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Paradise Transformed?: CAFTA and Costa Rica's New Politics

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Abstract

Following a worrying period of decreasing citizen participation in politics, social instability, and an unpopular government, Costa Rican democracy has recovered its vitality. The catalyst for this transformation has been the debate around CAFTA. Both sides have shown a willingness to respect democratic rules and institutions, as policymaking has ceased to be the purview of political elites and political leaders have had to contend with a broad network of citizen activists demanding transparency and accountability.

On October 7, 2007, the citizens of Costa Rica voted on a binding national referendum on whether their government should ratify the Central American Free Trade Agreement (CAFTA). The process through which this extraordinary political event--the first referendum in the history of Costa Rica and the first on a free trade agreement in any country--came to occur provides an excellent opportunity to examine current Costa Rican politics in the aftermath of a period perceived by many as the prelude to deep political crisis. But, rather than crumble, Costa Rican democracy has strengthened as the major political actors--the well institutionalized major parties, new opposition parties, social organizations and movements--have all contributed to an atmosphere of constant debate on national policy, much of it highly contentious yet kept in check by overall respect for democratic institutions and practices.

Recently, Fabrice Lehoucq has referred to Costa Rica as a "paradise in doubt," stressing worrying trends of citizen discontent with the political system--reflected in declining voter turnout, decreased confidence in traditional political elites, and increased levels of social protest. "If left to fester," he warns, "these problems could lay the groundwork for a gradual political implosion."⁽¹⁾ Less than two years ago, Lehoucq's concerns seemed more than justified. The long-standing party system in Costa Rica--dominated by the National Liberation Party (PLN) and the Social Christian Unity Party (PUSC)--was weakened by citizen apathy and an undercurrent of discontent that sporadically turned to outright anger.⁽²⁾ In March and April of 2000, the country exploded in a wave of citizen protests against an initiative designed to open up control of telecommunications and electricity to private competition. Although the initiative--known as the Combo--was supported by President Miguel Angel Rodríguez and both major political parties, the fury and magnitude of the process forced the government to backtrack and remove it from its agenda. Presidential elections in 2002 took place amidst unprecedented levels of absenteeism and led to the election of PUSC candidate Abel Pacheco de la Espriella in a second round of voting. For the first time in the country's history, no candidate received more than 40% of the vote in the first round, due in part to the fact that a new political party led by former PLN figure Ottón Solís--the Citizen Action Party (PAC)--received close to 25% of the vote. Pacheco, a relative political neophyte,⁽³⁾ proved to be an indecisive and unpopular president, and corruption scandals in 2004 involving former Presidents Rodríguez, Rafael Angel Calderón Fournier (also of the PUSC) and José María Figueres Olsen (PLN), as well as a major corporation fueled the anger and disappointment felt by ordinary Costa Ricans.

Yet, due at least in part to the Pacheco administration's vacillation on key political matters, the disorganized popular opposition that grew out of Combo 2000 has been able to assert itself as a real interlocutor with government, creating a new set of political dynamics that has centered on the debate over whether Costa Rica should enter CAFTA. As Lehoucq puts it, "[i]n retrospect, Combo 2000 symbolically marks the end of the post-civil war style of policy making, in which the political class made decisions (many of them good ones) behind closed doors and with support but not necessarily much input from the citizenry."⁽⁴⁾ This essay offers a brief overview of the crisis-laden Pacheco years and subsequently shows that Costa Rican politics seem in fact to be moving away

from the old policymaking style and towards an era of constant debate between governmental institutions, political, and social actors. Particularly since the election of Oscar Arias as President in early 2006, the various voices on the key issue in national politics have shown impressive acuity in judging the social climate and existing tools to push particular policies. The debate over CAFTA has been driven by a universal acceptance of the need for citizen support for whichever path the country eventually takes. All actors in this play, despite severe criticisms from their opponents and occasional attempts at bending the rules, are firmly situated within the democratic stage. Even those, most crucially, that have at times expressed disregard for the government or particular institutions have restrained themselves in the knowledge that such a position would alienate the majority of the public.

The aftermath of the referendum and the narrow victory of CAFTA supporters augur a reduced role for the social opposition. Following a period of intense political participation immediately preceding the vote, most citizens will return to normal life and abandon social activism. Nevertheless, the coalition of social organizations remains. It has perfected a set of tactics to oversee the behavior of political leaders and media conglomerates and demand transparency and accountability; it has forced increased communications with the government; it has successfully placed some of its leaders in the Legislative Assembly and thereby create opportunities for resistance from within; and it knows that it can mobilize large sections of the population under the right conditions. All of these factors will continue to push governing elites towards consensus and, what PAC leader Solís has called a “new social pact,” as opposed to the elite pacts of the past.

Pacheco’s Embattled Presidency

Although CAFTA was not directly discussed in the electoral campaign leading to the 2002 election, it was widely understood that Pacheco and Rolando Araya Monge, the PLN candidate (and later a vocal opponent of CAFTA), would continue pushing for policies of economic liberalization, privatization, and fiscal austerity, and that such a course of action would be strongly supported by United States President George W. Bush and his administration. By the time of Pacheco’s inauguration, the Bush administration’s initial push for a Free Trade Area of the Americas had been replaced by a more focused drive towards an agreement with Central America. CAFTA had become the center of attention for most of the social organizations that had marched against the Combo and the opposition’s rejection of the agreement, by the time it was signed in early 2004, was virtually unanimous.

Yet, there was no telling whether the population at large would support the treaty or become part of a mass-opposition movement against CAFTA. The early signs were not promising for those in the opposing camp--demonstrations in late 2002 during preliminary rounds of negotiation in Washington DC saw disappointing attendance. On the other hand, the Pacheco administration endeavored to show that it would welcome public feedback. The Ministry of External Commerce (*Ministerio de Comercio Exterior* – COMEX) announced that it would establish venues for citizen contributions on the CAFTA issue. The presence of diverse views and the level of dialogue between COMEX and civil society were commended by all sides, although many organizations in the opposition later charged that their views were being ignored.

First-round negotiations took place in San Jose in early 2003. By then the international political environment had changed dramatically and the entrance of new actors into the Costa Rican stage would shift the direction of the CAFTA debate. One consequence of the Bush administration’s decision to invade Iraq turned out to be that CAFTA negotiations would not occupy the attention of the United States government, which reduced outside pressure on Pacheco to strongly back the agreement. At the same time, former President (1986-1990) and Nobel Peace Prize winner Oscar Arias Sánchez was in the midst of a strong push to change constitutional rules barring reelection and expressed his fervent conviction to seek the presidency again. The decision on the part of the Constitutional Court (or Sala IV) in April of that year to permit Arias to run was enthusiastically welcomed by many, not least those who hoped he would bring stability to a shaky political environment. It was also a victory for advocates of CAFTA, and it was assumed even then that should Pacheco fail in his bid to integrate Costa Rica into CAFTA, Arias would surely do so, as he would indubitably run away with the 2006 election.

CAFTA negotiations began again in late 2003, but the Costa Rican delegation seemed to be less than enthusiastic about certain specifics in the treaty--including electricity and communications, but also manufacturing and agricultural exports. Nicaraguan President Enrique Bolaños accused Costa Rica of “dragging its feet” to which Pacheco replied that his nation would “take its time” and, if need be, “we will sit down once again in January.”⁽⁵⁾ This is in fact what happened, as the United States, El Salvador, Honduras, Guatemala, and Nicaragua signed a preliminary agreement on December 27, while Costa Rica only did so on January 25. The schedule called for CAFTA to be officially signed in April of 2004 and for each nation’s legislature to ratify it by the end of that year so that it would come into effect in January of 2005.

As it happens, as the opposition in Costa Rica was gearing for a final confrontation in the streets over CAFTA, it was the American administration that began dragging its feet, completely immersed in the growing quandary in

Iraq. U.S. Trade Representative Robert Zoellick admitted in late April that the CAFTA timeline would not be kept, even though the agreement was in fact signed on May 28, 2004. Pacheco, on his part, declared his intention of pushing for the ratification of the treaty by the Legislative Assembly, but only after it passed a series of fiscal reforms. The move was generally interpreted as a sign of Pacheco's growing hesitancy of creating political and social unrest.

In early June the heads of the Fischel corporation, one of the oldest and largest in Costa Rica, became the center of a corruption investigation that captured the national attention. Pacheco, perhaps sensing the storm that was to come, announced that he would delay sending CAFTA to the Assembly until after U.S. congressional elections that November. In August, truck drivers' unions began a strike protesting a monopoly on emission controls by the Spanish firm RITEVE, which were once again joined by many other unions and social organizations. For the first time, protesters adopted on a large scale more disruptive actions, particularly road blocks, which Pacheco ordered security forces to dismantle. The often violent confrontations between police and protesters turned to be the lowest point for a political establishment that seemed to be showing its cracks. To make matters worse, at the height of the RITEVE crisis, the allegations of corruption regarding three former Presidents came to light. Pacheco attempted to gain public support by giving a number of concessions to the unions on the RITEVE conflict, but this prompted the resignation of several members of his cabinet. From then on, the Pacheco government was effectively paralyzed and accomplished almost nothing in its last year in office.⁽⁶⁾

2005 was, unsurprisingly, a difficult year for Pacheco. In January, PAC became the first organization to publicly call for a national referendum on CAFTA (although the original idea is always attributed to José Miguel Corrales, a former PLN leader), a notion that was seconded by the pro-CAFTA Libertarian Movement (ML). Solís and other PAC figures also suggested that eroding support for Bush in the U.S. Congress opened the door for a renegotiation of the agreement more in Costa Rica's favor. The PAC was accused of selling out to the existing elites by many social groups. A new political party with unquestionable anti-CAFTA credentials--the Broad Front Party (*Partido Frente Amplio* – PFA), led by José Merino del Río--came into existence as an electoral alternative. Pacheco kept insisting that he would send CAFTA to be ratified by the Assembly, but instead formed a “commission of notables” (composed of five Costa Ricans with academic credentials) who would issue a non-binding opinion.⁽⁷⁾ By October 27, both PLN and PUSC legislators had announced that they would hold on discussions on CAFTA until after the presidential election the following year.

The preceding account of the Pacheco years is intended to underline the pattern of indecision on the part of the President, his lack of internal support, the alarming levels of social instability, and the step-by-step growth of the anti-CAFTA opposition. There was much reason to fear a political implosion in late 2005. Instead, as is outlined below, halfway through the Arias administration it is clear that politics in Costa Rica have taken a very different turn. This account, it must be noted, also suggests that the current state of Costa Rican politics stems from a number of historical contingencies. Would Arias have succeeded in his quest for reelection had the PLN and PUSC enjoyed stronger and more popular leaders? Would the social opposition have been allowed as many ‘practice runs’ to strengthen its ties and develop their organizational strategies had Pacheco not been as ineffective? Many of the issues that complicated his tenure were not of his doing, yet he did not seem capable of dealing with them to serve even his own political interests. There is no use in dealing with hypothetical scenarios, but hindsight tends to lend an air of inevitability to contingent events.

Arias, CAFTA, and Costa Rica's Paradise Transformed

As expected, Oscar Arias won the 2006 election after mounting a campaign that inextricably linked his bid for the presidency with the ratification of CAFTA. He did not win comfortably, contrary to most expectations, but faced instead a strong challenge from Solís, who showed little damage from being excoriated by the unions and other social organizations. The PUSC candidate received less than 6% of the national vote. The outcome of the election--Arias' victory--was decided by the Supreme Electoral Tribunal (*Tribunal Supremo Electoral* – TSE), one of the most respected institutions of its kind in the world. Although there were some accusations of fraud or bribery on the part of some opposition groups, Arias' return to the presidency went smoothly. “In the end,” as Lawrence Whitehead puts it, “Costa Rica's institutional strength prevailed, and the losers accepted their narrow defeat.”⁽⁸⁾ It bears repeating that two of Costa Rica's most respected institutions, designed specifically to insure the functioning of democracy--the TSE and the Sala IV--were directly involved in Arias' successful bid for reelection. Future events would show that, despite complaints from many quarters, the legitimacy of the two institutions was not severely harmed by these decisions.

Legislative-election results were surprising, but not quite as much as those of the presidential contest. The most important outcome was that Arias was assured the 38 required votes to approve CAFTA by adding the PLN's, PUSC's, ML's, and two additional one-seat parties. This came to be known as the “automatic majority” (*mayoría mecánica*), and it appeared to make ratification of CAFTA simply a matter of time. Social movements began to

prepare for the only course of action that appeared left to them: mass mobilization intended to force Arias and supporters of CAFTA in the Assembly to renounce the treaty under threat of popular revolt.

It turned out instead that throughout 2006 and 2007 both the government and the opposition exercised impressive restraint. The choice on the part of the opposition not to actively oppose the election's results with the many tools it had at its disposal--mass demonstrations, roadblocks, and so on--showed that behind the bravado of many of its leaders still remained a deep respect for democratic rules and Costa Rica's institutions. For over three years of bitter debates and recriminations over CAFTA, which witnessed some of the largest public demonstrations in the country's history, protesters almost completely abstained from resorting to disruptive actions (particularly roadblocks, which were always a viable option).⁽⁹⁾ On his part, Arias did virtually nothing to keep the demonstrations from taking place. His security chiefs adopted the custom of placing unarmed and female security officers precisely in the areas where the concentration of demonstrators was expected to be largest. This limited the opportunities for the opposition to claim Arias was a 'tyrant' (a commonly-used epithet) and it minimized the impact of the demonstrations, which could be reasonably expected to be peaceful. It was testimony to Arias' political acumen (where Pacheco threatened, Arias did nothing), and a prelude for what was to come.

Instead of violent protest or secretive negotiations, the two sides engaged in the following months in an artful series of moves and countermoves that reveals both the flexibility of Costa Rican democracy and the sophistication of those who play by its rules. As expected, Arias wasted no time in sending CAFTA to the Assembly, while at the same time beginning a large-scale effort to promote CAFTA in the mainstream media, with the support of major national business-leaders. Unions and social organizations engaged in frenetic preparations for a series of demonstrations as well as a massive campaign of public education, both at the national and grassroots levels, without precedent in the history of the country. At the same time, other actors came into the fore. The National Ombudsperson, Lisbeth Quesada Tristán, positioned herself firmly on the anti-CAFTA side, and used her considerable weight to be heard on her concerns by the Assembly. Intellectuals and other 'notable' Costa Ricans, many former leaders of the PLN and PUSC declared the opposition to ratifying the treaty. By late 2006, there was a firm block of public figures, university scholars, and even some celebrities in the anti-CAFTA camp, and they became the National Front for Support of the Fight against CAFTA (*Frente Nacional de Apoyo a la Lucha contra el TLC – FNA*), led by Eugenio Trejos, the rector of the National Technologic Institute of Costa Rica. But it was Merino, the newly elected PFA legislator, who had the biggest initial impact.

In October, when the Commission of International Affairs of the Assembly announced that it would allow for individuals and organizations to provide input on CAFTA, Merino complained during legislative sessions that a number of groups in the opposition were not allowed to speak. At the same time, he introduced hundreds of objections to the treaty which, under law, had to be discussed individually by the legislative body in open forum. Patiently and methodically, Merino built a series of obstacles which the Assembly had to cross in order to finally vote on ratification. Gradually, PAC legislators began to join him, and to introduce new motions. The process extended to weeks and then months. Pro-CAFTA legislators invoked a new rule in legislative procedures (known as Rule 41bis), which could speed-up the required evaluation period for particular laws. Their opponents appealed to the Sala IV, which after reviewing the procedure declared it unconstitutional, and effectively handed a victory to Merino and the PAC.⁽¹⁰⁾ Arias remained undeterred. Publicly he commended the patriotism of CAFTA opponents and highlighted "their right to oppose it for whatever reason,"⁽¹¹⁾ while at the same time trying to find ways to extricate the treaty from the procedural hole that opponents had dug. It had not escaped the attention of the principal actors that the CAFTA timeline required Costa Rica to enter the agreement by the last day of February 2008.

Throughout, the social opposition made its presence felt in several marches and other activities--the largest of which took place on October 23 and 24, 2006 and on February 26, 2007--but it was Javier Corrales who almost certainly insured his place in the history books by submitting a request to hold a national referendum on CAFTA to the TSE and thereby opening the door for a way out of the impasse. The electoral tribunal approved Corrales' petition to begin the required signatures for the referendum on April 12, 2007. Immediately, Arias took action, but in ways that only highlight Costa Rica's uniqueness in Latin America. Rather than attempt to block the referendum, Arias announced on the next day that he welcomed the opportunity for the Costa Rican people to decide their own future and that he would call for an "executive-mandated referendum" that would save the country the trouble of collecting signatures. This allowed him to strengthen his democratic credentials, which had been doubted publicly by many opposition figures, and it insured that a referendum would take place sooner rather than later. As polls showed that a majority of the population supported CAFTA, it made sense to hurry the process along to shorten the period the opposition would have to campaign and to avoid the complications of the May 2008 deadline.

Although some social organizations, such as the ICE workers' union and the CNE, initially rejected the alternative

referendum, the opposition switched with surprising vigor and efficiency to the task of mounting an electoral campaign. The strategy to follow was hatched among the different fronts and coalitions within weeks. Two elements stand out. First, Eugenio Trejos, an academic rather than a politician, assumed the role of the face of the NO campaign, and referred as such by allies and adversaries, as well as the mainstream media. Trejos, articulate and charismatic, was free of the tainted records of politicians and not perceived as having a personal agenda, while at the same time wielding a much less threatening rhetoric than labor and social leaders. Second, given the lack of financial resources, the campaign was organized regionally, through the creation of “regional committees,” initially deployed by the CNL and FNA (with PAC and union satellite bases later on), and “patriotic committees,” grassroots and neighborhood-based. The primary mandates of the regional committees was to spread information about CAFTA and the reasons to oppose it and to make sure that electoral auditors (*fiscales electorales*) to man voting tables and insure that the government would not attempt fraud. Labor unions with regional offices sent their members to participate in the committees, as did the PAC and PFA, in what José Merino referred to as an “electoral guerrilla.”⁽¹²⁾ Each committee developed its own structure and strategies, with support (mostly in the form of photocopied pamphlets, T-shirts, and buttons) from the CNL, FNA, and the political parties. Their main goal was to talk face to face to as many Costa Ricans as possible.⁽¹³⁾

It would be truly unfortunate if Costa Rica’s small size and relative unimportance in global politics prevented scholars from appreciating the flourishing of original forms of democratic action that took place during those months. The debate over CAFTA, through the work of a decentralized and highly motivated net of civil society groups served as the conduit for a remarkable strengthening of communication on political matters at all levels of Costa Rican society. I was present at several committee meetings, and met dozens of activist from all corners of the country, and the stories were the same. These groups were not controlled or steered by larger social or political organizations. They acted separately, spontaneously, taking stock of the needs and opportunities present in their communities. They became networking centers for people of different backgrounds and economic status. Their members went to agricultural fairs, markets, clinics, schools, social events. Mostly, though, they knocked on every door they could and talked to as many people as possible. The best testimony to their impact was the fact that the YES campaign, led by Alfredo Volio (a former Arias minister), made great efforts to follow a similar strategy and deploy volunteers to communities across the nation. The activities of grassroots committees on both sides, together with an intense media campaign on the part of the government and CAFTA supporters, extensive news and editorial materials in newspapers, radio and television programs and debates, and information campaigns by COMEX and the public universities generated a conversation on national policy at every level of the population, a rarity in even the strongest democracies. This cannot but provide a shot of adrenaline to a strongly institutionalized but congealed democratic system.⁽¹⁴⁾

The fencing match between the government and the political opposition continued as well. For a few weeks it appeared as if the referendum would not happen after all, after the Sala IV accepted a motion to examine several entries in the CAFTA document that ombudsperson Quesada, Merino, and PAC legislators claimed were unconstitutional. Eventually the court found that the treaty did not violate the constitution and gave a green light to the referendum. A number of TSE rulings also weakened the opposition. In particular, the decision of the electoral tribunal to leave the right to recruit electoral auditors solely to political parties meant that in this crucial matter the heterogeneous opposition was to be led by the PAC and PFA. Further, there were serious concerns that the TSE was not doing all in its power to insure equity in the financing of the YES and NO campaigns by allowing government officials (including the President) to use public funds to bolster the agreement but not the national universities to criticize it. The opposition, concentrating on the “ant work” (*trabajo de hormiga*) on the ground did not organize a large demonstration in protest, though the CNL released a press communiqué that stated “the Sala IV and TSE do not deserve our respect,” and a group calling itself Women in White (*Mujeres de Blanco*) marched to the courthouse and pelted the magistrates that upheld CAFTA with coins. Both events were used as evidence by CAFTA supporters that the opposition did not respect democratic institutions, just as the opposition charged that the TSE and Sala IV decisions demonstrated that they were under the control of President Arias. Yet, by and large, both sides played very much by the rules, and the fact that a charge of “disrespect for institutionality” (*irrespeto a la institucionalidad*) was considered so strong belies the general support for such institutions by the population at large.

The referendum itself was typical of a Costa Rican election. A ‘civic celebration’ in which no serious disturbances occurred and, despite a close YES victory--approximately 52% to 48%,--charges of fraud were few and far between. Immediately upcoming are the sure-to-be acrimonious legislative debates over the additional laws required for the implementation of CAFTA; no small issue, given the February 2008 deadline. Days after the referendum it is clear that the defeat will reunify the pro-CAFTA camp and weaken the opposition, as the most centrist PAC already seems to try to distance itself from more radical actors. It remains to be seen whether Solís or Trejos will be able to take advantage of their political capital to mount a renewed challenge to the PLN in the 2010

elections.

Conclusions

The marked polarization surrounding the CAFTA debate has been a matter of concern for many observers. Yet, the preceding account shows that democratic politics in Costa Rica are in the midst of a significant transformation, more than likely for the better. Gone are the days in which policy was the result of the power struggle between two hegemonic political parties. Policy in Costa Rica has become the purview of labor, environmental, women's, and student organizations. Opposition parties have created ties of communication with social movements and are willing to use them to pursue their goals. The press, the TSE, and the Sala IV are under closer public scrutiny, which should lead to more transparency and impartiality in those institutions. The resulting political environment is more unstable than the party-dominated one, and more unpredictable, but in a country like Costa Rica this has not resulted in fallen presidents and large-scale violence, as elsewhere in the region, and there is little reason to believe that it will in the future. As has been shown, the entire CAFTA episode was firmly kept in line by the general conviction of the Costa Rican citizenry that no camp had the right to infringe on established democratic institutions, that everyone must play by the rules, and, most crucially, that the decision should be made with the support of the majority of the public. Both the "YES" and "NO" campaigns tried to shape public opinion, sometimes crossing the boundaries of reasoned democratic debate to do so, but this certainly does not make Costa Rica a rarity among consolidated democracies. Furthermore, Mitchell Seligson has found a "very narrow range of ideological difference in Latin America's oldest and most stable democracy,"⁽¹⁵⁾ which suggests that polarization over CAFTA is not reflective of more deep-seated divisions.

It is true that some institutions suffered significant blows. It remains to be seen whether the Sala IV will regain its former luster after the Women in White debacle, even if the court has given a new venue for social organizations to impact government policy.⁽¹⁶⁾ The same is true of the TSE, which will still have to answer for its inability to control the electoral campaign leading to the referendum. But every one of the decisions of either body has been ultimately respected and carried out. The President and his cabinet, of course, have many critics, but it is difficult to imagine a Latin American government handling what was essentially an electoral campaign in a better fashion. Finally, there is the issue of voter absenteeism, which reached almost 40% on October 7. Despite all of these problems, the behavior of the different actors was mostly in keeping with democratic principles, particularly the conviction that in order for a camp to succeed it needed a majority to support them and that the Costa Rican public would never support someone suspected of betraying these principles. This is the tyranny of the masses at its best. The two camps at odds over CAFTA will continue to pursue their stated goals, but almost certainly without the fierce combat of the last four years. It is much more likely that Costa Rican politics will return to its normal course, but a course affected by many more actors at many more levels, all of whom will indubitably take advantage of the strategies trailblazed by the two sides during this juncture. The result is not paradise, really, but neither was anything that came before it.

Notes

- 1 Fabrice E. Lehoucq "Costa Rica: Paradise in Doubt," *Journal of Democracy*, 16.3, 2005: 140-154, p. 140. [Return](#)
- 2 See Mitchell A. Seligson, "Trouble in Paradise? The Erosion of System Support in Costa Rica, 1978–1999," *Latin American Research Review*, 2002: 160–85 and Florisabel Rodríguez Céspedes and Silvia Castro Mendez "Fractures in Support for the Costa Rican Political System," *Revista de Ciencias Sociales*, 4, 2002: 19-28. [Return](#)
- 3 A well-known television personality in the 1980's and 1990's, Pacheco's only public office was a stint as a member of the Legislative Assembly in 2002-2006. [Return](#)
- 4 Fabrice E. Lehoucq "Different Times, Different Demands," *Journal of Democracy*, 17.2, 2006: 165-167, p. 167. [Return](#)
- 5 "Costa Rica se Quedaría Temporalmente Fuera del CAFTA," *La Nación*, December 16, 2003. [Return](#)
- 6 On October 12, 2004, in an instance that encapsulates Pacheco's troubled stint as head of state, the President tried to join a citizen march protesting the corruption scandals and was loudly booed and forced to scurry away for fear of being physically attacked. "The people's reaction is incredible," was Pacheco's only recorded comment. [Return](#)
- 7 A number of current and former COMEX functionaries told me that Pacheco and the other members of the cabinet were not forceful enough in their support for CAFTA. [Return](#)
- 8 Lawrence Whitehead "The Challenge of Closely Fought Elections," *Journal of Democracy*, 18.2, 2007: 14-28, p.

23 [Return](#)

9 This was, as several interviewees in the opposition told me, deliberate. Even those who welcomed such actions in theory understood them to be counterproductive, as the Costa Rican public would never support them. Only small groups of university and high school students mounted any attempts at blocking roads after Arias' election, with the single exception of a roadblock in Siquirres in February 2007. [Return](#)

10 With this decision, the Sala IV effectively paved the way for the referendum, as several observers confirmed to me. It is, in my view, testimony to the fact that the court was not simply handing down decisions that helped the pro-CAFTA cause. [Return](#)

11 CAFTA Not a Solution But an Opportunity, Says Oscar Arias" interview published by *Inter Press Service*, Feb 7 2007 [Return](#)

12 Interview, July 22, 2007. [Return](#)

13 The PAC announced its own plan to visit 600,000 homes, a third of all in Costa Rica. [Return](#)

14 This is not to say that irregularities never took place. Both supporters and opponents of CAFTA can be legitimately accused of using exaggerated claims and downright lies to scare people into joining their camp. A series of full-page adds in *La Nación*, financed by CAFTA supporters, showed pictures of Hugo Chávez, Daniel Ortega, and Fidel Castro and the caption: "Don't let the communists win," or some similar warning. A memorandum signed by two high-ranking government officials recognized the effectiveness of the opposition's strategies and recommended that the pro-CAFTA side follow their lead and "send people into every community" as well as engage in a large-scale media campaign that aimed at "provoking fear among the population." Opponents, on their part, took to warning that CAFTA meant Costa Rica would lose control over its territorial waters, that human organs would be stolen from people and sold to pharmaceutical companies, and other such apocalyptic claims. Members of both camps accused the others of being infantile, and blamed such alarmist rhetoric on Costa Ricans' "immaturity." [Return](#)

15 Seligson, Mitchell A. "The Rise of Populism and the Left in Latin America," *Journal of Democracy*, 18:3, 2007, 81-95, p. 85. [Return](#)

16 Wilson, Bruce M. and Juan Carlos Rodríguez Cordero "Legal Opportunity Structures and Social Movements," *Comparative Political Studies*, 39:3, 2006, pp. 325-351. [Return](#)