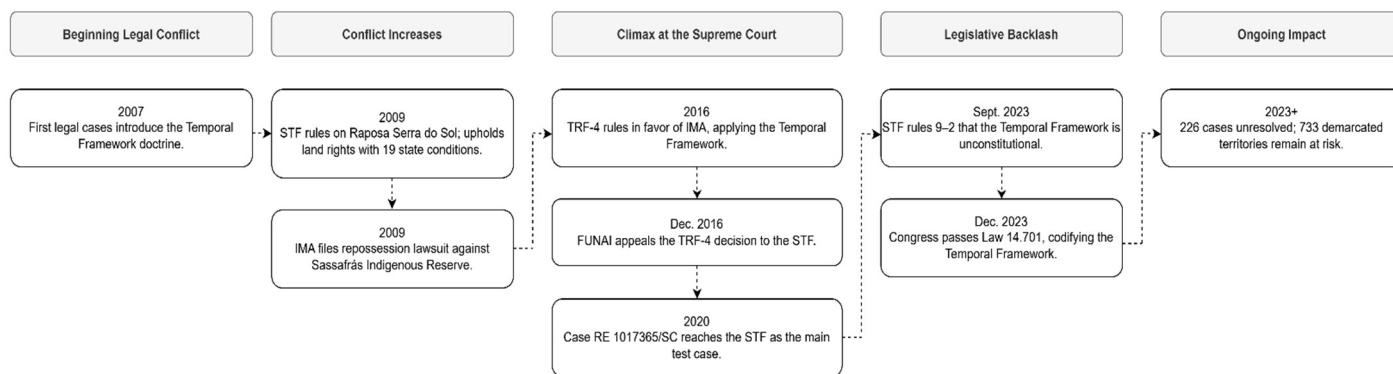
The trajectory of the Marco Temporal case reveals both the possibilities and limits of judicial counter-mediation. The STF first addressed the doctrine in 2009 during the *Raposa Serra do Sol* case, affirming Indigenous territorial rights while attaching nineteen conditions that subordinated these rights to state sovereignty, including provisions for resource exploitation and military installations. This ruling simultaneously protected and constrained Indigenous land claims, creating legal ambiguity that lower courts exploited to advance the Marco Temporal thesis.

By 2016, as land demarcations stalled nationwide, the doctrine gained traction in regional courts. The Sassafrás Biological Reserve dispute in Santa Catarina illustrates subnational dynamics. The Environmental Institute of Santa Catarina (IMA) filed a repossession lawsuit against Xokleng, Kaingang, and Guarani communities in 2009. When the Regional Federal Court (TRF-4) ruled in favor of IMA, FUNAI initially appealed to the STF in December 2016 (RE 1017365/SC). However, as FUNAI's capture progressed, APIB took primary responsibility for litigating the case, demonstrating institutional substitution in practice.

The STF ruled the Marco Temporal unconstitutional in September 2023 by a 9-2 majority, establishing a binding precedent (STF 2023). Yet this judicial victory proved fragile. Congress responded within months by enacting Law 14.701, which codified the Marco Temporal as statutory law. This legislative override illustrates a key vulnerability of counter-mediation strategies: judicial victories remain reversible through ordinary legislation when legislatures are captured. The STF's authority depends on legislative acquiescence and executive enforcement—neither of which obtained under the Bolsonaro-*Centrão* coalition.

Figure 3 summarizes this sequence, revealing Congress and the STF as co-central nodes locked in institutional conflict. APIB's strategy of compelling judicial enforcement proved effective in securing favorable rulings but insufficient to prevent legislative nullification. This dynamic underscores that collaborative resistance through counter-mediation succeeds in sustaining democratic practices and maintaining legal precedent, but cannot by itself overcome coordinated institutional capture across branches. When branches align against minority rights, judicial strategies alone may not sustain democratic resistance.

Figure 3: Sequence of Events in the “Temporal Framework” case



Source: Author's elaboration

5. APIB's Growing Network beyond the "Temporal Framework"

During COVID-19, Bolsonaro denied scientific evidence while advancing agribusiness interests and limiting Indigenous access to health assistance (Nowak, 2023; Bin, 2024; Silva et al., 2021). With evidence of these actions, APIB filed an unprecedented challenge against Bolsonaro before the ICC in August 2021, accusing him of genocide and crimes against humanity as a direct result of his COVI-19-related policies.

The complaint was filed during "Indigenous August," a month of intense mobilization in celebration of the International Day of the World's Indigenous Peoples. At the time, the executive president of APIB, Sonia Guajajara, who became minister of the Ministry of Indigenous Peoples in the third term of Lula's government, organized a "Struggle for Life" camp in Brasília, with the purpose of pressuring Congress and the STF against the curtailment of Indigenous rights and the rejection of the Marco Temporal doctrine.

APIB's submission to the ICC Prosecutor—seeking scrutiny of Brazilian government actions since January 2019, but with emphasis on the COVID-19 pandemic—demonstrates the strategic use of international courts to advance a domestic movement agenda. Grounded in the Rome Statute (1998), itself shaped by transnational

NGO mobilization, APIB's action as a human right by resorting to and translating norms into claims for Indigenous rights at home (Sundstrom and der Vet 2025). This strategy reflects how social movements turn to international courts when "justice fails at home" (der Vet and Sundstrom 2023) and contributes to the judicialization of international politics by shifting leverage from national executives toward international litigants and judges.

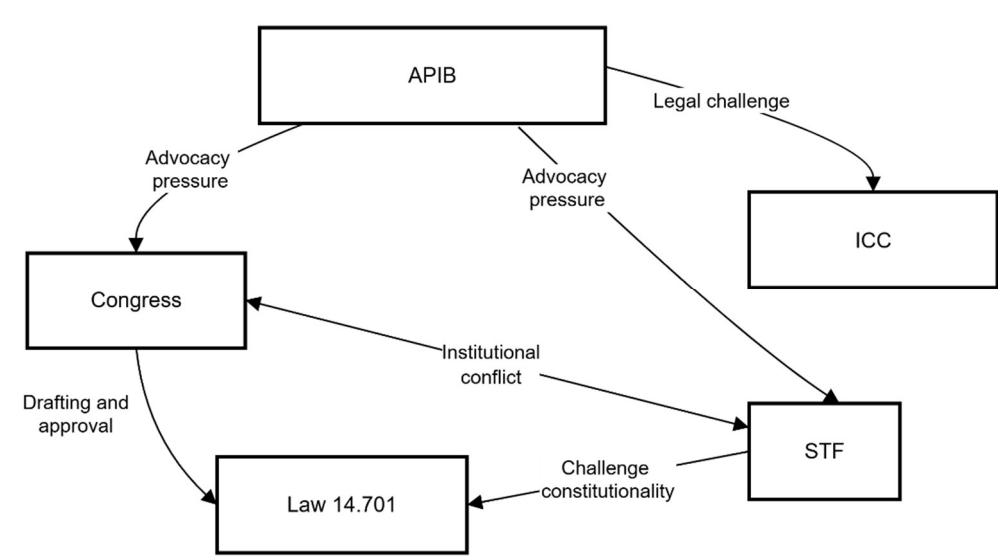
APIB's complaint invoked Articles 6 and 7 of the Rome Statute, alleging genocide through intentional harm and crimes against humanity through policies aimed at Indigenous extermination and persecution (Ventura et al. 2021). The core of the complaint was the allegation that the Bolsonaro's government violations are not isolated incidents but the result of an explicit, systematic, and intentional state policy. The document, which has the support of the Human Rights Advocacy Collective (CADHu) and the Arns Commission, compiles a vast collection of evidence, including reports from leaders, official documents, academic research, and technical notes. This 86-page document details Bolsonaro's actions chronologically, demonstrating impacts on specific Indigenous groups including *Munduruku*, *Yanomami*, *Guarani-Kaiowá*, and isolated tribes.

In the aftermath of the pandemic, as Figure 3 illustrates, APIB gained centrality as a node with an increased number of connections. In this transformed network with the advancement of regressions in the protection of Indigenous rights of the Bolsonaro's government, the STF starts to be seen as a defender of Indigenous constitutional rights, and the ICC in the international arena became a relevant connection that positions APIB better in augmenting its pressure over Congress.

Figure 4 shows how APIB fostered new connections as the Bolsonaro government steps up its measures against the Indigenous populations specially during the COVID19

pandemic. It coordinates both political pressures, especially over the STF, and filing a complaint with the ICC with the assistance of allied NGOs (e.g., Human Rights Advocacy Collective – CADHu, the Arns Commission). Removing APIB from this network would fragment the collaborative resistance entirely. Collaborative resistance was forged in connection with a relevant international institutions, the ICC, which could exert external pressure over the government and other national institutions.

Figure 4: Resistance Collaborative Network



Source: Author's elaboration

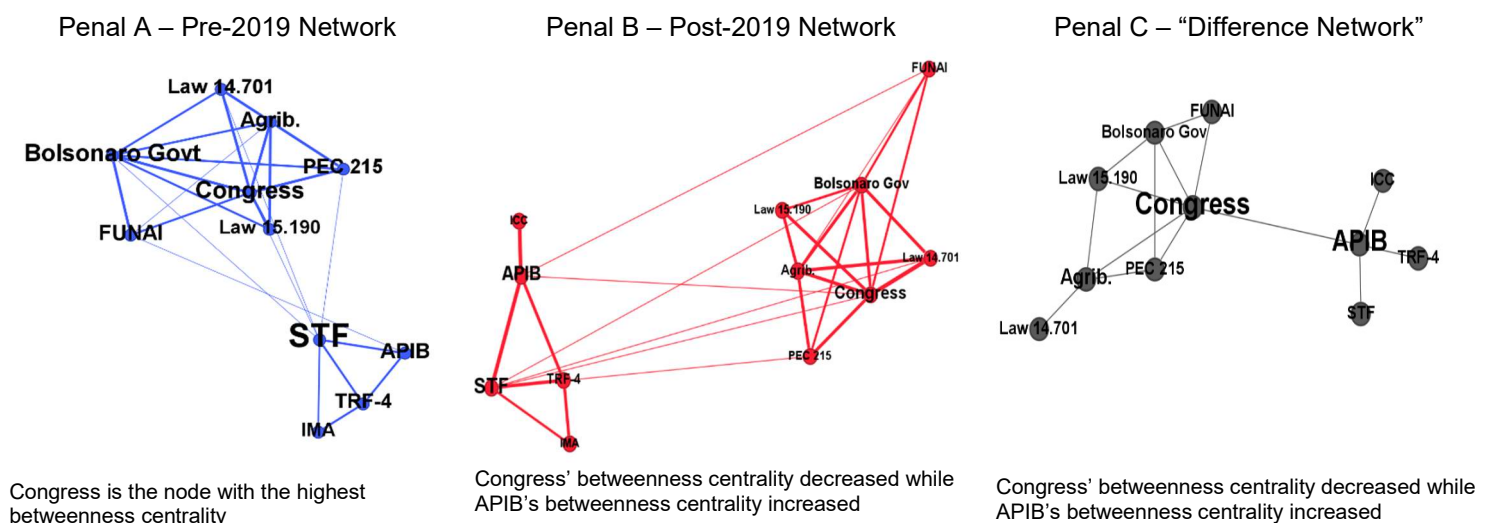
6. From State-Aligned Governance to Collaborative Resistance: Network Transformation under Democratic Decline

Using weighted adjacency matrices and network visualization, it demonstrates that democratic decline did not eliminate mediation but relocated it from captured state agencies to autonomous civil society organizations operating across domestic and transnational arenas. The analysis below compares three network configurations: the pre-2019 state-aligned baseline, the post-2019 resistance network, and a “difference network” isolating structural change.

6.1 Network Reconfiguration under Democratic Decline

Figure 5 presents a three-panel visualization of network transformation in which there are three panels representing changes in terms of number of connections of the nodes. Panel A depicts the pre-2019 state-aligned governance network. Panel B shows the post-2019 resistance network centered on APIB as a counter-mediating institution. Panel C presents the difference network (Δ), highlighting mediation substitution, internationalization, and escalated contestation. Nodes' sizes are the same regardless of the number of connections of the node; however, the edges' thickness vary indicates tie strength. The networks represented in Figure 5 are based on Gephi's calculation of betweenness centrality. While Gephi produces slightly different absolute values from this article's calculation due to default weighting and normalization conventions, both identify APIB as the node with the strongest post-2019 increase in betweenness centrality, confirming the robustness of the brokerage finding.

Figure 5: Network Reconfiguration Based on Betweenness Centrality under Democratic Decline



Source: Author's elaboration with Gephi 0.10.1

Panel A (Pre-2019: State-Aligned Network) depicts the governance architecture prior to systematic institutional capture. Congress occupies the dominant bridging

position, connecting the executive, agribusiness interests, FUNAI, and the judiciary. Network power is concentrated among state actors controlling policy production and resource flows, reflecting Brazil's centralized constitutional model, in which Indigenous rights are administered through centralized federal institutions. FUNAI functions—formally—as the principal mediator between the state and Indigenous peoples, while APIB remains peripheral, linked primarily through judicial channels. Legislative instruments appear as terminal nodes, signaling their role as outputs of a state-aligned coalition.

The network exhibits high density and a hierarchical structure, with Congress holding the highest betweenness centrality. Although early tensions between Congress and the STF are visible, formal institutional roles remain largely intact. Governance operates through centralized mediation characteristic of state-corporatist arrangements, and Indigenous mobilization continues to be oriented toward “inside” institutional participation.

Panel B (Post-2019: Resistance Network) depicts the reconfigured governance network following the capture of key state agencies. FUNAI remain formally embedded but lose functional relevance as their ties to civil society become negative or null. The democratic decline core—most notably agribusiness interests—persist as active nodes yet are disconnected from Indigenous mobilization, rendering them peripheral to the dynamics of resistance. Even Congress, despite its formal centrality, appears isolated from mobilized civil society and weakened with the inability to approve PEC 215. However, this weakened position has not prevented Congress from approving Laws 14.701 and 15.190. As such, institutional change unfolded through the displacement of authoritative roles in favor of APIB.

The social matrix (Appendix B) reveals APIB's emergence as the network's central broker. Betweenness centrality captures its shift from peripheral actor to primary mediator, effectively replacing FUNAI as the link between Indigenous communities and institutional arenas. APIB's rise reconfigures the network by adding new pathways—most notably through the ICC—rather than eliminating legacy actors, producing institutional re-wiring in detriment to substitution. The STF consolidates its position as a defender of Indigenous rights declaring Marco Temporal illegal, triggering a counter-reaction of Congress with Law 14.701.

Four structural shifts define this configuration. First, APIB becomes the sole bridge connecting domestic judicial (STF), legislative (Congress), and transnational judicial (ICC) arenas, which suggests that its removal would fragment the resistance network. Second, the inclusion of the ICC internationalizes resistance and elevates APIB's eigenvector centrality by linking domestic claims to international legal authority (Sundstrom and der Vet 2025). Third, FUNAI's disappearance reflects substantive irrelevance following capture, with APIB assuming its mediating function. Fourth, Congress shifts from coordinator to antagonist. While retaining legislative output, Congress' betweenness collapses as its legal instruments—such as Law 14.701—are immediately contested.

The STF remains a pivotal node, receiving intensified pressure from APIB while facing legislative challenge. Despite fewer nodes, network density increases, indicating more concentrated and strategic ties. The resulting structure reflects insurgent institutionalism as engagement with the state persists, but through litigation, advocacy pressure, and transnational leverage rather than through formal participation.

Panel C (Difference Network, Δ) isolates the mechanisms of change. Three processes become visible. First, mediation is displaced as APIB assumes functions

formerly performed by FUNAI. Second, resistance undergoes a scalar shift as mobilization extends into transnational legal arenas, incorporating new nodes such as the ICC. Third, contestation intensifies as legislative outputs trigger immediate judicial challenge. The Δ network demonstrates that democratic decline produced reconfiguration, in which institutional mediation migrated and not simply disappeared. This dynamic operationalizes institutional dissonance—when formal institutions deviate from constitutional mandates, civil society organizations expand their roles to reconnect marginalized groups with institutional arenas.

6.2 Centrality Shifts and Bridging Capacity

Betweenness centrality identifies where mediating authority is located in a network by capturing which actors control shortest paths between others and, thus, structure access and coordination. Edge distances are calculated as the inverse of tie strength, allowing changes in betweenness to be interpreted as shifts in mediation rather than activity. Appendix D explains how this metric was calculated in the pre- and post-2019 networks. The results confirm that democratic decline did not eliminate brokerage, and instead, displaced it from state agencies to civil society. APIB's normalized betweenness increases sharply, while FUNAI's falls to zero, providing structural evidence of institutional substitution and scale-shifted mediation.

In the pre-2019 network, mediation is state-centered. Congress functions as the dominant broker, coordinating institutional flows between the executive, economic elites, and legislative outputs. APIB holds a secondary mediating position, indicating partial institutional access without control. FUNAI's low betweenness already signals institutional dissonance.

Democratic decline produces mediation displacement. As FUNAI's brokerage erodes, shortest paths reroute through civil society. In the post-2019 network, APIB

becomes the primary intermediary, uniquely linking domestic courts, legislative arenas, and transnational legal venues. This reflects institutional substitution, in which mediating functions migrate from a captured state agency to an autonomous civil society actor capable of maintaining connectivity.

Two mechanisms drive this network shift. First, judicial activation concentrates institutional contention around the STF, increasing the brokerage value of actors able to bridge litigation and representation. Second, scale expansion introduces transnational legal nodes—most notably the ICC—which elevate APIB’s betweenness by positioning it as the sole gateway to international authority, even though the ICC itself remains a terminal node.

Conversely, Congress’s betweenness declines due to relational inversion. Legislative output persists but functions as conflict trigger rather than coordination device, isolating Congress from mediation despite retained authority. The STF’s increased betweenness reflects its role as a residual institutional anchor under partial capture (Helmke and Ríos-Figueroa 2011).

These results identify the core rationale during democratic decline: there is a reallocation of mediating capacity from captured state institutions to civil society, sustaining democratic practices through network reconfiguration.

6.3 Mechanisms of Network Reconfiguration

The reconfiguration of governance networks reveals three interrelated mechanisms. The first mechanism of institutional substitution occurs as captured or neutralized state agencies are replaced by civil society organizations that assume their mediating roles. The second mechanism of scale shift redirects mobilization toward transnational and judicial arenas, transforming domestic blockage into trans-scalar

advocacy. This expands beyond the classic “boomerang” model (Keck and Sikkink 1998) toward multi-scalar legal engagement that simultaneously targets domestic courts and international bodies (Pallas and Bloodgood 2022). The third mechanism of judicialization and legal brokerage concentrates around remaining autonomous institutions—especially the STF—which has become central battlegrounds for enforcing constitutional norms and coordinating resistance. These mechanisms are summarized in Table 3, where it is possible to observe how these mechanisms lead to the outcome of network reconfiguration.

Table 3: Mechanisms of Democratic Resistance in Indigenous Land Governance in Brazil

Mechanism*	Empirical Operation	Contribution to Democratic Resistance	Contribution to Democratic Decline Literature
Institutional Substitution	Following the capture of FUNAI, APIB assumed core mediating functions, coordinating litigation, representation, and advocacy before constitutional institutions, notably the STF	Sustained institutional mediation under conditions of state failure; preserved access to legal and representative arenas for marginalized groups.	Challenges linear accounts of institutional erosion by showing how governance functions can migrate from state agencies to civil society actors.
Scale Shift and Trans-Scalar Legal Mobilization	APIB complemented domestic litigation with engagement in international legal arenas, including a communication to the ICC, reframing land dispossession and environmental harm as violations of international law.	Expanded accountability beyond the national arena; increased leverage against authoritarian practices through multi-level legal engagement.	Extends the boomerang framework by emphasizing trans-scalar strategies that recalibrate authority across domestic and international institutions.
Judicialization and Legal Brokerage	Strategic litigation centered on the STF reactivated constitutional commitments despite executive and legislative hostility, positioning courts as primary arenas of contestation.	Enabled constitutional enforcement under democratic decline; transformed judicial institutions into focal sites of resistance.	Contributes to judicial politics scholarship by conceptualizing litigation as a form of insurgent institutionalism under democratic erosion.
OUTCOME: Network Reconfiguration	<i>APIB’s rising betweenness centrality repositioned it as the principal broker linking Indigenous communities, domestic courts, and international institutions.</i>	<i>Rewired governance networks around civil society mediation; enabled coordinated, multi-arena resistance.</i>	<i>Provides structural evidence that democratic decline involves reconfiguration rather than collapse of governance networks, with mediation displaced rather than eliminated.</i>

*These mechanisms are triggered concurrently, and as such, they do not necessarily appear in the order displayed in the table for the manifestation of the outcome.

Sub-section 6.4 below discusses how these mechanisms contribute to democratic resilience theory and offers comparative insights for understanding resistance under institutional erosion.

6.4 Comparative and Theoretical Implications

The network analysis identifies three mechanisms—institutional substitution, scale shift, and judicialization—that together constitute collaborative resistance. This finding has implications for scholarship on democratic decline, collaborative governance theory, and comparative Indigenous politics.

Beyond the three core mechanisms identified above, specific scope conditions enabled network reconfiguration and sustained resistance. These include APIB's organizational capacity to coordinate across scales, the form of institutional dissonance produced by unfulfilled constitutional mandates, and the continued autonomy of the Brazilian judiciary during a period of democratic crisis. Together, these conditions shaped the feasibility and direction of collaborative resistance.

APIB's coordination capacity—built over decades of Indigenous mobilization—was central to its ability to operate simultaneously in domestic and international legal arenas. This accumulated organizational capital enabled a strategic emphasis on litigation, which is less based on overt repression (Iglesias 2024, Meléndez-Sánchez 2021) and more based on bureaucratic omission and non-enforcement of constitutional obligations. Unlike cases marked by violent state coercion, resistance in Brazil confronted institutional neglect. Judicialization was, therefore, a viable and effective strategy, reinforced by the relative autonomy of Brazilian courts under Bolsonaro (Singer 2022; Souza and Dos Santos 2019), which allowed civil society to activate legal institutions to remedy state inaction.

In sum, network reconfiguration was made possible by civil society's capacity to impose institutional substitution, scale shifting, and strategic coordination across arenas. These conditions enabled resistance to operate through law and norms rather than exit or confrontation, using judicial orders to counter state omission. Such dynamics remain underexamined in the literature on democratic resilience in a context of decline.

7. Final Considerations

This article examines how civil society organizations can sustain democratic practices under conditions of democratic decline, focusing on the role of mediating institutions in contexts of institutional capture and minority rights erosion. Through the case of Brazil's Indigenous movement during the Bolsonaro administration, it shows that collaborative governance can be reengineered from below when state agencies abandon their constitutional mandates. By mobilizing legal, transnational, and networked strategies, organizations such as APIB resisted democratic erosion and reconnected marginalized groups to institutional arenas, which in turn gave rise to a distinct mode of collaborative resistance.

From a comparative perspective, the Brazilian case illustrates how the institutional architecture of democratic decline shapes resistance repertoires and strategies. Unlike Andean plurijuridical systems, in which Indigenous mobilization relies on sustained street contention and decentralized jurisdictional authority, Brazil's centralized constitutional framework and history of state-integrated participation generated a different trajectory. Faced with institutional capture, rather than outright institutional absence, Indigenous actors reclaimed abandoned state functions through courts, transnational litigation, and strategic networking. As such, resistance under democratic decline is not limited to exit

or confrontation but may involve the reconfiguration of mediation through hybrid and multi-scalar strategies.

The article contributes to debates on democratic resilience by conceptualizing collaborative resistance as a response to macro-political disruption. When formal mediating institutions such as FUNAI were co-opted, civil society organizations embraced counter-mediating roles, restoring channels of accountability and representation. In doing so, they went beyond opposing authoritarian practices, and actively recomposed democratic linkages between the state and marginalized communities. Democratic renewal, in this view, emerges from the capacity of social actors to reconstruct mediation under adverse conditions.

This reframes democratic resilience as networked and adaptive. While conventional accounts emphasize courts and legislatures as bulwarks, the Brazilian case shows resilience depends on functional migration. This happens in the context of captured institutions with mediating functions being relocated to civil society organizations, leading to a rewiring governance network across scales.

The article reviews that the effectiveness of counter-mediation depends on three structural conditions. First, at least one institutional arena—most often the judiciary—must retain sufficient autonomy to serve as a bridging node between civil society and the state. Where courts are fully captured or dismantled (e.g., Venezuela, Nicaragua), collaborative resistance may collapse. Second, counter-mediation requires sustained organizational capacity. Unlike state agencies, civil society actors often rely on precarious resources, and as such prolonged democratic decline risks exhaustion of legal, transnational, and mobilizational capacities. Third, the counter-mediating strategy presupposes that democratic decline remains institutional instead of based on repression and criminalization of the groups that lose rights. When organizations are banned or

leaders prosecuted (e.g., Russia, Egypt), the capacity to engage courts or international bodies may disappear. Thus, collaborative resistance can compensate for partial institutional failure, but it cannot survive total closure.

Within these constraints, APIB's experience offers transferable insights for minority rights struggles under democratic decline. First, movements benefit from network diagnostics that identify institutions—courts or transnational bodies—that retain constitutional authority despite executive hostility. Second, legal reframing of conflictive issues (e.g., land disputes) enhances leverage by embedding local claims within globally salient normative regimes, as APIB did by linking Indigenous land rights to climate governance and “ecocide.” Third, when states abandon constitutional mandates, minority organizations must assume functional responsibilities typically exercised by public institutions. By professionalizing advocacy, sustaining legal standing, and coordinating across scales, civil society can replace captured mediators while simultaneously pressuring their reactivation. This mode of insurgent institutionalism—neither exit nor accommodation—constitutes a distinct form of democratic resistance in contexts where institutions endure but cease to perform their democratic functions.

Some limitations deserve attention. This study focuses on a single case and policy domain, limiting generalizability across sectors and political contexts. The durability of counter-mediating networks following regime or government transitions also remains uncertain. Brazil's post-Bolsonaro trajectory offers an opportunity to assess whether collaborative resistance persists or is reabsorbed into formal governance. More broadly, future research should examine whether counter-mediation produces durable institutional change or functions primarily as crisis adaptation—a question central to debates on democratic decline and renewal.

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APPENDIX A

Below is a weighted adjacency matrix that translates the distinctions between nodes into numerical form. The weights reflect types and intensity of relationships, consistent with institutional capture, contestation, and resistance.

Weighting scheme:

- +3 = strong influence / control / coordination
- +2 = institutional interaction / formal linkage / sustained contestation
- +1 = weak, indirect, or episodic interaction
- 0 = no connection
- -1 = broken, antagonistic, or severed relationship

The assignment of the different weights followed the patterns contained in the following table, which is organized along five types of nodes.

Table A1: Contextualized Values of Relationships in the Pre-2019 Network

Type of Node/Pattern	Political Meaning	Values/Weights of Relationships
Democratic Decline Core (Bolsonaro Govt - B, Congress -C, Agribusiness Caucus - Ag)	Forms the central axis of power driving democratic backsliding; coordinates anti-indigenous policies through executive-legislative-economic elite alignment. Congress becomes antagonist by approving legislature that antagonizes Indigenous interests.	• B ↔ C: +3 (mutual strong support) • C ↔ Ag: +3 (strong alliance) • B ↔ Ag: +2 (strong support) • All ↔ Law nodes: +2 to +3 (policy production)
Antagonistic Relations with APIB	Indigenous movement systematically excluded from policymaking; conflict over land rights and recognition; APIB bypasses political core to activate judiciary.	• B/C/Ag → APIB: 0 (ignored/excluded) • FUNAI ↔ APIB: -1 (institutional conflict) • APIB → STF: +2 (strategic litigation) • STF → APIB: +2 (receptivity)
Subordinate State Agency (FUNAI)	Caught between formal mandate (protect indigenous rights) and political pressure from executive/congress to accommodate agribusiness interests; illustrates state capture.	• FUNAI → B: +3 (executive control) • FUNAI → C: +2 (congressional oversight) • FUNAI ↔ Ag: -1 (policy friction) • B/C → FUNAI: +3/+2 (hierarchical dominance)
Judicial Split (STF vs. TRF-4)	STF acts as counter-power to Core Axis; TRF-4 is more peripheral,	• B/C ↔ STF: -1 (mutual antagonism) • STF ↔ APIB: +2 (alliance)

Type of Node/Pattern	Political Meaning	Values/Weights of Relationships
	used for localized litigation; judicial system fragmented in response to political pressure.	• STF ↔ TRF-4: +2 (judicial solidarity) • TRF-4 ↔ IMA: +2 (local litigation) • STF ↔ IMA: +1 (local litigation) • APIB ↔ TRF-4: +2 (access point)
Legislative Outputs (Law 14.701, PEC 215, Law 15.190)	Products of Core Axis dominance; reflect institutionalization of anti-indigenous policies; opposed by STF, ignored by indigenous movement.	• Laws → B: +2 • Laws → C: +3 • Laws → Ag: +3 • Laws → STF: -1 (or 0) • Laws → all others: 0

As a result of the above assignment of weights, it was possible to arrive at the social matrix:

Table 2A: Pre-2019 Social Matrix

Actor/Node	Bolsonaro Govt	Congress	STF	FUNAI	Agrib.	APIB	TRF-4	IMA	Law 14.701	PEC 215	Law 15.190
Bolsonaro Govt	0	+3	-1	+3	+2	0	0	0	+2	+2	+2
Congress	+3	0	-1	+2	+3	0	0	0	+3	+3	+3
STF	-1	-1	0	0	0	+2	+2	+1	-1	-1	0
FUNAI	+3	+2	0	0	-1	-1	0	0	0	0	0
Agribusiness	+2	+3	0	-1	0	0	0	0	+3	+3	+3
APIB	0	0	+2	-1	0	0	+2	0	0	0	0
TRF-4	0	0	+2	0	0	0	0	+2	0	0	0
IMA	0	0	+1	0	0	0	+2	0	0	0	0
Law 14.701	+2	+3	-1	0	+3	0	0	0	0	0	0
PEC 215	+2	+3	-1	0	+3	0	0	0	0	0	0
Law 15.190	+2	+3	0	0	+3	0	0	0	0	0	0

The weight values of Table 2A were used to create the pre-2019 network of Panel A of Figure 5.

APPENDIX B

Below it is the post-2019 weighted social matrix, keeping the same criteria for quantifying the weights and maintaining all pre-2019 nodes, but assigning zero, negative, or dormant ties where actors were displaced.

Weights of the different relationships in post-2019 network are explained bellow through the different types of nodes.

Table B1: Contextualized Values of Relationships in the Post-2019 Network

Type of Node/Pattern	Political Meaning	Values/Weights of Relationships
Democratic Decline Core (Bolsonaro Govt, Congress, Agribusiness Caucus)	Remains active but disconnected from Indigenous resistance; persists in producing anti-indigenous legislation but loses brokerage role; Congress becomes antagonist by approving legislature that antagonizes Indigenous interests.	• B ↔ C: +2 (weakened support) • C ↔ Ag: +2 (continued alliance) • B ↔ Ag: +2 (continued support) • All ↔ Law nodes: +1 to +3 (policy production continues) • C ↔ APIB: -1 (new direct conflict)
Resistance Network Centralization (APIB)	APIB becomes the central broker of Indigenous resistance, linking domestic judiciary (STF), legislature (Congress), and international arena (ICC); replaces FUNAI as mediator.	• APIB ↔ STF: +3 (stronger alliance) • APIB ↔ ICC: +3 (transnational leverage) • APIB ↔ TRF-4: +2 (continued access) • APIB ↔ FUNAI: -1 (continued conflict) • APIB ↔ Congress: -1 (direct antagonism)
Subordinate State Agency (FUNAI – diminished)	Formally present but substantively irrelevant due to state capture; loses ties to civil society; APIB assumes its former mediating role between Indigenous communities and state.	• FUNAI → B: +1 (weakened subordination) • FUNAI → C: +1 (weakened oversight) • FUNAI ↔ Ag: -1 (conflict remains) • FUNAI ↔ APIB: -1 (conflict persists)
Judicial Reconfiguration (STF strengthened, ICC added)	STF consolidates as defender of Indigenous rights (declares Marco Temporal illegal); ICC enters as new transnational judicial arena, elevating APIB's leverage and internationalizing resistance.	• STF ↔ APIB: +3 (stronger alliance) • STF ↔ IMA: +1 (stronger alliance) • STF ↔ TRF-4: +2 (judicial solidarity) • STF ↔ B/C: -1 (ongoing antagonism) • ICC → APIB: +3 (new international link)
Legislative Outputs (Law 14.701, Law 15.190)	Continue as products of Core Axis but are immediately contested by resistance network; reflect reactive rather	• Laws → B: +1 to +2 (weakened ties) • Laws → C: +2 to +3 (continued production) • Laws → Ag: +2 (continued alliance) • Laws → STF: -1 (judicial opposition)

Type of Node/Pattern	Political Meaning	Values/Weights of Relationships
	than proactive institutional power.	
Internationalization of Resistance (ICC)	New transnational judicial node elevates APIB's authority; internationalizes Indigenous claims and creates alternative pathway outside domestic state structure.	• ICC → APIB: +3 (exclusive strong link) • APIB → ICC: 0 (asymmetric link in matrix) • ICC ties to others: 0 (only linked to APIB)
Network Re-wiring (higher density, strategic ties)	Fewer nodes but more concentrated, strategic ties; APIB's removal would fragment resistance network; institutional re-wiring rather than substitution of actors.	• Increased weight on APIB–STF (+3) • New APIB–ICC (+3) tie • Weakened FUNAI ties (+1 instead of +3) • Direct C–APIB conflict (–1)

The social matrix below, Table B1, shows the final assignment of weights for each node relationship in the post-2019 period.

Table B1: Post-2019 Social Matrix

Actor/Node	Bolsonaro	Congress	STF	FUNAI	Agrib.	APIB	TRF-4	IMA	ICC	Law 14.701	PEC 215	Law 15.190
Bolsonaro Gov	0	+2	–1	+1	+2	0	0	0	0	+2	+1	+1
Congress	+2	0	–1	+1	+2	–1	0	0	0	+3	+2	+2
STF	–1	–1	0	0	0	+3	+2	+1	0	–1	–1	0
FUNAI	+1	+1	0	0	–1	–1	0	0	0	0	0	0
Agribusiness	+2	+2	0	–1	0	0	0	0	0	+2	+2	+2
APIB	0	–1	+3	–1	0	0	+2	0	+3	0	0	0
TRF-4	0	0	+2	0	0	+2	0	+2	0	0	0	0
IMA	0	0	+1	0	0	0	+2	0	0	0	0	0
ICC	0	0	0	0	0	+3	0	0	0	0	0	0
Law 14.701	+2	+3	–1	0	+2	0	0	0	0	0	0	0
PEC 215	+1	+2	–1	0	+2	0	0	0	0	0	0	0
Law 15.190	+1	+2	0	0	+2	0	0	0	0	0	0	0

Note: Nodes are the same as pre-2019, except that there was the addition of the ICC.

All the weights of the relationships (edges) of Table B1 were transformed into data to create through the Gephi program the Panel B of the pre-2019 network on Figure 5.

APPENDIX C

A “difference network” captures the shifts of a network over time and can be formalized as follows:

$$\Delta W_{ij} = W_{ij}^{post-2019} - W_{ij}^{pre-2019}$$

Where:

- Positive values = strengthened or newly created ties
- Negative values = weakened, severed, or displaced ties
- Zero = no meaningful change

The above formula allows the development of a social matrix of “difference network,” as shown in Table C1.

Table C1. Difference Social Matrix (Δ = Post-2019 – Pre-2019)

Actor / Node	Bolsonaro Gov	Congress	STF	FUNAI	Agrib.	APIB	TRF-4	IMA	ICC	Law 14.701	PEC 215	Law 15.190
Bolsonaro Gov	0	–1	0	–2	0	0	0	0	0	0	–1	–1
Congress	–1	0	0	–1	–1	–1	0	0	0	0	–1	–1
STF	0	0	0	0	0	+1	0	0	0	0	0	0
FUNAI	–2	–1	0	0	0	0	0	0	0	0	0	0
Agribusiness	0	–1	0	0	0	0	0	0	0	–1	–1	–1
APIB	0	–1	+1	0	0	0	0	0	+3	0	0	0
TRF-4	0	0	0	0	0	+2	0	0	0	0	0	0
IMA	0	0	0	0	0	0	0	0	0	0	0	0
ICC	0	0	0	0	0	+3	0	0	0	0	0	0
Law 14.701	0	0	0	0	–1	0	0	0	0	0	0	0
PEC 215	–1	–1	0	0	–1	0	0	0	0	0	0	0
Law 15.190	–1	–1	0	0	–1	0	0	0	0	0	0	0

To keep the network interpretable, the Δ network includes only ties that changed, and as such, stable ties are omitted. Based on this rationale, Table C2 below reflects ties that shifted.

Table C2: Δ Weighted Relationships

From → To	Δ Weight	Interpretation
APIB → STF	+1	Intensification of legal mobilization toward the Supreme Court
STF → APIB	+1	Shift in judicial receptivity toward Indigenous litigation
APIB → ICC	+3	Creation of a new transnational judicial bridge
ICC ← APIB	+3	Internationalization of Indigenous resistance through legal escalation
APIB → Congress	−1	Breakdown of inside-channel mediation with the legislature
Bolsonaro Gov → FUNAI	−2	Sharp weakening of executive–bureaucratic mediation capacity
Congress → FUNAI	−1	Legislative disengagement from bureaucratic mediation
Congress → Agribusiness	−1	Narrowing of elite–legislative coordination into legal outputs rather than mediation
Agribusiness → Law 14.701	−1	Declining reliance on administrative channels in favor of codified legislative instruments
Congress → PEC 215	−1	Reduced legislative investment in constitutional amendment strategies
Congress → Law 15.190	−1	Contraction of Congress’s brokerage role in policy production

This Δ-network isolates ties that intensified, weakened, or emerged during democratic decline, allowing direct observation of institutional displacement and the migration of mediating functions. Shortest-path count matrices are reported in the replication file to ensure full transparency and reproducibility.

The “difference network” of Panel C of Figure 5 was built with the Gephi program based on the weights of Table C2. The nodes and edges necessary to build the network with Gephi is located here: do Vale, Helder Ferreira (2026), “Collaborative Resistance”, Mendeley Data, V1, doi: 10.17632/hzbb6s8gth.1

APPENDIX D

Betweenness centrality was calculated for the pre- and post-2019 networks following the formulation introduced by Freeman (1977) and systematized by Wasserman and Faust (1994). Each social matrix was modeled as a directed, weighted graph in which all non-zero ties were treated as edges. Edge distance was defined as the inverse of tie strength,

$$d_{ij} = \frac{1}{|w_{ij}|},$$

such that stronger relationships correspond to shorter paths.

Betweenness centrality for a given node v was computed as

$$C_B(v) = \sum_{s \neq v \neq t} \frac{\sigma_{st}(v)}{\sigma_{st}},$$

where σ_{st} denotes the total number of shortest paths between nodes s and t , and $\sigma_{st}(v)$ represents the number of those paths that pass through v .

To enable comparison across networks of different sizes, raw betweenness scores were normalized by dividing by $(n - 1)(n - 2)/2$, following standard network-analysis practice. The pre-2019 network comprises $n = 11$ nodes, yielding a normalization factor of 45, while the post-2019 network comprises $n = 12$ nodes, yielding a normalization factor of 55. Table D1 reports the resulting normalized betweenness centrality scores.

Table D1. Betweenness Centrality Scores (Pre- and Post-2019)

Node	Pre-2019 (n=11)	Post-2019 (n=12)	Direction of Change
APIB	0.0005	0.0049	Strong increase
STF	0.0086	0.0050	Moderate decline
Congress	0.0042	0.0047	Slight increase
Bolsonaro Gov	0.0022	0.0002	Sharp decline
FUNAI	0.0013	0.0000	Collapse
TRF-4	0.0025	0.0023	Stable
Agribusiness	0.0007	0.0007	Stable

Node	Pre-2019 (n=11)	Post-2019 (n=12)	Direction of Change
Law 14.701	0.0006	0.0002	Decline
PEC 215	0.0006	0.0002	Decline
Law 15.190	0.0000	0.0000	None
IMA	0.0000	0.0000	None
ICC	—	0.0000	Endpoint

Note: Betweenness centrality is computed from Tables 1A and 1B and then normalized. The ICC appears only in the post-2019 network and functions as a terminal node.

Other calculations of betweenness centrality includes Brandes' (2008) formula, $CB(v) = \sum s\delta(s||v)$, which we consider to be more appropriate for a larger network. However, Gephi was used for the elaboration of Figure 5, which explicitly implements Brandes' (2001) algorithm. Table D2 reflects the Gephi betweenness centrality calculation.

Table D2: Betweenness Centrality Calculation across Panels

Node	Panel A (Pre-2019)	Panel B (Post-2019)	Panel C (Δ Change)
STF	0.3711	0.2818	0.0000
APIB	0.0452	0.2364	0.5333
Congress	0.1133	0.1939	0.6222
Bolsonaro Gov	0.1133	0.0818	0.0296
Agribusiness	0.0470	0.0348	0.2074
FUNAI	0.0622	0.0333	0.0000
TRF-4	0.0167	0.0227	0.0000
Law 14.701	0.0156	0.0121	0.0000
PEC 215	0.0156	0.0121	0.0148
Law 15.190	0.0000	0.0000	0.0148
IMA	0.0000	0.0000	0.0000
ICC	—	0.0000	0.0000

Source: Gephi 0.10.1 software.

The calculation of normalized betweenness centrality is in a file (Matrices and Centrality Files) that can be assed for replication: do Vale, Helder Ferreira (2026), “Collaborative Resistance”, Mendeley Data, V1, doi: 10.17632/hzbb6s8gth.1