

Mi Corazon Dice No, ¿el tuyo? The Anti-Central American Free Trade Agreement Social Movement in San José, Costa Rica

By

Samantha Fara Pride

A THESIS

Submitted to

Oregon State University

In partial fulfillment of the requirements for the degree of

Bachelor of Arts in International Studies in Sociology

Presented May 1, 2009

Commencement June 2009

An Abstract of the Thesis of

Samantha Fara Pride for the degree of Bachelor of Arts in International Studies in Sociology presented on May 1, 2009. Title: Mi Corazon Dice No, ¿el tuyo? The Anti- Central American Free Trade Agreement Social Movement in San José, Costa Rica.

Abstract approved:

The Central American Free Trade Agreement (CAFTA) is between the United States and Costa Rica, Nicaragua, Honduras, Guatemala, El Salvador and the Dominican Republic. CAFTA was decided in Costa Rica by a national referendum in 2007, after years of delay that left Costa Rica as the only country to have not approved the treaty. The cause of the delay was the focus of this research project along with the application of social movement theories to the Anti-CAFTA movement in Costa Rica. The question presented is how much affect did the Anti-CAFTA social movement have on the delay and almost rejection of CAFTA? The collection of a hundred newspaper articles from *La Nación* was used to create a timeline of events between the political side and social movement side of the CAFTA debate. The result of the study showed that there was little connection between the two sides and that the Anti-CAFTA movement had the people power and materials to recruit voters but lacked the necessary funds to reach a larger audience. CAFTA passed by a narrow victory and the the division and polarization of the country became more evident after leaked memo by a vice president that pulled votes to the Anti-CAFTA campaign. In the end, the delay in Costa Rica was another point of difference between it and the other countries of Central America because of the different political, economic and cultural climate of Costa Rica.

Bachelor of Arts in International Studies in Sociology

Thesis of Samantha Fara Pride

Presented on May 1, 2009

Approved:

X

Mark Edwards Ph.D
Thesis Advisor Department of Sociology

X

Mark Edwards Ph.D
Acting Chair of Sociology Department

X

Dr. Joseph Hoff
Academic Coordinator International Degree

I understand that my thesis will become part of the collection of Oregon State University. My signature below authorizes release of my thesis to any reader upon request. I also affirm that the work represented in this thesis is my own work.

X

Samantha Fara Pride
Student, Author

Acknowledgments

I would like to thank first my parents. From an early age they have encouraged my passion for reading, traveling and learning. Both of my parents are strong individuals and incredible role models who have shown me to care for others, to value hard work and passion, and to believe in myself no matter what. It is because of them that I am the individual that I am today . Next, I would like to thank my thesis advisor Mark Edwards. From the beginning Mark was as excited about this project as I was and was a constant source of help, advice and encouragement throughout the entire process. I would like to thank also Renee Stowell and Joe Hoff from the International Degree program. Both of them provided me with excellent support and information throughout this experience. Also I would like to thank Monya Lemery and Teppei Hayashi from IE3 international Internships for their hard work and support of international experiences for students at Oregon State. I would like to thank all the members of the Centro de Amigos para la Paz for their inspiring work and encouragement during my internship which opened my eyes to all the little things that make a big difference in this world.

Introduction

On September 30, 2007 tens of thousands of Costa Ricans overflowed the San Jose city streets. Thousands of signs, flags and banners packed the space above the protestors as they marched for one reason: to encourage others to vote no to the Central America Free Trade Agreement (CAFTA) on October 7, 2007. This large demonstration was the culmination of years of networking, community organizing and the will power of the Costa Rican people. Talks for CAFTA began in January 2003 and the Bush Administration's original date for implementation was January 1, 2006, yet many in Costa Rica were still fighting against it in September 2007 (Ricker, 2006). El Salvador, Honduras, Guatemala, Nicaragua, and the Dominican Republic all had pushed the treaty through their legislative processes under cries of undemocratic procedures but the delay in Costa Rica continued (Ricker, 2006). The analysis that follows addresses the question, was an enormous opposition of the people responsible for the delay or were there other factors? To successfully answer this question secondary evidence from newspapers, popular journals, academic journals and surveys are used. To determine how effective the Anti-CAFTA social movement was one must look at the background of CAFTA, an overview of the literature on social movements, including recent examples in Central America, and finally a stage by stage look at the Anti-CAFTA movement in Costa Rica.

A Brief Political History of CAFTA

The Central American Free Trade Agreement is a treaty between the United States and the five countries of, Costa Rica, Nicaragua, Guatemala, El Salvador, Honduras and later the Dominican Republic. The treaty's intent was to open up Central America's markets to the United States and vice versa by reducing trade tariffs and taxes on goods such as textiles and agricultural produce. The treaty also includes implementing new laws in the Central American countries intended to open up their state run

services to privatization. New intellectual patent laws are introduced in the text along with standards for labor laws and unions. Those in favor of free trade state that free trade creates jobs and a stable democracy. Those who oppose argue that free trade only benefits the wealthier nations and big corporations because it runs smaller businesses and farmers out of production, because they can no longer compete with the big corporations (Free Trade or Fair Trade, 2007).

The idea for CAFTA reaches back to the Presidency of William Clinton, of NAFTA legacy, more specifically to a meeting of the Central American presidents in Costa Rica in 1997 (Abrahamson, 2007). It took a few more years before President Bush in 2000 began negotiations, yet it was not until 2002 that the government of the United State officially announced its intent to start negotiations (Abrahamson, 2007). It is reported that talks between all countries and the United States began formally in January 2003 and did not come to an end until the following December. The addition of the Dominican Republic was completed in August 2004 (Ricker, 2006). The process of negotiating has been criticized as unfair since the balance of power economically between the Central America countries and the United States is unequal. Also all of the governments except for Costa Rica had historically depended on the United States. This created a difficult situation for the people of these countries who felt like their voices were not heard (Ricker, 2006). There is evidence that during the negotiation the United States threatened numerous times to leave certain countries out of the treaty if they refused to open up sectors to privatization and the threat of a cut off from the Caribbean Basin Initiative was used as well (Ricker, 2006). The treaty not only had problems in Central American; back in the United States resistance grew as well.

The strongest opposition to CAFTA in the United States was from the agricultural department, more specifically the sugar industry. The concerns of the industry included the increasing amount of tax free sugar from the CAFTA countries which would lower the price of sugar enough to affect production

and jobs in the United States. The sugar industry remained opposed to the end, even after a letter from the Secretary of Agriculture guaranteed that he would take action if sugar imports from Central America threaten the “sugar program operations” of the United States (Congressional Research Service, 2007). Other issues were the “lack of enforceable worker’s rights”, members of the opposition argued that none of the countries in CAFTA had labor rights that met the standards set by the United Nations International Labor Organization (Congressional Research Service, 2007). Specifically, the Democratic members of the Ways and Means Committee of the House pointed out “20 Central American laws that failed to meet” standards by the UN and questioned how CAFTA would help and gave support financially to the countries to meet these standards (Congressional Research Service, 2007).

The controversial nature of this treaty showed as the House and the Senate delayed almost a full year after it was signed by the Central American countries before voting on the legislation itself. Two identical bills were introduced H.R 3045 and S 1307 to the Senate on June 30, 2005. The bill, S 1307 was voted on after 20 hours of debate the result was 54-45. The narrowest victory on a trade related bill in Senate history (Congressional Research Service, 2007 Ricker, 2006). The House vote for H.R 3045 was scheduled for July 28th, 2005. President George W. Bush and Vice- President Richard Cheney both made visits to Capitol Hill that day to gather support for the H.R 3045, and the vote passed narrowly, 217-215. At that point in order to comply with constitutional requirements, the Senate had to vote for H.R 3045 to substitute the earlier past S 1307. The vote this time was 55-45 with the addition of Senator Joe Lieberman who did not vote the first time (Congressional Research Service, 2007 Ricker, 2006). President Bush signed the bill into law on August 2, 2005. By August 2005 several countries had already ratified CAFTA, and with the passage of CAFTA in the United States these countries were now on the course to pass the required implementation laws of CAFTA. Also at this time as Nicaragua and Costa Rica continued to debate the treaty in their countries.

Implementation for CAFTA was set for January 1, 2006 but it appeared that in the countries where CAFTA was already ratified there was trouble passing the required legislation of implementation laws. As a result the Bush administration decided that implementation would be done on a rolling basis in order to allow the countries more time (Tucker, 2009). Looking back at the ratification process of the Central American countries, El Salvador was the first country to ratify CAFTA on December 17, 2004. In an interesting series of events, the treaty was introduced at 3:00am because of a fear of Anti-CAFTA mass movement that very day and eight hours later was approved by 49-35 (Spalding, 2007). Honduras followed on March 3, 2005, ratifying CAFTA 100 to 28. Following the vote the president of Honduras Ricardo Maduro experienced the lowest approval ratings of his term and 77% of those surveyed believe his administration to be corrupt compared to the administration before him (Turner, 2009). In an unfortunate event during the ratification process in Guatemala the military was called to the streets against the thousands of protestors, the first time since the Peace Accords in 1996. The army is banned from operation in domestic security engagements as a part of the Peace Accords, therefore the Accords were violated. In spite of this violation and continuing protests, CAFTA passed 126-12 on March 10, 2005 (Ricker, 2006 Turner, 2009, Congressional Research Service 2007). Nicaragua voted CAFTA into law on October 9, 2005 by a count of 49-37. The following March implementation started with El Salvador on March 1, 2006 Honduras and Nicaragua on April 1, 2006 and Guatemala on July 1, 2006 (Congressional Research Service, 2007).

The one country missing was Costa Rica. The nation's highly controversial topic of opening up the state monopoly on telecommunications and insurance was complicated by a February 2006 election between Oscar Arias, with his Pro-CAFTA platform, and Otton Solis with, his stance on renegotiating the treaty. The election was very close with Arias beating Solis by 18,000 votes (Wilson, 2007). Opposition to CAFTA continued after the election and a petition to hold the country's first national referendum won in an Electoral Tribunal case. The date for the referendum was set for October 7, 2007.

Sociological Literature on Social Movements

The country of Costa Rica is a special case in the CAFTA approval and implementation process. The question of the effect the Anti-CAFTA social movement had can best be answered correctly drawing upon sociological knowledge about social movements. This background structures the framework for the discussion surrounding the Anti-CAFTA movement.

Research on social movements has grown rapidly in recent decades, circulation in articles has risen and new journals like *Mobilization* that focus entirely on the topic have appeared. The definition of a social movement has changed throughout the years but general themes have always been present. In the "Introduction to Collective Behavior" social movements are identified as "sustained efforts to change the social structure through uninstitutionalized means" (Miller, 2000). A similar definition exists in "The Handbook of Political Sociology" where social movements are defined as "organized efforts to bring about social changes in the distribution of power" (Janoski, 2005). Both of these definitions focus on "efforts" and on "social change" Miller's emphasis is on uninstitutionalized means showing that working outside of the system for social movements is the norm for many. A more complex and complete definition is offered by Tarrow and Meyer. Where social movements are "collective challenges to existing arrangements of power and distribution by people with common purposes and solidarities in sustained interaction with elites, opponents and authorities" (Janoski, 2005). This definition does not speak to what methods are used against these collective challenges but does address distribution of power and groups of people. The distribution of power is a term that needs clarification in relation to the Anti- CAFTA in Costa Rica. A trend that will be discussed later is the growth of social movements against neoliberal policies and the people and corporations that support or create them. This trend seeks to challenge the distribution of power in a global sense and in the Anti-CAFTA movement is an

example of that. In regards to the definition that the analysis will follow, the one from Tarrow and Meyer is the most comprehensive and precise.

An overview of the major theories of social movements is helpful. This analysis will not focus on what theory can best explain the Anti-CAFTA movement in Costa Rica; but it will be helpful in understanding the social movement in itself. The overview consists of theories from early symbolic interactionism to the latest in core framing theory. Early symbolic interactionism theory is considered primitive in light of other theories but the focus of it is “on the collective unrest and circular reaction processes” in other words what brings people to gather in crowds? (Janoski, 2005). One criticism of these early theories is that there is very little attention to the outcome of social movements. Another theory based in Functionalism examines “inconsistencies among the components of social action and how it creates structural strain”, but again no attention to outcome is given, only how social movements come together as a result of strain in the system (Janoski, 2005). These theories have been described as too simplistic because they usually focused on single movements or case studies. More encompassing theories have been developed in an effort to understand a larger number of social movements.

Resource Mobilization theory focuses on the role of the strategies of social movements. This theory, similar to Functionalism, looks at how societal strain creates social movement activity but more specifically how social movements recruit and retain members and gain access to the resources that sustain them (Miller, 2000). The resources include:

“ any capacity for carrying our collective action ranging from tangible resources (money, space, publicity) to people resources (leadership, expertise, access to networks and decision makers, volunteer time and commitment) and societal resources (social status, legitimacy, name and issue recognition)” (Janoski, 2005).

In summary, in Resource Mobilization Theory a success or defeat of a social movement depends on how effective the movement is with recruiting new members or bystanders, the determination of the members and the number of sacrifices they are willing to make and the resistance of their opponents (Locher, 2002). In turn the movement must effectively manage their resources to gain political, social and physical power.

Resource Mobilization theory is often matched with Political Opportunity theory, which focuses on two areas, political opportunity and dynamic opportunity. Dynamic opportunities are “policy windows” that open, and are little moments in time where social movements are able to push through their agenda. For example, school shootings offer an opportunity for many activists of gun control to step up their activities in a push for new legislation. Structural opportunity is the stable consistent part of the political and cultural institutions that change very gradually over time (Janoski, 2005). The structure of a government and its institutions can be included. One way to understand this part is to think of the anti-nuclear movements and their relative success comparable to the each country an anti-nuclear movement took place in. Weak state versus strong state governments produced different results for these movements (Janoski, 2005). When looking at a societal system such as Costa Rica some main points of interest for Political Opportunity Theory are:

1. The relative openness of closure of the institutionalized political system.
2. The stability or instability of the various interconnected powerful groups.
3. The presence or absence of allies among society’s powerful.
4. The state’s capacity for and tendency toward repression (Locher, 2002).

With Costa Rica’s 50 years of political stability compared to other Central American countries these four points will likely lean towards a greater acceptance and respect for social movements.

Core Framing theory is another important theory within social movement research. The focus is on how “movement leaders and participants construct collective definitions of their immediate environment” (Janoski, 2005). For example, neighborhoods may find a problem in their area like increased crime or urban decay. A group comes together to discuss the problem and forms an organization to create social change in their neighborhood. How other players, like elites or the media, frame the problem is important to how others perceive it and what solutions can become of it. In other words, “they externalize blame by attributing grievances to the mutable policies and practices of institutional elites, and they propose concrete social changes to alleviate these problems” (Janoski, 2005).

Benford and Snow wrote an overview and assessment of the Core Framing theory and social movements. They pointed out how Resource Mobilization and Political Opportunity theory are carriers of the idea that movements grow from events or existing ideologies while in Framing Theory movement leaders are seen as agents, “actively engaging in the production and maintenance of meaning for constituents, antagonists, and bystanders” (Benford, 2000). An important characteristic of Framing Theory is the activity of framing itself. Frames help to understand or give meaning to actions and events. Thus collective action frames are “action-oriented sets of beliefs and meanings that inspire and give legitimacy to the activities and campaigns of a social movement organization” (Benford, 2000). This overview provides idea of the scholarship within social movements and the theories that are important to draw upon in order to understand the Anti-CAFTA social movement.

Central American Social Movements Against Neo Liberal Policies

The social movement in Costa Rica is not the first anti- neoliberal social movement in Central America. For a social movement to be labeled as against neoliberal policies, it must be connected to actions such as price hikes, reductions in public budgets, privatization of public enterprises and new

taxes. This trend has been documented in Latin America for many years as proponents to free market policies have become more vocal. Alongside this trend is the growth of Transnational Advocacy Networks or TANs. TANs are ways for local groups with an issue, usually human rights, to ban together internationally with different actors like non-governmental organizations, social movements, the media and churches (Stewart 2004).

The rise in social movements against neoliberal policies is usually inspired by of the continuing loss of basic social services that many people in Central American are accustomed to having. This is the effect of the state trying to curb spending because of regulations of outside financial institutions like the World Bank and the International Monetary Fund (Almeida, 2007). Such financial institutions finance development projects in countries around the world including the ones in Central America. In order to receive a loan, a country must comply with rules and regulations having to do usually with the country's debt. To pay back debt, a country has to cut spending, and raise taxes. Public services are often cut first and this loss of social rights paired with a downturn in economic activity, is a bad combination for state governments and great conditions for what Almeida calls "defensive mobilization" (Almeida, 2007). In these social movements an important figure is the high level of cross group participation: workers groups protesting alongside students, farmers and public sector employees (Almeida, 2007).

During the time period of 1995-2001 a study conducted by Almeida (2007) showed that each Latin American country during this time "reported at least 3 major anti-austerity campaigns". An example of a one of these protests in Costa Rica occurred in 1995. The government of Costa Rica was denied a loan from the World Bank after it did not make the necessary reductions in the state sector. One measure that the Costa Rican government took was to reduce teachers' pensions, exacted greater contribution from their paychecks to fund the retirement system and higher the retirement age from 55 to 60. This measure was passed as a result of an alliance of the two major political parties in Costa Rica

(Almeida, 2006). A large outcry came from the teachers when they returned from their vacation and on July 17, 2005 the school year started with 50,000 teachers going on a 37 day strike. On August 7, 2005 100,000 people marched to the presidential palace in an attempt to get the new laws disassembled. In a rare display of brutality, the Costa Rican police beat protestors who would not leave the palace walls. In the end, the failure of the teachers' union to reach across to others affected by other economic measures resulted in a signing of an agreement by the strike leaders that allowed the new laws to continue (Almeida 2007). This is just one example of many. Other social movements had more favorable outcomes, like the Nicaraguan university students from 1995-1997 who were able to successfully pressure the government to keep the constitutionally guaranteed 6% funding for universities (Almeida 2007).

An excellent example of social movement analysis is from Spalding (2007) in her research on the Anti-CAFTA social movement in El Salvador. Spalding's research is particularly helpful when it comes to looking at the Anti-CAFTA social movement in Costa Rica, as some of her terms and themes are present in both places. A brief review of her work illustrates its usefulness.

In the process of blocking the vote on CAFTA in El Salvador, two groups emerge in the landscape of civic society. Within this civic society Spalding notes the development of transnational action repertoires along with the growing number of social movements against market reform in Central America, much like Stewart and Almeida (Spalding, 2007). The two terms that Spalding uses are critic negotiators and transgressive resisters and the two groups that are concentrated on are Iniciativa CID and Foro Mesoamericano. Iniciativa CID is a group that receives funding from organizations such as Oxfam .lits objective is to be a voice for sustainable regional development. They have offices from Mexico to Costa Rica (Iniciative Mesoamericana CID). Their main objectives in the effort to stop a vote on CAFTA were to network with other non-governmental organizations and bring them together to

complete research, submit proposals and lobby in the legislator (Spalding, 2007). Iniciativa CID was very effective at mobilizing 17 local affiliates. They also attended CAFTA negotiation in Costa Rica and when the members felt the legislator were working too quickly they called for a 12 month moratorium in an effort to force the process to slow down (Spalding, 2007). The critic negotiators were unsuccessful in their attempt to slow the process and had little effect on the wording of the treaty.

On the other side another approach to the ratification of CAFTA was used by the transgressive resisters; more specifically, Foro Mesoamericano. This group was inspired by the Ejercito Zapatista de Liberacion Nacional and focused on the “struggle against neoliberal policies and to propose alternatives to the capitalist system” (Spalding, 2007). Moving to a new city each year for annual meetings, Foro built up regional offices and membership. Foro used different methods than Iniciativa CID to get their message to politicians. Foro leaders of MPR12, one of the groups that helped organized the Foro meeting in San Salvador in 2004, staged Anti-CAFTA mobilization by blockading highways including the Pan-American Highway and four border crossings (Spalding, 2007). MPR12 is short for Movimiento Popular de Resistencia-12. This group formed from an earlier Foro meeting and was an important component to the organization of events like blocking the Pan-American Highway (Spalding, 2007). These mass movements were seen as acts of resistance against neoliberal policies and effective because of other victories such as the water privatization “war” in Bolivia. During the third round of negotiations in San Salvador between March 31 and April 4, 2003 a No FTA (Free Trade Agreement, 2007) march was organized and in July 2004 a protest march cut off several important streets in San Salvador while students painted graffiti on fast food restaurants (Spalding, 2007). While Iniciativa CID was open to renegotiation of CAFTA, this was unacceptable to Foro and on December 16, 2004 activists “physically took over the legislative chambers” of the El Salvadoran government (Spalding, 2007). The members of the Congress, fearing an even larger mass mobilization, introduced CAFTA at 3:00am and it was approved eight hours later to the dismay of the protestors.

Considering the political leadership of El Salvador, the unsympathetic media and various other factors, Spalding comes to the conclusion that it was nearly impossible to stop the passage of CAFTA in El Salvador (2007). Even though the short term effects of these groups was minimal the medium term effects are larger. A survey taken by the Instituto Universitario de Opinion Publica each year from 2003 to 2006 showed that fewer people believed that CAFTA would deliver on the promise of reduced poverty and more jobs (Spalding, 2007). It is possible that these groups had a hand in the continuing critical eye of the public. Given that El Salvador was the first country to ratify CAFTA and Costa Rica was the last, were the critic negotiators and transgressive resisters still present in Costa Rica? It is possible they had more in their favor considering the different political climate and socio-economic status in Costa Rica.

The Case of Costa Rica

The political climate in Costa Rica compared to El Salvador and other countries in Central America is different indeed. The civil wars that ravaged the Central American neighbors of Costa Rica took a toll on their economies, infrastructure and trust in government. In contrast, Costa Rica has enjoyed over 50 years of peace following their short revolution in 1948 that outlawed the army. This difference between the countries has resulted in a unique political atmosphere in Costa Rica. Trust in a democratic government is higher (Democracy and the Downturn, 2008). There are more channels of political participation, and people feel freer to complain and protest safely.

Studies of democracies often focus on Costa Rica because of its stability and relatively clean human rights record. In the area of political legitimacy, or the people's trust and support for each level of government, different norms appear depending on a person's high or low idea of political legitimacy. High political legitimacy is when a person is trusting of their government and supports them while low is a lack of trust of the government and little or no support of their actions. One is to believe that people

who have high political legitimacy values would participate in conventional means of political activity like lobbying or using the court system to pursue their agenda while people with low legitimacy values would focus on unconventional means like protesting (Booth, 2005). However, in Costa Rica even citizens who are content with the activities of the government protest highlighting the less repressive nature of the Costa Rican government. This pattern is not found in newly democratized countries such as Guatemala and El Salvador (Booth, 2005). Another surprise from a survey of Costa Ricans showed that citizens who were unhappy or “critical” of the government were more likely to participate in “community betterment projects” and contact the president’s office more often rather than take to the streets and protest (Booth, 2005). This overall high civil engagement for people with high and low political legitimacy values confirms that Costa Rica’s channels of political engagement are wider and clearer compared to its Central American neighbors. Costa Ricans who do protest tend to have a higher education level and better economic status than their Central America neighbors a result of the different socio-economic state between the countries (Booth, 2005). The political atmosphere in Costa Rica is without a doubt calmer and more stable and even minority groups have a way to express their dissatisfaction with the government’s actions.

Costa Rica’s constitution from 1948 remained largely unchanged until 1989 when the creation of a constitutional chamber, a Supreme Court called Sala IV, uprooted the largely inefficient and slow court system and transformed into a fast and more open Sala IV. The new court was important because it gave the opportunity for groups who felt their constitutional rights were being ignored to move forward their complaints, without lawyers or filing fees anytime, any day (Wilson, 2006). The new seven member court aggressively sought cases through a public education campaign. The new relaxed legal procedures allowed for unorganized groups with little to no funding to achieve success in the court (Wilson, 2006). Groups that had not participated in politics before became active in the courts. For example gay rights groups and labor unions both used the court to secure previously ignored rights. Gay rights groups were

able to gain access to free anti-retroviral medication through the court and labor unions were strengthened (Wilson, 2006). In one case a United States telephone company attempted to enter the Costa Rican telecommunications market, workers fearing that this step was the first in privatizing the entire telecommunications industry in Costa Rica filed suit with Sala IV. In 1993, Sala IV sided with the workers and declared the contracts that the company made were unconstitutional (Wilson, 2006). If this case were to enter Sala IV now it would have a different result because of the passage of CAFTA. The average time in 2003 that it takes a case from start to finish is two months and three days, compared to before where the stricter legal procedures dragged out a case on for years. This fact along with many others speak to the increased importance of Sala IV in the Costa Rican political system (Wilson, 2006). Court is no longer a costly and time consuming effort but a new opportunity to individuals, politicians, and interest groups to have their voices heard. Sala IV will also have a chance to work with the text of CAFTA as several individuals use the court to challenge CAFTA's constitutionality.

Analysis: The Growth and Impact of the Anti-CAFTA movement in Costa Rica

The social movement against CAFTA in Costa Rica started in 2003 after talks between the United States and Costa Rica began. These talks, kept mostly out of the public eye, concluded with the signing of CAFTA in January 2004 by the two parties. CAFTA still had to make it through and be voted on by the Asamblea Legislativa (Congress). The document did not arrive to Congress until October of 2005 and was not voted out of the Council of International Relations until December 2006. At this point the idea of putting CAFTA up to a vote was introduced first by a private citizen to the Tribunal Supremo de Elecciones (TSE). Soon after it was introduced as a decree to the Congress by President Oscar Arias, in April of 2007 the decree was approved by Congress and the TSE sent a date for a referendum, October 7, 2007. Almost four years after the initial signing, CAFTA was passed by a slim margin of 3.2 percent, a year and half after the second to last country, Guatemala, passed the document. Using *La Nacion*, the

most widely distributed and respected newspaper in Costa Rica, one can take a look at the social movement and political side of CAFTA to see if there are any places where the two sides intersect.

The characteristics of the anti-CAFTA movement are similar to those of the other Central American countries however the absence of violence and deaths reflects the peaceful nature of Costa Rica's present and past. In 2003, simple marches of agricultural workers highlighted the potential effect of CAFTA on small and medium sized farms.ⁱ These marches grew and became more frequent; crowds of 15,000 were common. On the final protest before the referendum a crowd of 150,000 gathered in the streets of San Jose. Nonviolence was very important to the organizers and on many occasions police were required to be unarmed during protests after successful meetings between opposition leader Eugenio Trejos and Minister of Security Fernando Berrocal. Trejos also reminded the protestors that all forms of violence would not be tolerated and that they should not react to any provocation. The size and frequency of protests and the passion of the people created an environment where there was the opportunity for violence.

The majority of protests were peaceful but one report of violence was written as an opinion article in *La Nacion*. The writer, a supporter of the approval of CAFTA, claimed she was punched in the face after she told a protestor that she supported CAFTAⁱⁱ. The writer also spoke about the threats and discriminating comments from her side, the Yes campaign, and wrote about having a greater acceptance of other's opinions. After the election of Oscar Arias in February 2006 and his inauguration in May 2006, reports of heavily armed riot police surfaced. Students were reporting abuse by these police but no pictures or video were ever able to corroborate these reports. Riot police were stationed outside the inauguration and outside a church that Arias visited for mass one Sunday keeping protestors back 150 feet. The bishop at the church called the police presence excessive. All precautions were taken to ensure

the safety of the protestors and police and it all appears to have worked except for the appearance of riot police during the Arias administration and a few minor incidents between protestors themselves.

The leaders of the Anti-CAFTA movement were few but the number of groups and the creativity of the marches were very large. The leader of the anti-CAFTA movement was Eugenio Trejos, the president of the Instituto Tecnológico de Costa Rica, a professor, not a politician.ⁱⁱⁱ Other people that joined Trejos frequently at protests were Rodrigo Carazo, an ex-president and other representatives of political parties, Jose Merino and Oscar Lopez. Many different people made up the thousands that protested: university students, farmers, professors, indigenous people, people with disabilities, gay and lesbian groups, environmentalists and many employees of public and private business like the Instituto Costarricense de Electricidad (ICE), Caja de Seguro Social, and Instituto Nacional de Seguros. The last three groups were all state owned social services that provide electricity, social security, insurance, and workers compensation. These three groups were at risk of being broken up by means of privatization if CAFTA were approved.

Throughout the years of protesting the marches travelled to all parts of San Jose. Once President Arias requested that the protestors use the sidewalks instead of the streets so that people would not be delayed to work and school. This request was rejected.^{iv} Instead they used the main street Paseo Colón, among others time after time to take routes to the President's house, the Congress, and Supreme Court. Students several times blocked main roads connecting San Jose with other neighborhoods. The protestors agreed with Jose Miguel Corrales, a legislator at the time who said that "this battle against the free trade agreement would be won in the streets". Creativity was encouraged during the protests. Colorful signs were used along with masks of President Arias and American President George W. Bush. One of the more creative displays was completed by students who assembled a Trojan Horse that they pushed down the street. One student was on top with an Arias mask

and a sign that said “What is inside the Horse of Troy, TLC!(CAFTA)”. At some marches there were people who carried the flag of Venezuela or Bolivia and talked of the “good and noble” leaders of these nations, especially Hugo Chavez. The “Si” campaign would eventually use these examples to discourage people from voting against CAFTA and call the groups in the marches “communist”.

Costa Rica is a country where the role and influence of the Roman Catholic Church is strong. CAFTA was no exception as the church on a few occasions voiced its opinion. The Catholic Church was a gathering place for social groups against CAFTA, and at least one march started at the downtown Cathedral.^v The archbishop of San Jose called for people to vote in the referendum because it was a “privileged moment in our nation’s history”. Also a group of 90 priests called for people to vote against CAFTA in the referendum because it would end the welfare state that had been working well for 50 years. Whatever the church said to the public in Costa Rica was well received by many; except maybe President Oscar Arias who after speaking with a group of religious leaders said that it is easier to “change the ten commandments than to renegotiate CAFTA with the United States”.

The major players in the Anti-CAFTA movement understood that they did not have the votes in Congress to stop CAFTA from passing if it reached this step. With this in mind members of the movement were the first to call for and take the steps necessary for a national vote that would ask the Costa Rican people to decide the future of the trade agreement with the United States. In February of 2007, Eugenio Trejos organized a protest that included workers of ICE (iceistas). The president of the movement from ICE called the march “the last civil call to President Oscar Arias to take the TLC (CAFTA) from Congress”. Trejos continued in a letter to the president asking that CAFTA be put up to a national vote.^{vi} A few months later in April former legislator Jose Miguel Corrales petitioned the TSE to collect the necessary signatures to put the CAFTA issue to a national referendum. Corrales’s petition was approved and he was given nine months to collect 132,000 signatures. Corrales who had earlier said that this

battle would be won in the streets was taking his own advice seriously by going out into the country to collect the signatures.

A common theme throughout the “No” campaign and in part too with the “Si” campaign was the idea of fatherland (Patria) or native land as a reason to vote against CAFTA. Many campaign signs during the protest and in houses or business read “Mi Corazon dice No, ¿el tuyo?” Translated to “My heart says No, and yours?” This slogan brought the idea of CAFTA to a moral level saying that if one loved their country then it would be a betrayal to vote for CAFTA. During one protest, Bishop Ignacio Trejos stated that one needed to treat CAFTA like “a fight between good and bad, between those that sell our fatherland and those who defend it...”^{vii} Participants in the protests also reflected this idea. Maria, at one protest, told *La Nacion* that she was against CAFTA because it “goes against our political constitution and it is selling the country...” This issue of the fatherland continued to be important throughout the campaign and in the following example.

This idea of betraying the fatherland did not exclude even the president Oscar Arias. In a speech by Eugenio Trejos during a protest a man in the march screamed “Arias es un filibustero” or Arias is a filibuster. Trejos verbally agreed with the man and continued on. To call a person a filibuster in Spanish is a little different from English. The original meaning of the word in Spanish is freebooter or pirate and dates back to the time when American adventurers from the South travelled to places in Mexico and Central America in an effort to take over their governments and set up slave trading colonies. The most memorable of these adventures is William Walker who was briefly president of Nicaragua and was defeated in battle by Costa Rican forces on one occasion. Calling someone a filibustero translates to someone who acts without authority from their own government and who is motivated by political ideology and financial gain.^{viii} This agreement with a man in a protest brought Trejos under fire and in an interview with *La Nacion* he was challenged to explain why he had agreed with the man.^{ix} Calling the

president a “filibuster” was considered unpatriotic even when graffiti that lined the streets in San Jose that said worse things about the president. Many people in the social movement felt it was their patriotic duty to vote against a treaty that would bring in international companies to run their social services but from this example it can be seen how unpatriotic a person or movement can be shown in the media.

For many in Costa Rica, this decision was more than a political or economic choice but a social and cultural choice as well. With all these different factors the “No” campaign had to bring together many different people and resources. Resource mobilization theory states that the amount of resources a social movement has equals the relative success of the movement. In the El Salvador case study many organizations did work to change the CAFTA document and many groups came together to protest CAFTA, but their country was the first to ratify the treaty. Did Costa Rica have different resources or were the politics in both countries to blame for the quick signing and long delay? It has already been stated that the number of people in the protests ranged from a few hundred to 15,000, 50,000 and 150,000 so the people power was there in the social movement. Materials that circulated explaining why CAFTA would bring negative effects to Costa Rica were prepared by various organizations like La Asociación de Iniciativas Populares, El Grito de los Excluidos, private lawyers and la Federación Costarricense para la Consevación del Ambiente (FECON). FECON continued to publish materials after the passage of CAFTA against the implementation of new laws needed to comply with CAFTA requirements. In other words there was no shortage of brochures of information explaining parts of CAFTA in relation to all areas of life: environment, employment, public services, education, agriculture, medical care, and intellectual property rights. However, the majority of Costa Ricans get their information from television. This is an area where the “No” campaign lacked funds and fell behind with their opponents in the amount of advertising.^x In many areas the “No” campaign had resources that their opponents lacked. The amount of protests and materials in the street was a testament to this but

in the area of television where a great deal of their audience lay, they did not have the funds necessary to reach them.

Propaganda, advertisement and funds were the resources that were most needed in the campaign. At many protests bonds of 1,000 colones (about 2 dollars) were sold to fund promotion.^{xi} The Partido Accion Ciudadana (PAC), the main political party associated with the social movement lacked funds as well. Their own leader and presidential candidate Otton Solis admitted this to *La Nacion*. Reports that the “Si” campaign had spent over two million dollars on their promotion were confirmed and its own leader admitted that the campaign had no money problems. Rules set by the TSE did not allow any state department to fund any campaign and no foreign money was to be accepted. However many questioned how the “Si” campaign was able to raise so much money. Although a strong coalition, the “No” campaign, although a strong coalition did not have the financial resources of its competitor. The difference between the two sides in polls was never more than 10 percent and the actual passage of CAFTA was 48.4% to 51.6%. The small difference was attributed to the large scale use of outlets such as the internet. Blogs, websites and email were used to build connections and get information across to large numbers of people. This system of networking proved vital and effective especially among the youth and students and it was of course, inexpensive.

Political Opportunity theory can be applied to the Anti-CAFTA movement as well because of one event on September 6th, 2007. On this day the *Semanario Universidad*, the newspaper of the University of Costa Rica, published a memo sent from Kevin Casas, vice-president, and Fernando Sanchez to President Oscar Arias on July 29, 2007.^{xii} The memo will be discussed in greater detail later but it suggested ways to induce fear into the Costa Rican public if CAFTA did not pass and that if the governors of districts did not get their district to pass CAFTA they would stop receiving federal funds. This in Political Opportunity theory would be called a dynamic opportunity because it created a policy window

for the “No” campaign to jump on and exploit with a month to go to the referendum. The “No” campaign called it one of the worst moments in Costa Rican political history and said that it reflected the type of politics running the country. Others compared it to Watergate in the United States. The TSE called the memo “unacceptable” and Casas resigned on September 22nd, 2007. The margin between “Si” and “No” got smaller and smaller. This policy window allowed for both sides to see how the government had gotten tangled up in corruption in their push to pass CAFTA. The social movement against CAFTA experienced a once in a lifetime opportunity to push their message to undecided voters based on this published memo. Dynamic opportunity is one of the ways that a social movement can have a large and quick impact on their issue and in this case the effect was evident.

Although this social movement had many good qualities, there were some critics of the anti-CAFTA campaign and of the pro-CAFTA campaign. Two opinion articles written for *La Nacion* accused the anti-CAFTA campaign of using lies and fear tactics. For example: “if CAFTA is not taken from the Congress then stronger steps will be taken”.^{xiii} Another wrote that the language used by the anti-CAFTA campaign resembles language used in Cuba. A more complete critic of the anti-CAFTA campaign along with the pro-CAFTA argument was provided by the president of the TSE, Luis Antonio Sobrado. He claimed that both sides had failed to give proper time to actually debating the issues of CAFTA. Instead they focused on getting people focused and passionate on a few issues and slogans. He faults the leaders of both campaigns of losing sight of this important part of campaigning. He also believes that the process of the referendum has shown a side of Costa Rica not seen in many years. Sobrado explains that Costa Ricans were finding it hard to deal with the exposed differences of others. Before politics never made enemies within families and neighbors, now with CAFTA this has changed greatly. It can be concluded from this interview that there was a lack of debate about the issues of CAFTA.

From the beginning of the CAFTA negotiation social groups started to gather together in protest and with protests came government reactions to them. The president during the negotiations and until May of 2006 was Abel Pacheco. He was vocal from the start that people and groups who wanted to protest are welcome, because it is a free society.^{xiv} In the same sentence Pacheco made clear that people who left work to participate in marches should not expect to be paid. With the Arias administration the tone was a little different, especially from Arias's brother Rodrigo Arias who holds the position of Minister of the President. Although Rodrigo emphasized that dialogue and reaching out to opposition leaders will always be used with issues like CAFTA. He also stated that protests are a natural right that Costa Ricans have. He went on to say that if certain social groups have protests that threaten the state then the government has the responsibility to "maintain the order". His comments were quite different from those of Pacheco. Other governmental officials believed that the youth of the anti-CAFTA movement were responsible for any violence that occurred during protests, going as far as saying that "youth is a sickness that goes away with time". The essential part of this discussion was that Costa Ricans were able to hold frequent large protests without being scared of possible police brutality like in other Central American countries and that these protests were respected by the government.

Approval ratings for a treaty like CAFTA changed over time, similar to other countries like El Salvador. It was shown that in El Salvador approval for CAFTA diminished over time, with fewer people believing that it would help reduce poverty. This trend was also seen in Costa Rica. Unlike El Salvador where the polls were taken after CAFTA approval, Costa Rican polls showed the change all the way up to the referendum because of the length of time that Costa Rica took to approve CAFTA. The polls from *La Nacion* were conducted by Unimer a partner of Research International that was funded in 1986. In August 2005, CAFTA approval was at 54% among Costa Rican voters growing from 43% nine months before.^{xv} Men were more likely to approve of the treaty than women and 31 out of 100 saw CAFTA as an important presidential campaign issue. In March of 2007, the approval fell to 35% with disapproval at

26%. The rest were unsure about their decision or wanted more discussion and debate on the issues. The poll also said that in September 2006, 51 of 100 Costa Ricans believed that CAFTA would have a very good or good effect while in March 2007. This number was down to 37 of 100. Men still continued to approve CAFTA more than women. These polls demonstrate that many people were serious about learning more about the issues and it appears that once they did it was more likely they headed to the “No” side than “Si”.

The Possible Effect of the Anti-CAFTA Movement

The timeline of the social movement against CAFTA starts in 2004 and ends in 2007. The delay of CAFTA could be entirely the responsibility of the social movement. In order to see if this is true, the political side of what was occurring during the same time must be examined to see if any evidence of Anti-CAFTA movement is discovered in the halls of congress or the president’s residence.

From the beginning, CAFTA was fought by many sides, even the president. Abel Pacheco had set criteria from the beginning that delayed the sending of the treaty to Congress for 14 months. The criteria that he demanded were the passage of his financial reform bill along with a law that would strengthen the ICE.^{xvi} Pacheco also expressed various times his uncertainty about the benefits of CAFTA to Costa Rica, specifically that although CAFTA may help in some aspects of the economy, it would not help in closing the gap between the rich and poor. Members of Congress were also very concerned, some more than others. On May 19, 2004, 17 members from Congress wrote a letter to the House of Representatives of the United States outlining their concerns about CAFTA. The letter included several areas of particular concern: agriculture, environment, telecommunications and labor rights. The purpose of the letter was to possibly start renegotiation of these and other points of CAFTA. The signatures are from members of PAC, independents and one member of Partido Unidad Social Cristiana (PUSC).

During the delay many interests groups and the political parties in Congress called on the president to send the treaty to Congress to be debated by elected officials. One of these groups was the Union Costarricense de Camaras y Asociaciones de la Empresa Privada (UCCAEP). Their representative argued that the delay in passage gave many businesses working in or looking at Costa Rica for investment a negative signal which potentially could make Costa Rica lose business.^{xvii} The president of Congress Gerardo Gonzalez in August 2005 stated that if CAFTA was not sent to Congress that the legislators would begin debate themselves without the treaty. He argued that CAFTA was an issue that Costa Ricans elected their officers to discuss and debate. Despite all these calls, the president insisted that there was no rush to pass CAFTA. Just a few months before Gonzalez's comments in April 2005, Pacheco announced a "commission of notables" that would revise CAFTA and report back to the president their findings, specifically whether or not the treaty contained clauses that went against the country's sovereignty. This group included no one who had influence from police, industry or unions. Information on who composed the commission and how they did their analysis was not found but Pacheco appeared confident that they could find the answers to his questions.

In early October, Pacheco announced that he would send CAFTA to Congress on October 20th if the financial reform and ICE strengthening law were both passed. He seemed to have been convinced by the commission of notables' information that the treaty held more benefits than negatives for all economic sectors in Costa Rica, and that no part went against the Costa Rica constitution.^{xviii} Pacheco at a press conference explained that "the access to the United States' market would be for all Costa Ricans products not just the big transnational companies" and it was not his right to "accept or not accept the treaty. I would be a dictator" he explained. Both of his required criteria were met as the laws were passed a few days before the 20th. After sending CAFTA to Congress Pacheco met with American President George W. Bush who told Pacheco to "take your time" with the passage of CAFTA and that the country was doing everything right. Pacheco received very low approval ratings at the end of his term,

and his delay of sending CAFTA to Congress was part of the reason. Pacheco's refusal to send the treaty angered many in the country but for others it gave them time to push for renegotiations of certain parts of the treaty which was the platform for Otton Solis, the presidential candidate of PAC. Nevertheless many believed that this was impossible because other countries had already approved the treaty as it was. It can be concluded that Pacheco truly wanted to know the facts about whether CAFTA would help or harm Costa Rica. Yet he took the slowest route possibly setting it up so that the next president would actually be the one to deal with passage.

Once CAFTA was sent to Congress, its first stop was the Commission of International Relations. Their job began on December 6, 2005 and some felt that it was a waste of time.^{xix} The nine members of the council had only until May 1, 2006 to approve CAFTA and send it for a final vote in Congress; this was not enough time to invite, listen and answer questions of the many organizations that wanted to appear at the Commission. Even if the Commission made progress, after the elections all new members would arrive who may want to start the whole process over again. In Costa Rica members of Congress cannot have consecutive terms so none of the members of the commission would return after May 2006. Even in April of 2006, the Commission only had two hearings of the 30 scheduled, knowing that Arias the new president would not be taking CAFTA out of Congress like his opponent, Otton Solis, desired.

The election of 2006 was held on February 5. All 57 members of Congress were up for election along with the president, two vice presidents and all local municipal council's members. This election was as always fair and transparent mostly due to the TSE which employs "three full time magistrates" and two supplement magistrates who start a year before the election.^{xx} All candidates and political parties must go through TSE. Funding and propaganda is approved and regulated by TSE as well. No absentee ballots are allowed and a dry law goes into effect midnight of the Friday before the election

Sunday. The 2006 election marked a continuing decline in voter turnout with 65%. This election also continued the trend of the breakup of the two dominating political parties, Partido Liberación Nacional (PLN) and PUSC. PUSC, marked by scandal in previous years, only got 5 seats in Congress while PAC took its place and won 17 seats. PLN received 25. The PLN candidate Arias won the vote by 18,000 votes against Solís of PAC after TSE suspended reporting and began a hand count which lasted four weeks. CAFTA and the fitness of each candidate were the two most important issues of the election. Arias refused to participate in any debates, stating that he was the only candidate to have ever served already as president. After the close election Arias started to put his agenda in place, which included a different approach to CAFTA than the previous president.

Before Arias took office his agenda for CAFTA already was given a push by another president. In March of 2006, Arias received a call from American President George W. Bush urging him to speed up the CAFTA process and expressed that Costa Rica was losing time in approving the treaty.^{xxi} Costa Rica was far behind in the implementation process and being one of the largest Central American economies, many American companies wanted to access their markets. Along with this new push, Arias advocated the Commission of International Relations to get the votes to approve the treaty. The commission took on extra hours to accommodate all the motions since they could only take a vote when all sectors had their chance to give their opinion about the treaty. Under great pressure from both sides to vote on the issue, the commission completed a midnight vote. The treaty passed 6-3 on December 13, 2006 amid cries from protestors and a large number of police just outside the chambers. The week before, Congress had put this time limit to the vote despite objections from the opposition that such a limit was against legislative procedures. CAFTA could now be debated on the floor of Congress and possibly voted on requiring 38 votes of the 57 members. However the voting bloc with Arias only held a very small majority and others still wanted to put the issue up to the people.

In his first 30 days in office Arias took another step that distanced himself from his predecessor by introducing a new law for ICE that was very different from the one Pacheco had in Congress.^{xxii} Arias was questioned why this law was needed, and he responded that Pacheco's law "contradicted el CAFTA" using the English initials and not the Spanish TLC initials for the trade agreement. Pacheco's law protected ICE from liberalization which under CAFTA would be necessary. Arias also picked during this time the president and general manager of ICE, both reflecting Arias' goal of passing CAFTA and breaking up the monopoly of the telecommunications. However this law would have to wait until CAFTA was passed in order to get backing from members in Congress.

The first day back from vacations for Congress was January 8, 2007 and many felt the pressure to quickly push CAFTA through for a vote. Yet in March this was not a reality. The Arias administration decided to put Congress on a timetable. Using the Constitutional Court the Arias administration was able to fix the number of sessions that Congress could debate and vote on CAFTA to 22 sessions or weeks.^{xxiii} This time limit could also be used for the 12 implementation laws needed when CAFTA passed. Arias' reason for putting a time limit on the vote was that he wanted to begin talks with the European Union regarding a free trade agreement, and he wanted Costa Rica to be decisive about CAFTA. Arias stated that now was the time for Costa Rica to decide if it wanted to enter the economic world or choose isolation. Arias appeared to have his plan in motion for the approval of CAFTA in Congress and not by popular vote. The United States ambassador to Costa Rica was Mark Langdale, who served under Governor George W. Bush in Texas. His previous business background included president of the U.S. division of a Latin American hotel company and co founder of a communications company that specialized in fiber optics, both companies with interests in Central America. Langdale believed that CAFTA should stay and be voted on in Congress and not be given to the Costa Rican people in the form of a referendum. Despite all these efforts to keep the vote inside the chambers of Congress, the cries

for a referendum grew stronger and in less than a month from Langdales' efforts to persuade otherwise the TSE approved the collection of signatures for the first national referendum in Costa Rican history.

In 2002 the TSE approved a law that allowed for referendums in the country in order to "approve or repel laws and to make reforms to the political Constitution". On April 12, 2007 Jose Miguel Corrales, now an ex- member of Congress, applied for approval to collect the necessary signatures for a national referendum.^{xxiv} However the TSE did not approve the suspension of CAFTA debate in Congress and would not do so once the signatures were collected. The number needed was 132,270 or 5% of the voters.

The same day that TSE approved Corrales's request, Arias announced that he would be sending a decree to Congress the following Tuesday that if approved would call for a national referendum.^{xxv} This move by the president was called "fraud" by Corrales. Corrales also felt that the TSE should agree to the signatures no matter what because it would show that the general public wanted the referendum. During this time as well groups against CAFTA started to voice concern about equity in propaganda between the two sides if a referendum were to occur. On April 17, 2007 the Minister of the President Rodrigo Arias carried decree 33717-MP to the Congress, which needed 29 votes to be passed. Rodrigo insisted that this route to the referendum was necessary because it could be completed before the collection of the signatures. The government wanted to pass CAFTA as quickly as possible in order to get to other legislation and to start the process of the implementation laws of CAFTA that were just as important as CAFTA. A remarkable development to this decree was the approval of the Partido Accion Ciudadana (PAC). The leaders expressed that it would be impossible for them to vote against having a referendum for the people of Costa Rica.

The support from different political parties passed the decree on April 23, 2007. When time came to vote the members of PAC did not show up and the necessary 29 votes came from others. This

passage brought words of praise from Minister Rodrigo Arias. The minister applauded the patriotic step of the members of Congress and expressed his happiness of the example that Costa Rica sets for the world in regards to using their democratic means of getting to a solution^{xxvi}. A few days later on April 26 the president of Congress Francisco Antonio Pacheco personally delivered the decree to the TSE along with all other documents related to CAFTA produce since its introduction into Congress in October of 2005. The TSE now had 15 days to decide whether they would accept the decree or require that the signature of Corrales be turned in to start the process of a referendum. TSE later approved the decree from Congress and set the date for the referendum as October 7, 2007.

During the time that TSE was determining the future of the national referendum, a couple of political parties looked to another part of the government to possibly block CAFTA from moving forward. The part of the government was the constitutional court or Sala IV, and the political parties were PAC and Accesibilidad Sin Exclusion (PASE).^{xxvii} This move was curious considering that former president Pacheco created a commission of notables who determined that nothing in the treaty went against the constitution of Costa Rica. Yet on May 12, 2007, following the testimony of the City Defender Lizbeth Quesada, a critic of CAFTA, who challenged the human rights aspects of the treaty in the court, the court accepted the motion. Her motion to consult Sala IV was different than the one turned in by PAC and PASE and was based on article 96 of the Law of Constitutional Jurisdiction which stated that she could give her constructive opinion on legislative projects when she believes that they infringe on fundamental liberties of the constitution and international human rights. Once Sala IV received a copy of the treaty they would have one month to make their decision. At this point the TSE had set a date for the referendum. The concern of the president was how the decision of the court would affect the date and referendum. Both sides expressed their support of Costa Ricans using their democratic system and that any decision by the court would be respected. Sala IV delivered their opinion on July 3, 2007, with a vote of 5-2. The judges determined that there was nothing in the treaty that violated the constitution or

human rights. All sides articulated either their happiness (Arias) or their compliance with the result (Quesada). Quesada also commented on how the ruling “strengthens the institutions of the country”. The TSE restarted their organization of the referendum. Now that the constitutionality of CAFTA was assured it was down to the voters to decide what direction their country would choose. In the months leading up to the referendum the “Si” side was in the lead. Nevertheless a political scandal was to rock both sides and put the projected winner of the referendum up in the air.

Vice President Kevin Casas along with Fernando Sanchez, a cousin of President Arias, and member of Congress wrote a memo to the president outlining the important actions they believed needed to happen for CAFTA to pass in October. The memo included such details as cutting off funds for the mayors of the PLN if their districts failed to pass the referendum, and suppressing the idea that the struggle of CAFTA was between the rich and poor by using workers and small business owners in their campaign advertisements. Another idea was to induce the fear of losing jobs, fear of attack to the democratic institutions, fear of the foreign influences in the No and fear of the consequences of a triumph of No on the government. These fears were meant to link “Yes to the equivalent of democracy and institutions and make No the equivalent of violence and disloyalty to democracy” along with making No equivalent with Fidel, Chaves and Ortega and their practices.^{xxviii} All these ideas were meant for the President’s eyes only. Casas wrote this memo after participating in a debate surrounding the topic of CAFTA. The memo was published by the University of Costa Rica’s newspaper *Semanario Universidad* on September 6, 2007. The public outcry after this published memo was huge and many called on President Arias for action. Arias said that “both individuals were very intelligent and representatives of a new generation with big futures in politics and they have been very involved in the “Si” campaign and will continue”. This did not calm the public. The TSE labeled Casa’s behavior as unacceptable and opinion writers in *La Nacion* compared this scandal to Watergate in the United States.

This memo clearly had an effect on the undecided, as well as some decided voters. Casas, seeing the negative effect of the published memo and the closing gap between “Si” and “No” sides, wrote a letter of resignation on September 22, 2007. His reasons were to not hinder the ratification of CAFTA and to prevent more damage to the president.^{xxix} President Arias accepted the letter with “great pain”. The memo was a turning point in the campaign and a dynamic opportunity as the “No” side saw victory within their reach and Costa Ricans saw the real government that had been elected back in February.

The political side has been described but where has the Anti-CAFTA movement appeared in this timeline? Although the relationship was small a few more notes on where this relationship collided can be made before the final conclusion. First, looking at the leaders of the campaign there is a difference between the “Si” and “No” campaign as President Arias personally took over the “Si” campaign in the weeks leading up to the referendum, before the leader was Alfredo Volio.^{xxx} The overtaking of the campaign by President Arias was a move that brought the political side and social movement side together. President Arias commented that the “Si” campaign was going to win because “Costa Ricans are intelligent people that know what is good for the country”. For the “No” campaign the story was a little different as Otton Solis, the leader of PAC, in November of 2006 stated that his political party did not support any political marches or social movements and instead preferred to fight CAFTA through legislative means. This explains the many different routes that the members of the party took politically to stop CAFTA. The members requested a referendum and challenged the constitutionality of the treaty through Sala IV. Solis did appear at some later protests when the referendum was close but did not give any speeches as did Eugenio Trejos. From this leadership one can see that except for a small portion of time the campaigns were largely separate from their possible political party partners. Polls showed that people who identified either PLN or PAC also identified with “Si” or “No” bringing the political side together with the social and cultural side of the issue. The distance between PAC and the anti-CAFTA

social movement was large but the social movement included many other groups that worried the government because of its diversity and unity.

Another place where one can see the intersection of politics and the anti-CAFTA social movement is within the text of the memo sent by Kevin Casas to President Arias which ultimately led to Casas' resignation. Here it is seen how the structure of the anti-CAFTA social movement had differed from that of the "Si" campaign and how in a way Casas recommended that the government change some of their tactics to look more like the "No" campaign. Casas observed that the "No" campaign had a coalition of university professors and students, churches, unions, and environmental groups while the "Si" side appeared to be the government and a few big corporations.^{xxxii} He suggested adding different faces or representatives of different sectors to their advertisements so that people would believe that the "Si" campaign had diversity. Also the vice president suggested that the campaign accelerate the production of printed materials. He said that there was a "total absence of easy to digest documentation that can circulate massively" continuing, "this is a point in which the No has developed particularly well". Along with written materials he proposed that the presence in radio be strengthened as well in order to reach the rural areas where the radio dominates as a means of receiving news. From this evidence one can see that members of the government had taken note of the practices and procedures of the "No" campaign and how well they had reached people with their easy to read brochures, emphasis on radio and coalition building. Although the government noticed these procedures it can be concluded that these practices only created a good campaign but did not delay the movements of CAFTA through the political legislative procedure.

In answering the final question whether the anti-CAFTA social movement was able to delay the passage of CAFTA. One would think that looking at the three years between when CAFTA first appeared to its passage and say "yes of course". After following the newspaper sources, this is found to not be

true. Although the social movement was able to show huge displays of rejection in the streets of San Jose, it appears to have done little to recruit lawmakers and politicians to their cause. Former President Abel Pacheco stalled CAFTA as long as he could by creating many obstacles for members of Congress to climb before allowing CAFTA to enter debate there. His doubt about the ability of CAFTA to help the poor was another factor that was diminished by the findings of the commission of notables he created. His stalling, despite pressure from many sources, could have been the result of the large social movements in the streets but if this is true no evidence has been found. It appears that Pacheco set up whoever would succeed him with the task of CAFTA since the late delivery before the 2006 elections to Congress stalled the treaty even more. With Oscar Arias as president, CAFTA was on track to be voted on whether in Congress or by referendum, and once Congress proved to be too slow, a decree for a referendum was introduced and widely accepted by members of Congress. Again the political process was slow and PAC tried with all their might to use all legislative means possible to block CAFTA. During this time the social movement again did not appear to stop politicians or the president from pushing CAFTA forward although public opinion was starting to shift against it. The main stage where the social movement appeared to do its best was with collecting of voters by circulating materials, using cheap modes of advertising and communication, and pushing the message of corruption with the leaked memo of Kevin Casas. In the end, the social movement appeared to grow and influence voters just like the social movement in El Salvador appeared to do with citizens after their Congress passed CAFTA .Yet just like in El Salvador it was not enough to stop the passage as voters took the route approved by President Arias, and not Otton Solis or Eugenio Trejos.

Conclusion

The history of Costa Rica is different from its neighbors so it is no surprise that the passage of CAFTA was a bit different from the rest. The political system in Costa Rica has been stable for over 50

years and has many avenues for Costa Ricans to express themselves and fight for protection of their rights. Sala IV, the constitutional court, provides an easy and inexpensive way for Costa Ricans to challenge practices that they believe violate their rights and was used by members of political parties and government officials. Social movements in Costa Rica were always respected and violence was not a characteristic as in other Central American countries. Yet the change of the Arias administration brought full riot gear police into the streets. Marches continued to grow in numbers and creativity by means of internet, radio and flyers. The political side changed a great deal after the 2006 election as legislators are only allowed to be in office for one term and new pressure from the president grew into a national referendum. A popular vote that was highly contested and a leaked memo created a very close call for the "Si" campaign. After the passage of CAFTA, implementation laws were next on the list and now both PAC and the anti-CAFTA campaign continue their fight against the ultimate implementation of CAFTA with the United States.

Works Cited

- Almeida, Paul. "Defensive Mobilization: Popular Movements against Economic Adjustment Policies in Latin America." Latin American Perspectives. 34 (2007): 124-140.
- Almeida, Paul and Erica Walker. "The Pace of Neoliberal Globalization: A Comparison of Three Popular Movement Campaigns in Central America." Crime and Social Justice. 33 (2006): 175-190.
- Benford, Robert D. and David A. Snow. "Framing Processes and Social Movements: An Overview and Assessment." Annual Review of Sociology. 26 (2000): 611-639.
- Booth, John A and Mitchell A. Seligson. "Political Legitimacy and Participation in Costa Rica: Evidence of Arena Shopping." Political Research Quarterly. 58 (2005) 537-550.
- Congressional Research Service. J.F. Hornbeck. "The Dominican Republic- Central America- United States Free Trade Agreement (DR-CAFTA). Update June 23, 2007.
- "Democracy and the Downturn" The Economist November 15, 2008: 46-48.
- "Free Trade Or Fair Trade: CAFTA Briefing Packet." April 10, 2007. Accessed February 17, 2009.
http://www.wola.org/index.php?option=com_content&task=sectionp&id=1&Itemid=2&topic_filter=&subtopic_filter=CAFTA
- Iniciative Mesoamericana CID. "Sobre la Iniciativa CID" July, 18, 2008. Accessed February 17,2009.
<http://www.iniciativacid.org/sobrelainiciativacid.asp>
- Janoski, Thomas and et al. The Handbook of Political Sociology. New York: Cambridge University Press, 2005.
- Locher, David A. Collective Behavior. Upper Saddle River, New Jersey: Prentice Hall, 2002.
- "Memo" Washington Office on Latin America. October 2, 2007. Accessed February 17, 2009.
<http://www.wola.org/media/costa%20rica%20memo%20final.pdf>
- Miller, David L. Introduction to Collective Behavior and Collection Action. Prospect Heights, Illinois: Waveland Press, Inc, 2000.
- Ricker, Tom and Bruke Stansbury. "The CAFTA Chronicles: Strong-Arming Central America, Mocking

Democracy.” Multinational Monitor. 27 (2006): 21-25.

Snow, David A and et al. The Blackwell Companion to Social Movements. Malden, MA: Blackwell Publishing, 2004.

Spalding, Rose J. “Civil Society Engagement in Trade Negotiations: CAFTA Opposition Movements in El Salvador.” Latin American Politics and Society. 49 (2007):85-114.

Stewart, Julie. “When Local Troubles Become Transnational: The Transformation of a Guatemalan Indigenous Rights Movement.” Mobilization. 9 (2004): 259-278.

Tucker, Todd. “New Year Sees Delay in CAFTA Implementation.” Americas Program Commentary. 2006. January 17th, 2009. <<http://americas.irc-online.org/am/3016>>.

Wilson, Bruce M. and Juan Carlos Rodríguez Cordero. “Legal Opportunity Structures and Social Movements.” Comparative Political Studies. 39 (2006): 325-351.

Wilson, Bruce M. “The general election in Costa Rica, February 2006.” Electoral Studies. 26(2007): 712-716.

ⁱ Index

The research method used to find all newspaper articles was through an internet search using the website of *La Nación*. *La Nación* was founded in 1946 and is a daily newspaper based in San Jose, Costa Rica. All information is taken from articles from *La Nación* unless stated otherwise. The earliest article is from January 23, 2003 and the latest is October 14, 2007. Using key words on the website articles were found, printed and documented for their possible information. In total 100 articles were collected from this website.

ⁱⁱ La Nación article from September 17, 2007 and The Tico Times, the largest English language newspaper in Central America, article from October 6-12 2007

ⁱⁱⁱ La Nación articles from February 26, 2007 and June 23, 2007

^{iv} La Nación articles from October 20 2006, May 16 2005, June 1 2004, September 30 2007 and May 2 2007

^v La Nación articles from June 23 2007, May 1 2007, September 27 2007 and March 14 2006

-
- ^{vi} La Nacion articles from February 9 2007 and April 13 2007
- ^{vii} La Nacion articles from September 30 2007 and October 1 2007
- ^{viii} The Virtual Museum of the City of San Francisco <http://www.sfmuseum.org/hist1/walker.html>
- ^{ix} La Nacion article October 7, 2007
- ^x La Nacion article September 2007 and article from Envio Digital by Carlos Sandoval Garcia. "Visperas del referendum TLC: la posicion de los medios" retrieved through University of Costa Rica website
- ^{xi} La Nacion articles October 1 2007, October 14, 2007, September 25 2007, Envio Digital and April 22 2007
- ^{xii} Copy of memo in English retrieved from the website of the Washington Office on Latin America. La Nacion articles from September 23, 2007, September 8 2007, September 22 2007 and September 22 2007
- ^{xiii} La Nacion articles from February 12 2007, February 23 2007 and September 27 2007
- ^{xiv} La Nacion articles from January 23, 2003, January 28 2007 and The Tico Times October 6-12 2007
- ^{xv} La Nacion articles from August 25 2005 and March 13 2007
- ^{xvi} La Nacion articles from July 20 2005, September 9 2005, January 18 2005, January 20 2005, June 4 2005, August 2 2005 and September 24 2007. Letter retrieved from University of Costa Rica website Instituto de Investigaciones Sociales
- ^{xvii} La Nacion articles from January 20, 2005, June 4 2005, August 2 2005 and April 27 2005
- ^{xviii} La Nacion articles from October 6 2005, November 28 2005, November 7 2005, December 12 2005 and March 29, 2005
- ^{xix} La Nacion article from April 6, 2006
- ^{xx} Wilson, Bruce. "The general election in Costa Rica, February 2006." Electoral Studies. 26(2007): 712-716.
- ^{xxi} La Nacion articles from March 11 2006 and December 13 2006.
- ^{xxii} La Nacion article from April 6, 2006
- ^{xxiii} La Nacion articles from March 1 2007 and March 15 2007
- ^{xxiv} La Nacion article from April 13 2007
- ^{xxv} La Nacion articles from April 14 2007, April 16 2007 and April 18 2007
- ^{xxvi} La Nacion articles from April 18 2007 and April 26 2007
- ^{xxvii} La Nacion articles from April 25 2007, May 12, 2007 and July 4 2007
- ^{xxviii} Actual memo sent by Kevin Casas La Nacion articles from September 23 2007 and September 22 2007
- ^{xxix} La Nacion article from September 23 2007
- ^{xxx} La Nacion articles from September 27 2007, November 12 2006, October 1 2007 and March 13 2007.
- ^{xxxi} Actual memo sent from Kevin Casas to President Arias