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**THE 2007 'NO-CAFTA' MOVEMENT IN  
COSTA RICA  
REFLECTING ON SOCIAL MOVEMENTS AND POLITICAL  
PARTICIPATION RIGHTS**

*Mercedes Álvarez Rudín  
and  
Helen Hintjens*

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## ABSTRACT

This study addresses political participation rights from the perspective of a social movement. We focus on the case of the NO movement which emerged in Costa Rica in 2007 in the run-up to the Referendum on ratification of the Central American Free Trade Agreement (CAFTA). The study explores some ways the NO movement sought to make political participation rights real for voters during the Referendum campaign. The central focus is on how political participation rights were **claimed** and **exercised** by members of the movement. We consider how more democratic understandings of political participation emerged, during the campaign process itself from the NO movement's practices. The main findings are that the NO movement's understanding of political participation rights was intimately connected to how the movement framed its own collective actions, which were understood as a defence of a historically and socially-embedded Costa Rican model of development. This in turn arose from a certain, shared nationalist vision that combined liberal democracy, economic nationalism and welfarist redistribution. During the CAFTA Referendum process, the NO movement's members sought to realize participation rights through both formal and informal claims and practices. On the one hand, NO movement participants demanded – and claimed – formal institutional accountability for the protection of these rights. At the same time, they relied heavily on their own efforts to open up and protect new spaces for collective action. The NO movement thus defended its own members' and supporters' rights to political participation in several ways. In our view, this process helped promote wider critical awareness of the prospects for active citizen involvement in public decision making processes in Costa Rica generally. The study suggests that even in the absence of effective legal regulations that can be used to protect people's political rights to participate, a movement can sometimes build effective rights realization 'from below', through creating spaces for democratic participation of citizens. It is argued that this is often a crucial dimension of rights realization and that rights to political participation can be **exercised by citizens** as well as **claimed from the state**. One of the main democratic contributions of the NO movement was to help open up new debates what kind of state, what kind of society, and what kind of economic development Costa Ricans wanted. Contestations of existing power relations were central to the pre-Referendum debates around CAFTA. And this study suggests that the NO movement thus challenged neoliberal notions of development and democracy both through its messages and through its organizational practices during the Referendum campaign. Authoritarian exclusionary and vertical logics, as well as the principles of competence and commercialization, came into question in the process.

## Keywords

CAFTA, Costa Rica, Rights, Social Movement, Political Participation

## LIST OF ACRONYMS

Acronyms	Name	Category
ANEP	<i>Asociación Nacional de Empleados Públicos</i> - (National Association of Public Employees)	Trade Union
AyA	Instituto Costarricense de Acueductos y Alcantarillados – National Institute of Water and Sewage Service	Public Enterprise
CAFTA (TLC in Spanis)	<i>Tratado de Libre Comercio</i> - US - Central America – Dominican Republic Free Trade Agreement	Policy
CCSS	<i>Caja Costarricense del Seguro Social</i> - Social Security Institution	State Institution It provides health care
CIAC	<i>Centro de Información y Apoyo Cantonal</i> - Information and Local Support Center	Organizational space of the NO campaign  Central instance of the NO for coordination and support to local bodies
CNL	<i>Coordinadora Nacional de Lucha Contra el TLC</i> -National Coordinating Committee Against CAFTA	Social Organization  Network of organizations against CAFTA
COMBO ICE	Project of Modernization of the institution of telecommunications that was approved in the Parliament and stopped due a strong social mobilization in 2000	It refers to both, a policy and a social mobilization against that policy
COMEX	<i>Ministerio de Comercio Exterior</i> - Ministry of External Commerce	Governmental Institution
COPF	<i>Comité Operativo Político Funcional</i> – Functional Political Operative Committee	Organizational space of the NO campaign  Instance of central coordination of the NO campaign (network of networks)
Patriotic Committee	<i>Comité Patriótico</i> (Patriotic Committee)	Organizational space of the NO campaign  Participatory local bodies emerged in the Referendum context
FTA	Free Trade Agreement	Policy

IACHR	Inter-American Commission on Human Rights	International Organization Part of the Inter-American system for the promotion and protection of human rights
ICE	<i>Instituto Costarricense de Electricidad</i> (Costa Rican Institute of Electricity)	Public Enterprise In charge of telecommunications and electricity
INS	Instituto <i>Nacional de Seguros</i> – Insurance Nacional Institute	State Institution
JP	<i>Junta Patriótica de Apoyo a la Campaña Nacional contra el TLC</i> Patriotic Committee Supporting the National Campaign against CAFTA	Social Organization Network of individuals involved in politics, academia, culture, and other national ‘renowned figures’.
PAC	<i>Partido Acción Ciudadana</i> (Citizen Action Party)	Political Party
PLN	<i>Partido Liberación Nacional</i> (National Liberation Party)	Political Party
PUSC	<i>Partido Unidad Social Cristiana</i> (Social Cristian Unity Party)	Political Party
SAP	Structural Adjustment Program	Policy
TEC	<i>Instituto Tecnológico de Costa Rica</i> (Technological Institute of Costa Rica)	Public University
TSE	<i>Tribunal Supremo de Elecciones</i> (Supreme Electoral Tribunal)	State Institution In charge of electoral processes, including the Referendum
UCCAEP	<i>Unión Costarricense de Cámaras y Asociaciones de la Empresa Privada</i> (Costa Rican Union of Chambers and Private Enterprises)	Organization of private businesses
UCR	<i>Universidad de Costa Rica</i> (University of Costa Rica)	Public University

# **THE 2007 'NO-CAFTA' MOVEMENT IN COSTA RICA <sup>1</sup>**

## **REFLECTING ON SOCIAL MOVEMENTS AND POLITICAL PARTICIPATION RIGHTS**

### **1 INTRODUCTION**

This study addresses political participation rights from the perspective of a social movement, the NO movement which emerged in Costa Rica in 2007 and campaigned against ratification of the Central American Free Trade Agreement (CAFTA) by the government. This chapter will consider some of the overall issues that have inspired this choice of subject matter. We first introduce the key issues and problems, followed by key objectives and research questions, and finally justify the qualitative approach adopted and explain how the sections of the paper are organized.

#### **1.1 The focus of this study: a movement against CAFTA**

Free Trade Agreements (FTAs) between rich and poor countries have been promoted in the Latin American region as the best way for achieving development. However such agreements are a matter of dispute as well as a point of convergence for social movements throughout the continent (Zibechi, 2007: 19-22). Critics have pointed out that FTAs have implications for social, political and cultural life more generally (Carazo, 2007). Even some who think FTAs can bring about eventual improvements in macro-economic indicators and can benefit some people, recognize their potential negative social implications for the poor (Todd et al, 2004: 50). Diverse social movements, academics and civil organizations in Latin America have expressed concern about the social justice, distributional equity as well as human rights implications of these agreements. The negative implications for historically excluded and disadvantaged populations, especially poor women, children, elderly people, the landless and indigenous among others, have been highlighted by civil society groups and NGOs (Oxfam, 2007; Zeledón, 2006).

FTAs and the neoliberal project they entail have generated significant levels of opposition and protest, at national, regional and global levels (Smith et al, 2008). In Latin America social movements have become key actors in the political debate around FTAs and other forms of neoliberal economic globalization (Icaza Garza, 2004). The debate has been around economic, and also around political and ethical implications of such agreements. We consider who bears the cost and reaps the benefits of various forms of freedom and democracy, and on the basis of whose values and rules decisions are taken concerning something like CAFTA (Gasper, 2004 and De Martino, 2000 in Zepeda, 2006).

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<sup>1</sup> With thanks to Dr. Rosalba Adriana Icaza Garza for her valuable comments.



This study itself focuses on the experience of the ‘NO-CAFTA or anti-CAFTA<sup>2</sup>’ movement in Costa Rica during 2007. This movement is taken as an example of a social movement involved in the wider anti-free trade struggle in the Latin and Central American region. These regional movements especially critique the top-down ways neo-liberal policies have been imposed. Their demands have included more participation, more transparent information, a voice for poor people, and wider citizen influence in major development decisions. As with many other social movements in Central America and Latin America, the Costa Rican anti-CAFTA identified democratic political participation as the key component of positive social change (De Souza Santos, 2006; Smith et al, 2008). The interaction between political participation and positive social change is the main focus of this study, rather than the actual contents of CAFTA or the outcome of the Referendum around Costa Rican membership of CAFTA.

The Movimiento Patriótico NO al TLC (Patriotic NO movement opposed to CAFTA), or the NO movement, as we call it for short, emerged in the run up to October’s 2007 Referendum on CAFTA. This movement arose out of existing forms of social organization, including various anti-CAFTA initiatives across the country. It sought to mobilize the entire Costa Rican electorate against CAFTA ratification, following an agreement earlier negotiated by the governments of Central America and the US. This study is based mainly on observations during the campaign, prior to the actual Referendum. For this reason, the study leaves out the results of the Referendum, and looks instead at the processes involved. This case suggests that defining ‘national development’ should be an essential component of the basic human right to political participation.

## 1.2 Key guiding questions

This study explores how the NO-CAFTA movement tried to realize political participation rights in the context of the CAFTA Referendum campaign. We ask: **How did the NO movement seek to achieve more democratic understandings and practices of political participation generally?** A second key question is this: **How were more democratic understandings and practices of political participation imagined, acted on and promoted by the NO movement in the context of the Costa Rican CAFTA Referendum campaign?** To answer these questions, we look at how the NO-CAFTA movement claimed and exercised political participation rights during the CAFTA Referendum campaign.

We will look at the NO movement’s claim that they were mobilising for political participation rights, and also we consider how NO movement members campaigned and mobilized for the NO vote. We consider the messages and forms of communicative action they used to convey the

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<sup>2</sup> CAFTA (TLC in Spanish): United States – Central America - Dominican Republic Free Trade Agreement.

legitimacy of their position. Both of us are interested in processes of social change and in how rights are realized in practice. It was this shared interest that informed the reworking of Mercedes' original RP completed as part of her specialization in Human Rights, Development and Social Justice (Alvarez Rudín, 2008). This research aims to reflect on a very interesting illustrative example of how rights to political participation can be claimed and exercised in practice by a social movement, even in a highly polarized context such as a Referendum campaign. In presenting this study, we hope to contribute to the debate on how political participation rights might work in practice in different contexts, especially where social movements are involved in trying to make such rights 'real' for voters, citizens and the general public.

The Costa Rican case is significant for people familiar with its particular historical context, but it also echoes many aspects of trade politics and especially anti-FTA struggles elsewhere in the wider Central American and Latin American region. We hope scholars of social movements and rights-promoting strategies, as well as those interested in supporting civil society building, will wish to reflect on and learn from this case study.

### 1.3 Context and relevance of the topic

CAFTA was the last in a long series of Free Trade Agreements between the US and countries of the Latin American region. An initiative of the US government, CAFTA was supposed to benefit Central American and Caribbean countries. Announced for the first time in 2001, by 2003 negotiations had begun with Costa Rica, Nicaragua, Honduras, El Salvador and Guatemala (with the Dominican Republic brought in later). The agreement was signed in 2004. With more than 2500 pages of 'technical jargon and puzzling economic terms', the CAFTA document was too complex for the general public to be able to understand it (CAFTA, 2005; Moreno, 2005 cited by Zepeda, 2006:7).

By early 2007 Costa Rica was the only country not to have ratified CAFTA, and a Referendum was called following strong social pressure and public agitation against the agreement. Social mobilization in the country had started as soon as CAFTA was announced, and this tended to grow with time. In the context of the referendum, the 'YES' vote was supported by the Costa Rican government and by corporate interests, including most of the media. By contrast, the 'NO' vote was supported by a much more diverse coalition, formed by a many different organisations, including identity and interest-based groups and alliances as well as many individual citizens.<sup>3</sup> The outcome of the

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<sup>3</sup> Among the groups of participants were trade unions (mainly from public institutions), academics (mainly from the public universities), artists, religious community-based groups and religious and clerical authorities (priests, bishops and pastors), environmentalists, campesinos (small peasants, agricultures), indigenous people, feminists and women's groups, students, sexual diversity groups, independent entrepreneurs, grass-root organizations, members of different political parties, and also individual citizens who did not belong to any organization.

Referendum was eventually in favour of CAFTA. With a 40 per cent abstention rate, the difference between the YES and NO votes was only 3 per cent (see Annex No.1). Although the legitimacy of the Referendum results were questioned by critics from within and outside the NO movement, and by some international observers, the results stand (Benedicto Salmerón, 2008).

The right to participation is founded on the principle that individuals should be involved in decisions that affect them. In other words, the basic interests and rights of all citizens, and especially of those with the least influence, should be protected and promoted so that policies devised reflect their concerns, or at the very least do no harm to those who are already most vulnerable (Sepúlveda, et al, 2004). However, definitions of participation rights within formal human rights instruments tend to be quite narrow. Political participation rights are more or less equated with taking part in existing institutional and electoral arrangements, especially with voting. The right to participation can be further extended, however, to include the wider processes by which people get involved in how political life is organized in the first place. Historically, social movements have challenged conventional and narrow notions of political participation, and of human rights in general (Stammers, 2005). They have done so by challenging existing forms of domination and structures that centre on the monopoly of state authority. Under neo-liberal globalization, the task of defending social justice and basic human rights often implies that social movements have to engage in a struggle around the meaning of democracy, and have to ask how wider social and economic as well as political structures can be democratized (Alvarez, Dagnino, & Escobar, 1998; Dagnino, 2005; De Souza Santos, 2006; Molyneux & Lazar, 2003; Smith et al, 2008). By studying a concrete example of a social movement – in this case the NO movement in Costa Rica – this study is intended to make a contribution to our understanding of how political participation rights can be realized in practice.

This research also responds to an interest and general need to study forms of collective resistance in Central America. As Zepeda (2006) has suggested, in his research on hegemonic discourses in the implementation of the neoliberal agenda in El Salvador, there is a need to explore alternatives discourses and forms of resistance to neoliberal policies, and more specifically to the CAFTA process. Following this, the specific case of the Costa Rica NO movement of 2007 was selected as an illustrative one for a number of reasons:

(i) Opposition to CAFTA in Costa Rica raises important questions about how human rights and social justice issues connect to wider processes of opposition and mobilization against neo-liberalism at national, regional and global levels;

(ii) The Costa Rican case is among the most visible and long-lived social mobilization against CAFTA in the entire Central American region. It has involved a significant portion of the citizenry as protagonists of political participation rights, and it was popular agitation that led to agreement to hold a Referendum in the first place, with the resulting campaign.

(iii) The NO movement opposed mainstream government policies. What was defended as ‘normal’ development by the government was seen by NO movement supporters as neo-colonial manipulation by elites in close alliance

with the US government, corporate and media interests. It became clear during the Referendum that the NO vote was a vote against the hegemonic position of state and capital combined. Exercising their right to political participation, citizens broadly campaigned for a NO vote. And since the NO campaign (or movement) had far fewer resources than the YES campaign, the very close result eventually was a remarkable achievement (assuming the results were fair).

(iv) Costa Rica's historical development model has been based on principles of social solidarity rather than out and out competitive market capitalism. The social system in the country has been glued together by social justice in the form of redistributive policies and public services. Many basic economic and social rights were secured for most of the population during the post-war period up to the 1990s. There was relative social and political stability. The NO movement saw itself as defending this model in contrast with wider trends in Central America, and is worth examining also for this reason.

Looking more closely at the NO Movement, and at how those in the movement have claimed and exercised their political participation rights, may also help us to ask how democratic and rights-protecting the Costa Rican social and governmental system really has been.

#### **1.4 Methodology: a qualitative approach**

This study is based on a Research Paper, completed in 2008, and largely based on qualitative fieldwork carried out in by Alvarez Rudin (2008) in Costa Rica in the summer of 2007. In developing the RP analysis further, we were interested to explore the meanings and processes that emerged from the NO movement, treating it as a social movement that enabled its members to both *claim* and *exercise* their rights to political participation (Laws, Harper, & Marcus, 2003: 27-29). A broadly social constructionist approach has been adopted, so that knowledge is viewed as both inhabited and influenced by the views of the researchers. "Today, knowledge and political action have become inseparable", as Susan George puts it (2004: 187). We do not think an objective study is possible, but rather reflect on how the research questions and methodology of the paper reflect a particular subjectivity (Laws et al, 2003:78-82). We have benefitted from contrasting our views with theory, and getting valuable feedback from colleagues, researchers and those who have shared their views during interviews.

Fieldwork was undertaken during the highly polarized CAFTA campaign in the run-up to the October 2007 Referendum. As Alvarez Rudin conducted interviews (Annex 2), she made notes, then recording and transcribing what was said. Participant observation and informal conversations provided additional important insights for the original research paper, further elaborated on in this working paper. Radio programs were a significant source of campaigning information (Annex 3), and campaign materials were also obtained from physical and electronic sources, including the 'official' web pages of the NO movement and related e-mail lists. Electronic messages received through email lists revealed something of the daily dynamics involved in how the NO movement was claiming and exercising rights to political participation during the campaign. Formal legal documentation was useful in

understanding the wider context of the NO movement's mobilizing and campaigning work. Scholarly literature on CAFTA, on Costa Rica and on social movements and how participation rights are claimed and exercised was important for theoretical inspiration.

The challenge was how to study something – both a campaign and a movement – that was on-going. Reflecting on the significance of statements made was difficult when events were taking place as the research was being conducted. Since the NO movement was both dispersed and decentralized, a substantial part of fieldwork had to be devoted to mapping out what was happening during the campaign. Formal interviews were possible with representatives of most key groups in the NO movement, but not all. YES supporters or organizers were not interviewed, and the research has therefore relied on members of the NO movement for its information. Informal observation was also conducted in people's daily life spaces: in buses, family meetings, and in gatherings of acquaintances at home or outside. In these spaces, vocal political debates would arise around CAFTA issues. Informal conversation for and against CAFTA thus complemented formal fieldwork.

To study a process in motion, prior to the Referendum results, was challenging and required a 'dual' vantage point, with the researcher being positioned both inside and outside the movement. This could be emotionally draining. Repeatedly stepping back to consider the movement's 'movement', to observe it from a distance, was difficult to combine with being involved at the same time. The immediacy of the original research proved to be an advantage, however, as we later reflected on the confusing and messy process, which turned into something that started to make sense. Well-grounded analytical tools were applied to the material collected, to campaign materials and to how the NO campaign was organised. Close range study produced deeper and more substantial insights into the complexity of the movement, and was fruitful in ways that a more hands-off approach might not have been. The main concern has been to reflect on how NO movement members have acted to promote their own individual and collective rights to political participation. We also consider what this might mean for democratic political participation rights in Costa Rica more generally.

## 1.5 Outline of sections 2-7

Having outlined the main research concerns and questions, and the wider regional context in which the NO movement in Costa Rica emerged, Section 2 will introduce some key concepts, and background information and contextual elements will then be presented in Section 3. Section 4 focuses on NO movement *claims* for political participation rights during the campaign, whilst Section 5 considers in more detail how the NO movement was able to *exercise* rights to political participation in practice. This substantial section reflects on shared meanings built into the emerging social spaces of the NO movement, considering some of the main actors involved. In Section 6 we return to the central questions, and present a brief analytical synthesis in light of the study's main findings. A short conclusion relates the NO movement back to the wider Latin American regional context, and to other right-based social movements.

## 2 ADDRESSING SOME BASIC QUESTIONS

Some basic questions explored here are: **How can political participation be understood, in general, and in the case of the NO movement in Costa Rica in particular? What are political participation rights more generally, and in this context? What is a social movement and how does such a movement relate to citizenship, agency and rights, in general and in the Costa Rican case? What significance do these terms have for broader democratic outcomes for Costa Rican citizens?** The NO movement seems to be characterized by claims typical of such movements: claims for autonomous identities; claims to portray alternative world-visions and values; claims to an actor-oriented politics protective of rights – including of participation rights. These themes are explored in this section.

### 2.1 How can Political Participation, Citizenship and Agency be understood?

Dominant liberal and neoliberal perspectives see democracy as mostly about taking part in elections, and political participation mainly about choosing between political parties or candidates. From this point of view, citizens' political actions take place in established, formal institutional arenas, at clearly specified points in time. Political participation is understood as a functional and integrative process, in which politicians are elected and officials are appointed so that most people do not **need**, indeed **cannot**, be protagonists in daily, on-going political decision-making. These restrictive rules and this narrow meaning of 'democracy', and the related notion of 'the public', are both widely contested by social movements. In Costa Rica, as elsewhere, social movements seek to redefine, broaden and deepen shared understandings of what 'democratic' politics looks like. Like other social justice movements, the NO movement tended to redefine democracy more broadly to include citizen involvement in institutional systems and participatory processes. Participation was to promote economic and social as well as political rights. Democracy in this wider sense, should challenge existing patterns of inequality and oppression<sup>4</sup> through more direct forms of political participation (Alvarez, Dagnino, & Escobar, 1998a; Dagnino, 1998; Olesen, 2005).

We understand political 'participation' in this broader sense, as a set of processes through which people are actively – rather than passively - involved in shaping '...the decisions and events that shape their lives' (Cornwall & Gaventa, 2001; Gaventa, 2002; UNDP, 2000:38). In the liberal ideal, the judiciary, the executive and the legislature of the modern democratic state operate in 'balance' in the established architecture. A more realistic view is that such formal institutional principles combine with the 'non-formal actors and processes [that]...occur outside formal institutions and may be equally, or even

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<sup>4</sup> Some social movements also 'aim to protect privilege... discrimination, intolerance and injustice'. Here the interest is for those 'progressive' movements informed by concerns of social justice and rights (Hickey & Mohan, 2005:248).

more important, in influencing outcomes' (Thiele, 1997 in Ramírez Ballivian, 2007: 24). All those: '...actions that take place in the public sphere... with the aim of changing power relations through formal or informal channels [...] and by any individual or group who decides to do so' (ibid) are included in a wider definition of political participation. As part and parcel of political life, informal transformational actions help determine how democratic or undemocratic the outcomes of political processes will be.

Feminists have redefined political participation in similarly broad terms, to include transformations that cut across the 'public' and 'personal', or 'private' spheres. Unlike in liberal theory, feminists do not see these as 'naturally' distinct and separate areas of life. The point for feminist analysis is that private-public distinctions, rather like formal-informal divisions, are socially and politically constructed. What falls in the private or public sphere is defined legally and economically, but also culturally and conventionally. Dominant power relations are likely to be critical, and feminists therefore extend the definition of the public to include many issues that are defined as 'personal' or 'private' by liberal democratic theory. From a feminist standpoint, private issues can become subject to public democratic debate and action, when their assignment to the private sphere is contested (Lister, 1997 in Hickey & Mohan, 2005:254).

This insight is helpful to this study, since contested and extended notions of what is 'public' and 'private' have been central to political debates around CAFTA. What citizens can and cannot do in public is part of the agenda of liberalization that the NO movement sought to contest. Making public a set of private concerns, debates and practices around CAFTA was important, and resonated with similar contestatory social movements mobilised against CAFTA elsewhere, which have similarly opposed a simplistic relegation of gender-related issues to the private sphere, as biased.

Participation – like democracy - is another contentious social science concept, in spite of its frequent use as a technocratic tool, which tends to reinforce rather than challenge oppressive socio-economic structures and unjust social relations (Cooke & Kothari, 2001; Cornwall & Gaventa, 2001; Dagnino, 2005). Like democratic politics, participatory politics can be narrowly confined to a set of choices within pre-existing sets of possibilities, already decided on by policy makers. This implies that political participation is functional to 'system stability' rather political citizenship rights. Wider definitions of political participation see it as being able to generate new, more creative forms of democratic and rights-based political practices. These may even challenge overall 'system stability', undermining the status quo. During the Referendum process, a narrow definition of political participation was largely adopted. The aim of the Referendum for the YES campaign, for instance, was to publicly legitimize existing political and economic projects rather than challenge their premises. If participation and democracy are narrowly defined, however, the rights and interests of the majority of citizens, including the most vulnerable and disadvantaged, may not be protected at all. Democratic participation may only serve to perpetuate unjust and unequal outcomes, and thus keep the system 'orderly'.

Critics of narrow notions of democratic political participation object that people need to be able to question existing political processes for a genuine democratization of politics. Hickey and Mohan, for example, note that for participation to be transformative in a democratic sense, it needs: 1) to engage with 'issues of power and politics', 2) to pursue 'participation as citizenship' and 3) to have a 'close engagement with underlying processes of development, rather than remain constrained within the frame of specific policy processes or interventions' (Hickey & Mohan, 2005: 247). From this perspective, social movements can play a special role in bringing about more radical democratic change, by acting: 'as sites of popular participation and political projects' (Hickey & Mohan, 2005:248-51).

More transformative notions of political participation have emerged from a number of Latin American social movements, which have redefined participation as rooted in active 'citizenship'. By locating political participation in a radical project of democratic development, such movements redefine citizenship as 'the right to have rights' (Dagnino, 2005). Citizenship becomes more than a legal category, and is a process involving poor and excluded people actively engaging in claiming and realising their own political and other basic rights (Dagnino, 2005; Gaventa, 2002; Hickey & Mohan, 2005). Citizenship is reconceived as ongoing, as a process, implying that democracy too is a work in progress. Neither can therefore be taken for granted. In this sense:

... 'citizenship' constitutes not only a set of legal obligations and entitlements, but also the practices through which individuals and groups formulate and claim new rights or struggle to expand and maintain existing rights (Hickey & Mohan, 2005: 254).

Genuinely democratic political participation can generate creativity in problem-solving. The vital quality of more deeply democratic political systems should be that they are: '...capable of influencing the transformation of our societies, of incorporating diversity and [have] a capacity for change and using this capacity to produce creative responses. **Inclusion** and **creativity** should...be two central factors' (emphasis in original, Subirats, n.d.: 7). The powerful cultural and sentimental dimensions to participation and related rights are also recognised by such an approach (Alvarez, Dagnino, Escobar, & eds, 1998a; Dagnino, 2005; Escobar, 1992; Icaza Garza, 2004; Olesen, 2002, 2005).

Political actors in social movements are, from this perspective, cultural agents who struggle both for improved material conditions and for other, less instrumental ends. They produce, reproduce and challenge dominant,



hegemonic<sup>5</sup> representations of social reality and social relations and ultimately of themselves and their individual and collective actions as citizens. Active citizenship of this kind involves people in efforts to democratize society culturally, economically and socially as well as politically. When historically marginalized groups seek recognition that their interests, needs and views on life are valid and valuable, democratic citizenship can be seen as extending policy and power into new spheres. By enabling members to claim and exercise rights, including the right to full political participation, social movements aim to influence both formal institutions and the perceptions and feelings of those who participate in such movements (Kabeer, 2005; MacDonald, 2006). The significance of this insight will become clearer when the NO movement is considered in more detail in Sections 4 and 5. It is important to note that in the study of contemporary social movements, the tidy: ‘...distinction between ‘identity’ and “interest” movements dissolves’ (Tilly, 2004: 71).

Although overcoming cultural marginalization of the perspectives and viewpoints of historically excluded social groups is a challenge, their exclusion is never absolute. There are always those who reinterpret and resist dominant visions and who – within limits – contribute nuanced or contrasting positions that can help transform the social landscape. Active political participation of citizens needs a material as well as a value base, and supportive socio-economic and democratic political environments help participation in this broader sense to flourish. Once basic necessities are met, more time and energy may be spent on creating real opportunities for participation in public political life, even for the poorest members of society. Unless they are violently repressed, even stigmatized groups may find themselves able to claim and exercise some basic citizenship rights and to engage in public debates and actions to challenge hegemonic understandings of reality, and thus seek to influence policy.

## 2.2 What are Political Participation Rights?

Conventional liberal notion of political participation are enshrined in many important human rights documents, including the *Universal Declaration of Human Rights* (1948), the *International Covenant on Civil and Political Rights* (1966), the *American Declaration on the Rights and Duties of Man* (1948) and the *American Convention of Human Rights* (1969). All explicitly refer to the right to vote, to stand for elections, to freely associate and to assemble, as well as to freedom of thought, religion and expression.

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<sup>5</sup> Hegemonic or dominant representations and discourses are understood here as interpretations of the reality that serve to maintain socioeconomic and political structures of domination in place. They are produced and reproduced by different institutions and assumed by people as a sort of ‘common sense’. Alternative or counter-hegemonic cultures and discourses challenge hegemony and portray different ways of being and thinking. These notions are based on Gramsci and some authors inspired by them (Icaza Garza, 2004).

The freedom of modern peoples implies the recognition of fundamental political rights, with political participation understood as one more political freedom, manifested in the rights of free expression, assembly, and organization to influence a country's politics... (Subirats, n.d.: 211).

These components of the liberal definition of political participation rights do not exhaust its scope and meaning, however (Sepúlveda et al, 2004:299). The right to access (meaningful) information, for example, can be considered integral and prior to the right of freedom of expression. This in turn can be viewed as a pre-condition for informed political participation, even from a narrow definitional point of view. Only for well-informed voters can their vote be considered an expression of their political will.

The non-binding *Declaration on the Right to Development* (1986) defines political participation in broader terms. This Declaration specifies that development policy 'aims at the constant improvement of the well-being of the entire population... on the basis of their active, free and meaningful participation... and in the fair distribution of benefits' (Article 2). In the same vein, the *Declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms* (1998) states, in Article 18, that: 'individuals, groups, institutions and non-governmental organizations also have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes' (Van Banning, et al, 2004: 99-102). These instruments portray duties in the process of realizing human rights as adhering not only to states and government institutions, but also to civil society and non-state actors, including individuals and NGOs.

Given these wider notions of political participation, social movements and their members can be viewed as both right-holders and duty-bearers in terms of rights promotion, protection and fulfilment. Broader interpretation of participation also tie political participation rights to other forms of rights claims. The political participation of active citizens can be part and parcel of achieving more economic and social justice through promoting specific citizens' rights. These can include rights to education, health, shelter and other rights basic to human well-being (Sepúlveda et al, 2004:299).

Integral to political participation rights are many of the basic freedoms recognised in the *International Covenant on Civil and Political Rights*. These include freedom of expression, freedom of the press, the right to communicate and the right to know. All are integral to political participation rights (Fisher & Harms, 1983). So too is the right to be heard (Pereira, Romano & Antunes, 2005; Sepúlveda et al, 2004). The next sub-section considers voice and knowledge as key elements influencing how decisions are made in the public sphere.

### **2.3 How can we define social movements?**

From a review of relevant literature, we found it useful to interpret a social movement as an on-going process of collective action, whether organised locally, transnationally, regionally, nationally or all of these. Movements normally include mostly informal as well as some formal organizations,

comprising groups and individuals that engage in collective action aimed at achieving positive social change (however defined).

This broad definition stresses the composite nature of the organizations, groups and individuals that make up social movements, often in loose alliances and networks. Those involved in social movements can be expected to share some – but not all - interests, values, aspirations and goals (De Souza Santos, 2005; Heywood, 2002; Kaldor, 2003; Olesen, 2002). As agents of social change, movement actors engage in complex processes of social organization, involving both collaboration and competition, and also specialization. Personal as well as collective and policy-level change will be combined, in most cases, and relations between and within social movements are almost unavoidably complex and contradictory (De Souza Santos, 2006; Smith et al, 2008). Most social movements challenge dominant discourses and practices, and many also challenge conventional notions of an ‘organization’. Movements can, for instance, remain coherent in spite of complex shifts and alliances among sometimes symbiotic, sometimes competing groups and individuals. Social movements may also reproduce within themselves the divide-and-rule logic of the hegemonic social order.

Some authors distinguish old and new social movements. Classical social movements, said to be based on class and national identifications, include anti-colonial and civil rights movements, and the labour movement, for example. ‘New’ social movements are seen as emerging from the 1960s or so, when cross-cutting single-issues emerged in relation to ‘lifestyle’ related identity issues, including sexuality, race, the environment, indigenous rights, peace and ethnicity. However, transnational, or global social justice movements (of which the NO movement in Costa Rica is both an example and a part) have emerged within the past few decades around opposition to the neo-liberal form of economic globalization, and have extended beyond any single issue frames of reference. In some ways, global justice movements like these may have more in common with ‘older’, national and anti-colonial social movements. On the other hand, ‘new’ social movements have some characteristics that are also widely found in movements like the anti-CAFTA movement in Costa Rica:

- Such movements mobilize around diverse issues, including for example human rights, gender, environment and peace;
- Such movements can articulate and combine the interests of a wide diversity of actors around new demands and new forms of social identities;
- There is often substantial middle class participation in such movements, with strong representation from highly educated and young people;
- Such movements are typically more horizontal, more loosely organized and more informal than old social movements. Decentralized and more participatory forms of decision making are needed and also desired;
- There is significant use of ICT (information & communication technology) in such movements, especially horizontal communication;
- Various non-party political spaces are opened up for popular participation through such new social movements;
- Principles of social justice and solidarity, rather than competition, commodification and winners and losers are typical of such movements;

- And finally, their actions tend to be articulated at all levels simultaneously (i.e. local, national, global) (De Souza Santos, 2005, 2006; Heywood, 2002; Hintjens, 2006a, 2006b; Icaza Garza, 2004; Kaldor, 2003; Olesen, 2002; Smith et al, 2008).

There are some continuities between old and new social movements – including their focus on mobilizing resources to take advantage of contextual opportunities; their strategizing of support across regional and international boundaries, and their almost unavoidable ‘branding’ in order to gain international moral and financial support (Bob, 2005). Some theories of social movements emphasise the collective rationality and self interest of members and leaders, including in the ‘South’ (Tilly, 2004; Bob, 2005). Criticism of such ‘rational choice’ approaches comes mainly from constructionist and cultural theory approaches, which stress how material and non-material concerns come together for participants in social movements. Collective identities are formed hand in hand with shared understandings of social problems, and social networks are based both on solidarity and on shared ideals (e.g. social justice).

We agree with Olesen and Tilly that significant points of convergence exist between ‘old’ and ‘new’ social movements and approaches (Olesen, 2002; Tilly, 2004). Common understandings and identities are built around contextual opportunities and in relation to a concrete set of organizational practices, and culture and world-visions are produced through on-going (and irresolvable) engagements with material conditions under which such social movements operate. Identities and interests-based agendas come together in how social movements – including the NO movement – operate in practice. This synthetic approach works better in analysing the NO movement than counter-posing material and non-material forms of logic (Tilly, 2004: 71).

Social movement values are also organized in constant, on-going and dialectic social interactions with the state, with NGOs, trade unions and other formal institutions, meaning that “grand laws” governing or predicting social movements’ actions are hard to find (Tilly, 2004: 9). Stammers (2004; 2005:322) and others have stressed the long and deep historical and causal links between social movements and how rights are claimed. The NO movement in Costa Rica is an example of this, and arose from a historically-rooted set of material and moral claims, which in turn have influenced how the movement evolved both during and after the Referendum of 2007. The result has been that the NO movement has redefined some complex notions of shared interests that span national identity and the national interest, economic goals and fears, and has also brought in ideas and feelings about how democracy should work in Costa Rica. This complex mix of claims and practices are the focus of Sections 4, 5 and 6 of this working paper.

In line with Olesen (2002, 2005), it also seems to us that globalization has spread both neo-liberal and liberal democracy discourses, including human rights concerns, unevenly at different levels, but always simultaneously. Neo-liberal discourses have been critical in framing how transnational solidarity networks view themselves, in why they stress rights and social justice, and in how these are placed firmly in a broader context of the ideal of broad, more inclusive notions of political participation, citizenship and democracy. Finally, ICT helps to organize collective actions, and facilitates the construction of

‘common understandings of social injustice’ through facilitating an emerging ‘common consciousness’ among distant actors (Olesen, 2005: 31).

Movements opposed to mainstream neoliberal globalization tend to work at local, national and global levels simultaneously, just as neo-liberal globalization does. Their rights claims are usefully framed in ways that spill over national boundaries, challenging neoliberal practices (MacDonald, 2006). The values and ideas that underpin neo-liberal globalization can be used by social movements to repudiate economically and politically dominant transnational governing and business classes. Oppressive structures of class, gender, social identity and age inequality can be challenged simultaneously in complex combinations by such movements. By being able to incorporate a diversity of actors, interests and identities under a single, broad umbrella, social movements struggle for changes in practice to achieve recognition, greater equality, inclusion, social and environmental justice, peace, national or cultural identity, and human rights, including the right to participation. In many global social movements, such wider value claims motivate members’ simultaneous pursuit of interest- and identity-based claims (De Souza Santos, 2006; Hintjens, 2006b; Icaza Garza, 2004; Smith et al, 2008).

## **2.4 How do we connect Rights and Social Movements?**

Traditional approaches to human rights tend to focus on legal and formal aspects of human rights, and can be contrasted with an approach that understands rights as going beyond legally defined rights as such. Rights in this sense can be realized in different ways: through coalitions of state and non-state actors, including social movements, NGOs and individual citizens, as well as through law and policy. This is why in-depth understanding of the specific historic, social and cultural contexts in which rights are framed, claimed and eventually realized in practice, is absolutely central to any rights-based approach (Ball, 2005; Gready, 2004). The various actors involved in efforts to realize rights draw on previous experience – whether legal, social, economic and/or institutional – and use this ‘social knowledge’ as well as their technical knowledge, to promote rights. Such efforts may not always achieve something positive. Whilst intentions and strategies may be good, actual sustainable progress in terms of rights may be minimal or elusive.

Claiming rights requires knowledge that includes and goes beyond legal knowledge. Rights claiming thus becomes a matter of strategy, a process embedded in wider social dynamics, involving unavoidably political, imaginary and value-oriented processes of citizen engagement (Dagnino, 2005; Molyneux & Lazar, 2003; Pereira et al, 2005; Stammers, 2004, 2005; UNDP, 2000). In other words, there will be ‘inductive’ as well as ‘deductive’ elements in any rights-based strategy for social change (de Gaay Fortman, 2006: 43-45). When rights are conceived in this way, they become ‘performative’; they are never ‘obtained’ but have constantly to be struggled for (ibid.). Rights-claiming processes (like citizenship) thus come to be seen as: ‘a work in progress that is forged and refined through social struggles’, rather than something to be ‘achieved’ (Miller et al, 2005:33). Whilst policies and laws are usually the result of authority being exercised, the “living law” and socially-rooted rights claims are usually part of what one author calls ‘anti-power’ (de Gaay Fortman, 2006:

42). Analyzing the root causes of rights violations is an indispensable first step in the process of identifying solutions, for example by giving responsibility back to the appropriate institutions and actors for sorting out rights problems. Claiming rights thus involves people working through existing power relations to identify where the best chances lie for challenging the structures and processes that reproduce injustice and social exclusion (Pettit & Wheeler, 2005:1). Rights claims in general are both the product of existing possibilities and the origin of future changes, as imagined by those claiming rights today.

Our understanding of human rights thus recognizes that rights claims are often partial, and are usually built up gradually, sometimes haphazardly, and generally reactively “from below”, as well as “from above”. The importance of formal rights enshrined in law cannot be over-stated. But informal dimensions of rights are also important, especially what people understand by a ‘right’ in the first place. This study adopts a broadly actor-oriented approach to rights claims and realization (Leeuwis, Long et al., 1990). The NO movement is viewed as an example of how: ‘rights are shaped through actual struggles informed by people’s own understandings of to what they are justly entitled... looking at the meaning of rights from the perspective of those claiming them’ (Nyamu-Musembi, 2005:41).

An agency-based approach to realizing rights emphasises that citizens have both rights, including political participation rights, and duties, which entail civic ‘responsibilities’ to engage with political processes that impact on social and economic life. When people engage in social movements, the hope is that they are better able to act as: ‘agents through their own movements, promoting their own development’ (Hintjens, 2006a: 374). Demanding public and corporate accountability is one way of participating politically; accountability is another core element of any rights-based approach. In Costa Rica, this research that social movements combine notions of rights and social action in ways that can lead to ‘opening up political culture’ more generally. Processes of participation, involving people’s active engagement in claiming rights, can come to be an ‘accepted and expected part of decision-making within societies’ (Rand & Watson, 2007:35-36). This implies that deeper democratization of social structures can be a possible outcome of political participation.

## **2.5 Claiming and Exercising Rights**

As we have suggested, the process of realizing rights – of making rights real for people – is a dialectic historical, political and cultural process. It first of all involves broad, popularly held notions of entitlements and duties. These may be formally recognized through legal human rights instruments and procedures, or may be more informal. Social struggles usually seek to realise a set of rights, incrementally, if not predictably, in specific historical circumstances. Under international law, states have the duty to respect and protect human rights, and to prevent human rights violations. States need to take positive actions to ensure that rights are realized (fulfilled) in practice. This includes introducing legislation and policies to ensure that rights are met and not violated. International human rights law experts have mainly insisted that the state remains primarily responsible for respecting, protecting and fulfilling basic human rights. However, the human rights obligations of other actors,

including corporations, NGOs and individuals, have started to be recognized (International Council on Human Rights Policy, 2003; Nowak, 2005).

As we discuss in more depth in Section 5, political participation rights – like many other rights – need to be exercised to become real. People within a social movement like the NO movement can perform some rights for themselves, though usually within tight limits. Rights claims are always made in relation to specific contexts and issues, and given that the world consists of structures that operate unjustly, there will always be a struggle over rights. This means that: ‘rights-holders always have to claim what they are due’, and that realizing rights requires: ‘action on the part of those who hold them’ (de Gaay Fortman, 2006: 37). Social actors, like those in the NO movement in Costa Rica, as active citizens and duty-bearers, can start, through collective action, to build spaces where their practices make certain rights real.

In conclusion, this section has explored how rights realization is framed, how social movements are understood, and how these can be combined. Citizenship is part of the connection, especially if it is conceived as an active process of engagement with issues of social justice and basic economic and social rights. Political participation rights are central, and have been defined broadly so that they are connected with economic and social rights and participation. Subjective, ethical and national norms will all influence how groups and individuals formally and informally give a shape to rights claims. All of them appeal to institutional mechanisms and procedures that apply, holding who they can be accountable for rights-related obligations, and exercising rights when they are able.

### **3 THE COSTA RICAN CONTEXT**

This section considers the specifically Costa Rican model of development and how it was challenged by ‘structural adjustment’ and liberalization of the economy well before the debate over CAFTA emerged. Over a period of some two decades, the Costa Rican ‘social contract’ between citizens and the state has been reorganized through withdrawal of many forms of social and economic protection previously provided by the state. Withdrawal of public action may thus have exposed the shaky basis on which the social contract was built in the first place, weakening constitutional economic and social rights guarantees under the overarching liberal democratic political order.

#### **3.1 The CAFTA Referendum**

Trade agreements were signed with the US throughout Central America, prior to the 2007 CAFTA Referendum in Costa Rica, which became the last country in the region to decide on CAFTA. Costa Rican voters had already expressed serious doubts through protests and mass actions in earlier years. Those in favour of CAFTA pointed to its potential benefits, but even they recognized that post-CAFTA: ‘...adjustments...will take time and will not occur without some losses’ (Todd, Winters & Arias, 2004: 50). Central American governments would need to: ‘be prepared to respond with some form of

assistance to those who suffer from welfare losses as a result of the transition to CAFTA' (Todd, Winters & Arias, 2004: 50). According to the same study:

Those most at risk directly after the agreement's implementation will be small-scale farmers producing imported commodities and other poor rural households. They will need transition assistance that includes income support and/or technical support to be able to make the necessary transitions to the further opening of the area's economy (ibid).

In Costa Rica, CAFTA had been negotiated and signed during Abel Pacheco's government (2002-6), but the deal provoked discontent and growing social unrest. In the face of vocal opposition to CAFTA, Pacheco delayed sending the Agreement to the Costa Rican Parliament for ratification until October 2007. In 2008, President Oscar Arias made implementation of CAFTA his government's key policy goal. The idea of a referendum had been floated for some time, and in September 2005, a survey undertaken by the University of Costa Rica, showed that more than two thirds (69 per cent) of those polled supported a binding national referendum on CAFTA. In the same poll, 58 per cent of those polled were opposed to CAFTA (Tucker, 2006).

Anti-CAFTA social movements and other organisations were focused on public action and mobilization strategies, for example through large street demonstrations and protests. They engaged in grassroots work and awareness-raising at community level. However, prior to announcement of the Referendum, the proposal divided opinion among anti-CAFTA activists (interviews with Eva, Alberto, Martín). Perhaps in part for this reason it does seem in retrospect that the NO movement – and its members – were not that well prepared to take part in an electoral Referendum campaign.

The idea for a Referendum was first put forward by a group of citizens opposed to CAFTA, who formally asked the Electoral Tribunal (TSE) for a Referendum to be organised. This request was approved in April 2007 by the TSE, but President Arias instead decided to call for a Referendum himself. The Arias' administration decided that Costa Ricans would be asked to choose between a simple "yes" and "no" for CAFTA membership and ratification. Although they had previously resisted proposals for a Referendum, the government and most leading figures in authority were now converted to the idea (Giralt, 2007). The President's proposal was speedily approved by Parliament and then by TSE in May, and was announced on 12 July 2007. The effect was to completely by-passed the original request, which had been a formal citizens' request. Arising from a political deal struck between the executive, legislature and judiciary, the Referendum process was to be contested from the start (Corrales, Soley, & Campos, 2007).

### **3.2 'Trouble in Paradise'?**

From the 1940s to around the late 1980s, Costa Rica created a model of social, economic and political development and democratic governance that was widely considered one of the most stable and successful in the region. The main ingredients in this 'fairy tale' were: high state expenditure; consistently high levels of public investment in the country's social and economic infrastructure, and public services, provided free. Together these were generally



able to ensure a good level of what is now termed 'human security' for most Costa Ricans. Military and national security were deliberately de-emphasized in favour of resource reallocation to democratic political institutions and processes and economic and social entitlements. A consolidated democratic electoral system, stable social institutions and legal mechanisms designed to protect citizens' basic rights reinforced a welfare system in which primary health care, education, social protection and employment were more or less ensured. This 'ideal' mixed economy also combined export-oriented sectors with foreign investment. Strategic economic sectors, like telecommunications, electricity and insurance, remained in national, public hands, and income was redistributed through some progressive taxation. Those with more resources were supposed to subsidize free or low-cost services for those who could not afford to pay. The outcome was a reasonable degree of realization of basic social and economic rights, and relatively low levels of poverty, social exclusion and inequality, by regional and Latin American standards.

Whilst other countries in the region suffered deep and growing levels of social and income inequality, violent civil wars, and military take-overs, Costa Rica achieved reasonable and steady levels of economic growth which helped ensure political stability into the 1990s. Whilst the system provided a sense of human security for the poor, the main beneficiaries were the growing middle class, and this was taken as an indicator of the success of the human-centred mixed economy development model.

These are significant achievements. But the Costa Rican model of development is often idealized in the national and international social imaginary. The country is not – and never has been – a 'paradise' in terms of the daily life experiences of most inhabitants. Social dynamics of economic, political, social and cultural exclusion have affected a broad sweep of the population, for whom inclusion remains a daily struggle. Poor rural women, children, indigenous people, gays and lesbians, and cross-border migrants, have not benefitted proportionally. The system was riddled with problems of corruption even during the Costa Rican social economy's 'heyday', and this problem has become entrenched in the past two decades, with high-profile scandals coinciding with market-oriented reforms. Since 2001, two governments have been brought down in this way (Lehoucq, 2005).

From the early 1980s, neo-liberal market-oriented reforms started to weaken the classical social, economic and political development model for which Costa Rica was well known. As elsewhere, IMF and World Bank-imposed structural adjustment policies (SAPs) began as a way to deal with the country's growing external debt (Hidalgo Capitán, 2000; Programa Estado de la Nación Costa Rica, 2006). The SAP reforms implied limiting the role of the state, reducing social expenditure and privatizing public services. Liberalization of markets meant removing protection for domestic production and removing restrictions on capital movements in and out of the country. Development and employment were both to be based on economic growth driven by foreign investment rather than on domestically-controlled industries and government services. SAP measures were implemented in a less dramatic way in Costa Rica than in many other Central American countries like El Salvador or Honduras. But the result has been to undermine the Costa Rican state's capacity to promote social justice, fulfil economic and social development goals, and

continue with redistributory social policies. Arguably, civil and political rights have also suffered setbacks in Costa Rica since the 1980s (Lehoucq, 2005).

Carazo (2007) gives indicators of the deteriorating economic and social conditions: 'During the past two decades Costa Rica had public social investment levels lower than those attained by the late 1970s ... by 2005, public social investment per inhabitant was 21 per cent lower than twenty years earlier' (Programa Estado de la Nación Costa Rica, 2006: 23). The concentration of wealth has continuously increased (ibid.), and between 1988 and 2005, the income of the poorest fifth of the population dropped by 13.9 per cent, whilst the income of the wealthiest fifth increased by more than two thirds (67.9 per cent). Although some new jobs were created, in 2005 two thirds of these new jobs were in the informal sector. According to Carazo, there was: '...a deterioration in the quality of working conditions for most...people in the country' (ibid.). In view of this background, it was not surprising that the NO movement defended, first and foremost, the historically 'mixed', Costa Rican social economy model of development during the CAFTA Referendum.

### 3.3 Arguments against CAFTA

According to its supporters, CAFTA would provide access to 'the biggest market in the world', the US, and this would eventually produce 'thousands of new jobs' in the formal and informal sectors, through attracting Foreign Direct Investment into Costa Rica (Lizano Ortiz, 2006). From the very start of the CAFTA negotiations, two concerns were raised over the process and procedures involved. The first related to: 'the contents and implications of the negotiations' and the second to the specific 'procedure followed' by government and the negotiating team of the *Ministerio de Comercio Exterior* (COMEX), when agreeing the terms of CAFTA in Costa Rica (Florez-Estrada & Hernández, 2004). These two sets of concerns went on to inform the messages and outlook of the NO campaign and anti-CAFTA social movement during the Referendum of October 2007. We explore each in turn.

The first problem - CAFTA's prioritization of commercial and private interests over principles of common good and social solidarity - is seen as a particular problem because it contradicts the basic principles of the Costa Rican Constitution. Free competition and progressively less regulated foreign investment in particular threaten the whole harmonious model of state-societal relations on which the Costa Rican development model was built in the first place. Now viewed as under threat from ideologies hostile to the state, the model was defended by the NO Movement during the Referendum campaign. Indeed, the NO movement claimed its *legitimacy* derived from protecting the existing (and already rapidly disappearing) model of national development, based on social inclusion and solidarity, not unfettered market competition.

During the CAFTA Referendum process, the anti-CAFTA movement pointed to the likely negative impacts of pro-market policies for health and food rights, as well as other basic rights. There was no reference whatsoever in CAFTA to human rights. CAFTA also exposed some of the pre-existing flaws of the Costa Rican system in the post-war era. The Constitution enshrined the principles of the common good and fiscal and economic solidarity, and this

seemed to protect citizens' most basic rights. On the other hand, the vision underpinning this was of a strictly limited, liberal democracy where political participation rights were confined mainly to civil and political rights, such as freedom of expression and the right to participate in electoral processes. Many basic economic, social and cultural rights achieved during the post-war years turned out to have been inadequately protected under the constitution. The right to work – for example – which forms the basis for realizing many other rights, including health, basic nutrition, decent housing, and education – was nowhere guaranteed under national law (Mora, 2006). The Constitution of Costa Rica was never amended so that the government would be obliged to meet its international obligations under human rights instruments that the country had ratified, for example in relation to women, children, the protection of indigenous minorities or the natural the environment.

A second set of objections to CAFTA related to the actual negotiation process. The complete lack of transparency of the process, the lack of useful information so the public could debate the issues, were all pointed to, as was the lack of any sustained civil society participation, or even genuine popular consultation, in the CAFTA negotiation process. The lack of clear information about CAFTA and what it implied was viewed as a serious problem, since it implied that negotiations (and later the Referendum) would take place without adequate and informed public debate. There was instead a lot of simplistic – and sometimes misleading – pro-CAFTA propaganda in the mass media, circulated through expensive government and corporate PR operations. Although the government claimed there had been extensive and widespread debate on CAFTA, in which the public was participating, such claims were challenged by the NO movement (Martínez Franzoni, 2004; Pacheco, 2004).

Critics also argue that the negotiation procedure was marred by the disproportionate amount of money spent on pro-CAFTA messages in the mass media. Consultation and participation processes promoted by government were skewed by this combination of high spending on advertising, and inadequate reliable public information (Martínez-Franzoni, 2004; Pacheco, 2004). Concerns also arose over irregularities in the signed CAFTA agreement. Strategic sectors, especially telecommunications and insurance, were included in the agreement even though Costa Rican citizens had been publicly and officially assured these would not be included in CAFTA. Payments to Costa Rican CAFTA negotiators from US sources were denounced in the press (Rivera, 2003, 20 June). Even after they resigned, some of these CAFTA negotiators found work in Por Costa Rica, which ran the high profile pro-CAFTA media campaign, with financial backing from US sources.

### **3.4 The rise of the NO movement**

Compared with the highly organized, entrenched and well-funded pro-CAFTA political forces, the *Movimiento Patriótico NO al TLC* (Patriotic NO Movement opposed to CAFTA) started out as a loose, mostly voluntary coalition of actors and interests, involving different social and institutional actors and demands. The Movement received very little funding from abroad or within Costa Rica, and had to rely on voluntary contributions from members. The membership base was in social organizations such as public sector organizations, trade

unions and a range of civic groups, many already mobilized against CAFTA pre-2007. On the basis of different interest-based and moral claims, they were united in their opposition to CAFTA. The NO movement mobilized trade unionists, members of environmental groups, specific professions, women's organizations, church members, public sector workers, students, academics, indigenous people and organizations of the urban and rural poor.

From around 2002, the *National Coordinating Committee Against CAFTA*, with national and regional branches, emerged to start coordinating anti-CAFTA public action. This later formed a base for the NO movement. Political party membership could also be important; the 'Citizen Action Party' (PAC) was represented in Parliament, and also joined the NO movement. Another group of politicians in the ruling National Liberation Party (PLN) disagreed with CAFTA, and going against the party line, joined forces with the anti-CAFTA movement. Independent public institutions, like state universities (UCR, UNA and ITCR) and the Office of the Ombudsman, later provided important 'meeting spaces' and organizing nodes for the NO campaign. They issued combined warnings about CAFTA's likely negative impacts. Finally, religious and faith-based groups in the movement included the Catholic Church, and some protestant groups were also highly critical of CAFTA. In reality, most members of the NO movement combined several affiliations at once: one could be a Catholic trade unionist in the public sector, for example, as well as an indigenous poor urban woman.

In the run up to the Referendum, the *Patriotic Committee Supporting the National Campaign against CAFTA* (formerly called *National Front Supporting the Struggle Against CAFTA*) started to gain a higher profile through official endorsements from prominent 'personalities' in national political, artistic and academic life. These 'celebrities' (by Costa Rican standards) lent the emerging NO movement a higher profile within Costa Rica and beyond. Another interesting collective body was the *Conversatorios*. In these loose meetings, representatives of different sectors could come together to devise more strategic and creative ways of organizing the anti-CAFTA movement.

These relatively decentralized initiatives all eventually combined to form the NO movement and campaign in 2007. Together they formed a Costa Rican 'Rainbow alliance' or 'Movement of the movements', based on a 'politics of solidarity' (Hintjens, 2006b). Many involved in the NO movement had previously been involved in the Combo ICE (*Instituto Costarricense de Electricidad*). In 2000, this network had mobilised Costa Ricans to protect the National Electricity Company from privatisation. Combo ICE had agitated so effectively that the Costa Rican government had backed down (Carazo, 2007).

Over the past two decades or so, social mobilizations in Costa Rica have arisen from an on-going sense of a malaise, a sense of a *crisis of legitimacy* on the part of traditional democratic institutions. The value of political parties and political representatives has been questioned, as well as the key institutions of the executive, legislative and judicial (Alvarenga Venutolo, 2005; Rojas, 2005). Corruption scandals added to a sense that formal structures lacked authenticity when two ex-presidents were found guilty of corruption. Even the Constitutional Chamber has made questionable decisions. In 2007, for example, a dispute arose concerning the Constitutional Chamber's decision

that CAFTA was constitutional and could go ahead. This conclusion was flatly contradicted by two major studies – one by the University of Costa Rica (Comisión Especial sobre Roces Constitucionales del TLC, 2007) and the other by the Costa Rican Ombudsman’s Office (the *Defensoría de los Habitantes*) (Zeledón, 2006). Both these studies expressed grave concerns about CAFTA’s likely negative impact on Costa Rican people’s and human rights, concluding that allowing such damage would be unconstitutional.

In sum, the NO movement arose from a broad social and civil society networks, spanning people in the public sector and government, and even some in the legislature. Organising through networks, broad-based coalitions, informal groups, and formal organizations, the NO movement was rooted in earlier anti-CAFTA and anti-neo-liberal mobilisations. Section 4 considers how the NO movement claimed rights, especially political participation rights, through complaints procedures, dialogue and protests in relation to the organizational structures and formal institutions of the Costa Rican state. The claiming of rights described in Section 4 happened alongside the exercising of rights which forms the subject matter for Section 5; each approach was taking place at the same time, so they are not opposed in logic. They are two different ways the NO movement and its members sought to realize political participation rights, and thus to extend democratic processes in Costa Rica.

## **4 POLITICAL PARTICIPATION: RIGHTS CLAIMS**

During the 2007 Referendum, various actors and institutions in the NO movement claimed that people’s political participation rights were being violated instead of being respected, protected and fulfilled. The common denominator of these claims was that the state, the main duty-bearer in relation to human rights, should be held fully accountable for proper functioning of democratic and legal procedures and decision-making. In other words, all these claims were aimed at holding the state accountable to the wider public; to Costa Rican citizens. We focus on two groups of claims that arose and were observed to be especially significant for NO movement participants. The first claims concerned the role of political authorities and democratic institutions. The second concerned the role of the media. This second set of claims are closely related to the first, since mainstream media contributed significantly, as a key cultural agent, to the construction of a ‘common sense’ around CAFTA membership. It is not clear that these claims by the NO movement ensured that citizens’ basic rights to political participation have will be better respected, protected or fulfilled by the Costa Rican state in future. However, the claims in themselves may broaden how political participation rights are understood in the Costa Rican context; this is a question we return to in Section 6.

### **4.1 Claims against the organs of state**

Throughout the campaign, NO movement’s members continually expressed their concerns about the Referendum process itself, through a series of formal consultations, complaints and objections to how various national and regional institutions were working, or not working, in the process. The NO movement

activists especially raised issues of transparency in connection with electoral processes. Legal claims and objections were lodged to bring public and official attention to the perceived democratic deficits of the whole Referendum process. The NO movement also tried to hold state institutions responsible for their failure to oversee the process (Corrales et al, 2007). The written legal claims, submitted by individuals<sup>6</sup>, which we consider, also represented wider concerns of the anti-CAFTA NO movement, which expressed its claims to political participation rights mainly through such legal and constitutional channels.

Claims were also made informally, since legal claims were backed up through street demonstrations, symbolic public acts and statements, and all kinds of information and signs circulated by email and through websites. The NO movement hoped to demonstrate to a range of actors, citizens and potential participants in the movement, that the institutions and procedural mechanisms governing the Referendum were inherently biased and inadequate.

#### ***4.1.1 The claim of a lack of government impartiality***

The first legal claim related to improper application of Article 95 of the Constitution and Article 88 of the Electoral Code. These articles establish the principle that governmental authorities should be neutral so as to guarantee the fairness of elections. Article 88 explicitly states that the President of the Republic, the Ministries and other authorities:

...cannot participate in the activities of the political parties, take part in societies and meetings of a political character, use the authority and the influence vested in their positions to benefit political parties, place emblems on their houses or vehicles, nor make partisan declarations of any kind (República de Costa Rica, 1953).

The Electoral Tribunal (TSE) did not include this provision into laws governing the CAFTA Referendum. When repeatedly asked to justify this exclusion, the TSE responded that a Referendum was not an election. The TSA claimed that restrictions that would normally operate during an election process would not apply to a Referendum, since a Referendum was a special kind of voting arrangement, and not an election as such. There were no competing political parties or candidates (Tribunal Supremo de Elecciones, 2007b, 2007c). The Yes/No vote characteristic of a referendum did not require similar precautions, argued the TSE. Even though the general prohibition on the use of public resources for campaigning did apply to the Referendum, the TSE insisted that wider obligation to protect 'freedom of expression' under Article 28 of the Constitution justified their decision not to apply the principle of public authority neutrality in the case of the CAFTA Referendum.

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<sup>6</sup> Among them politicians, entrepreneur and academics.

Not surprisingly, this interpretation of the law was disputed, and an official complaint was lodged against the TSE's decision not to ban the public authorities from campaigning for (or against) CAFTA. It was argued that this decision undermined the rights of ordinary citizens to free political participation (Corrales et al, 2007). This complaint against the TSE was not successful, and an appeal was lodged with the Constitutional Chamber, even though it was known the final decision lay with the TSE and not the Constitutional Chamber. Formally, within Costa Rica, there was no legal mechanism to appeal a decisions or resolution of the TSE. Given this, in spite of the symbolic appeal to the Constitutional Chamber, the NO movement's appeal was not successful.

The complaint then continued up to the regional level, where it was lodged with the Inter-American Commission on Human Rights (IACHR) at the end of August 2007. The Costa Rican State, the President of the Republic, magistrates of the TSE and members of the directory of Parliament, were all accused of having failed to adhere to the country's constitutional and electoral principles (Corrales et al, 2007). It was also argued that the way the authorities had announced the Referendum<sup>7</sup>, and the way governmental authorities were overtly backing the YES campaign, were unconstitutional and indeed illegal.

A second complaint was lodged with the Inter-American Human Rights Commission concerning the lack of adequate information about CAFTA. This complaint also concerned the unequal resources and publicity available to each side in the Referendum process, in spite of the formal rules that specified that resources spent should be equal. It was claimed this made the Referendum an inherently unfair process. This claim to the IACHR alleged that resolutions of TSE were arbitrary and unjustified, and that the state had failed to guarantee any appeal mechanisms for decisions of the TSE. For the IACHR, these claims were re-framed in terms of violations of rights under the specific provisions of American Convention on Human Rights (ACHR). The complaints cited Article 1 on the duty to incorporate the rights and freedoms in the Convention into domestic legislation, and Article 2 on Political Rights, especially the provision that suffrage should be the 'free expression of the will of the voters'. Article 23 on the Right to Equal Protection before the Law, and Article 24 on the Right to Judicial Protection, were also cited. Reparation was requested for these rights violations, and modification of national legislation so that citizens and voters' rights could be better protected in future.

The NO movement, by lodging these formal complaints, was trying to ensure that the minimum conditions necessary for a fair Referendum would be achieved. At the same time, the complaints helped publicise and highlight – nationally as well as regionally – how the Costa Rican authorities were using their own position of authority to influence the whole process of calling and organizing the Referendum. The underlying logic of these claims was that

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<sup>7</sup> This issue will not be analyzed in this study which has prioritized claims with more general resonance among the NO activists and which were also present in other informal claims.

such abuses of public authority served to undermine citizens' basic political participation rights, spoiling a broadly democratic political system (Annex 4).

According to these claims, the rules of the electoral game were being skewed through a mixture of political clientelism, disinformation and partial information, and bullying and intimidation of opponents. These methods prevented citizens from taking part in a meaningful process of political choice. Besides official and formal bending of the rules, the claims before the IACHR exposed the means used by those in government, including overt bribery of the poorest and working class sectors of Costa Ricans, offering public works projects, vouchers, access to housing, scholarships and subsidies, all to inflate the YES vote. And beside these 'carrots', the public authorities were also claimed to be using 'sticks', including dire warnings that people would lose their jobs, that essential public services (e.g. electricity, water, telephone) would collapse if CAFTA was not approved (Corrales et al, 2007). In the complaints brought by members of the NO movements in late 2007, evidence was provided of all these claimed malpractices (Corrales et al, 2007).

The complexity of the CAFTA document was an additional problem for the NO movement. Even for university professors and students, CAFTA proved extremely difficult to understand. There was no accessible, summarized version of CAFTA, and this was viewed as further evidence of obfuscation by a government, failing to provide the information, without which meaningful political participation was not possible among the electorate. Voters, according to the NO movement, were placed in a vulnerable position, where their fears for the future could easily be manipulated by those favouring CAFTA. The authorities thus controlled all the levers through which their hold over the electorate could be reinforced (Corrales et al, 2007). Such violations of citizens' basic political rights, including freedom of thought and opinion, were denounced by the NO movement (Benedicto Salmerón, 2008; Umaña Venegas, 2007a).

The substance of these claims by the NO movement cannot be addressed in substance in this study without straying outside our topic. However, on just one of these claims, during fieldwork there was substantial evidence available of the kinds of pressures being brought to bear on the electorate. For instance, reports were common of workers being forced to listen to pro-CAFTA speeches in the workplace, and receiving dire warnings that if CAFTA was not approved, they might lose their jobs.

What the NO movement participants hoped to communicate to the general Costa Rican public was how a clear set of self-interests and connections existed between those with the economic clout (corporate and media capital) and those with political privileges. This represented a warning: this unholy alliance was out to violate citizens' basic rights to meaningful political participation in the Referendum process.

#### ***4.1.2 The claim of an undermining of the democratic rule of law***

The NO movement claims – it was argued - went to the very heart of the democratic political system in Costa Rica. Underlying the various legal and other claims of the NO movement was the view that manipulation and



corruption by rulers and leaders were producing a ‘disconnect’ between the dominant democratic institutions and the popular will. Existing institutions were losing legitimacy and relevance by no longer being seen to be responsive or accountable to the basic interests and needs of ordinary Costa Ricans<sup>8</sup>. Rulings by the TSE, for example, were viewed as having seriously undermined faith of ordinary citizens in state institutions, since the TSE’s decisions were coming to be seen as directly responsive only to economic and political elites’ concerns with self-preservation.

The resulting situation was described by Vargas (2007) as ‘the hijacked Rule of Law’ (*La institucionalidad secuestrada*) and by Giralt (2007) as ‘Dubious Institutionalism’ (*La Institucionalidad Cuestionada*). Academics and researchers especially expressed openly their concern that economic and political elites in the country were actively trying to silence critical voices, by closing down alternative spaces for debate. Such claims were mostly made by the more established elements in the NO movement, concerned with academic autonomy, for example, and press freedom. They denounced the routine misuse of institutional mechanisms for the purposes of promoting a YES vote. These claims were often expressed in creative ways, through satirical graphic images and posters, for example, which contrasted the NO movement’s vulnerability to ‘bully boy’ tactics from those in authority with defiance and refusal to be intimidated (for a good example see Annex 5). Such images worked alongside complaints made through formal, legal channels.

Most of these claims by the NO movement were framed with respect to a solidly liberal democratic or perhaps social democratic understanding of democracy and the rule of law. The central, twinned themes of such claims were that democratic governmental accountability was the vital pre-condition for meaningful and active citizenship participation. There were other examples of claim-based action outside the formal legal and constitutional spheres. In a public demonstration against the TSE decisions, members of *Mujeres de Blanco*<sup>9</sup> chained themselves to the railings of the TSE building. They symbolically covered their mouths with gags to express outrage at the indirect restrictions imposed on the NO movement by the TSE’s decision. Liberal democratic principles were not questioned, however, and the protestors emphasized: ‘We want to draw an important distinction; we retain full confidence in the institution (i.e. the TSE), but not in the current leaders’ (Mujeres de Blanco, 2007).

For most of the NO movement, claims for political participation rights were expressed in terms of ‘democracy’, suggesting that ethical values and active citizenship were closely intertwined. Informal and formal claims of the

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<sup>8</sup> That feeling of being betrayed by corrupted institutional representatives has been gradually increasing with the application of neoliberal reforms and expressed openly by the social movements since the middle of 1990’s (Alvarenga 2005).

<sup>9</sup> A group of women mainly from the middle class which emerged in the context of the Referendum. Their name and actions are inspired by another group of women who played an important role in 1947 protesting for irregularities and fraud in an electoral process and demanding electoral guarantees (Gómez, 2007).

NO movement stressed the interdependency between different sets of rights claims. In July 2007, for example, a woman's network again organized a public demonstration in front of the TSE, explaining its position as follows:

‘All women against CAFTA’ (Todas contra el TLC) represents the collective demand of the initiatives of many individual women and women's organizations that work actively to oppose approval of CAFTA, and that seek actively to defend democracy and freedom of expression. Because they want to get this treaty approved at any price, even if that involves twisting arms, buying votes, and trying to muzzle people... (Jiménez, 2007).

Having thus denounced violations of citizens' political rights, the protestors emphasized how CAFTA implementation would undermine the rule of law and negatively affect various other sets of rights (economic, social and cultural in particular). They openly opposed the vision and values of the form of economic development promoted by CAFTA. In addition, they warned the general citizenry about the manipulation taking place and invited them to question what they were told, and to actively debate dominant viewpoints, by seeking alternative sources of information. Alternative, ethical conceptions of development were defended in these protests, with claims that economic life should involve other values besides competition and global marketisation, since: ‘...the life of the people and the planet is important’. That wealth is ‘spiritual’ as well as ‘material’ was part of the NO movement's overall message. Material entitlements were seen as vital, but also as part of a wider vision of the good society that the NO movement was struggling for. The struggle was for ethical values, national identity and a country in which people's basic rights claims could be defended.

## 4.2 Claiming voice, denouncing disinformation

Most of the media in Costa Rica is in private hands. This includes the main television and radio stations as well as high-circulation newspapers. A survey conducted for the Human Development Report in 2005 reported that most people in the country (58%) were informed by television, mainly REPRETEL and *Telenoticias*, the two main broadcasting companies. Just 13% of those surveyed reported radio as their main source of information; with 29% mainly getting their news from newspapers. The most widely read papers were the ‘quality’ *La Nación* and the sensationalist *La Extra* (Sandoval García, 2007).

Claims about the role of the media were a very significant part of overall rights claims by the NO movement during the Referendum campaign, reflecting that the media was a crucial space for realization of rights to information for the general citizenry. Moreover in Costa Rica the media – especially the TV – played a very significant role in relation to the right to vote, since it controlled the expression of views, the representation of opinions, and for most of the public was the main single source of ‘factual’ information on CAFTA and debates around its likely future impacts.

During the Referendum, there were some minority and more critical sources of news, including the *Semanario Universidad* newspaper, a non-commercial weekly publication produced by the public university. During the campaign the *Semanario Universidad* provided an important set of media spaces,

through which those in the NO movement could express their views, and hope to reach a wider audience. The hope was that in this way the general citizenry could become better informed about more critical perspectives on CAFTA, in contrast to those represented in private, pro-CAFTA, media channels supporting the YES vote. Alternative media spaces were at a disadvantage, however. They appeared less regularly, there was no access to TV, limited access to radio, and budgets were low, which meant low circulation compared with more commercial media outlets, especially TV (Informatico, 2007).

Concerns were repeatedly expressed about inequalities in resources and access to airtime and space, before, during – and also after - the Referendum. Basically, the two sides in the CAFTA debate had very uneven media access. One study by Media Gurú noted that during the period January-July 2007, the YES campaign outspent the NO campaign on publicity tenfold. Radio and print media – with much lower audiences than TV – were the means used by the NO campaign. However, internet was also very important in getting the movement’s message across to a wider audience, and we consider its role in more detail in Section 5 (Córdoba Morales, 2007).

To back its claims that the mainstream media displayed a consistent bias for YES arguments, with resulting uneven coverage of issues and arguments around CAFTA, the NO movement showed how ‘news’ during the campaign period was framed so that YES arguments were given far more time and credibility. The media presented issues in ways that deformed and silenced the arguments of the NO campaign. Mainstream media spaces were seen as being constructed as publicity agents for the YES campaign. TV news and radio sought to create the impression of impartiality, by including some NO movement arguments in their reporting, but this was usually done in order to undermine the credibility of these counter-arguments. The news was more like advertising, than like ‘balanced’ or fair presentation of the ‘facts’<sup>10</sup>.

According to one journalist with *Semanario Universidad*, the main problem was the way the mainstream media constructed ‘issues’ and ‘problems’ around CAFTA. Their pre-definition of what the crucial issues were led to alternative voices being excluded in advance (interview with María). Data was commonly manipulated and partial information, or even wrong information, was provided and repeated. This happened during the campaign, as well as more generally, when the mainstream media was seen as trivialising debates around CAFTA so that it came to appear as if ‘personalities’ were at stake rather than real political argumentation. A common approach was to explore sensational, but relatively insignificant, details to boost the channel’s viewer ratings. Relevant but difficult-to-understand information about CAFTA was thus silenced by being ignored and pushed into the background, rather than by being coherently refuted through clear arguments against the NO position and its advocates.

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<sup>10</sup> The managing of informative spaces (news) was considered to be a crucial issue to the result of the Referendum. Some analysis considered the situation a ‘Mediatic Fraude’ (González Hernández, 2007; Le Monde Diplomatique, 2007).

According to Sandoval Garcia (2007), political parties were already in decline, with weakening membership bases. They were also divided – including internally - on the CAFTA membership issue. *La Nación* had become the voice of big business and corporate interests, which meant: ‘taking on itself the role of national interlocutor for the idea that modernization is the best guarantee of welfare’ (Sandoval Garcia, 2007). From this perspective, the mainstream media played a key role in constructing neoliberal and neoconservative ideas as ‘common sense’. This had started long before the 2007 CAFTA Referendum campaign. Voting for CAFTA became obvious rather than remarkable; it was ‘different’ to suggest that anyone should vote NO. In other words, CAFTA was made into part of the normalized economic, political and cultural discourses, as the media framed the news in ways that dismissed the concerns of the NO movement as trivial or unrealistic.

Not surprisingly, many in the NO movement denounced the TV news during the CAFTA Referendum campaign as simple disinformation. They pointed to personalized attacks on NO movement leaders, citing this as evidence of bias. Alternative ways of sending and circulating information were therefore used in order to circumvent the ‘blind spots’ of mainstream TV, particularly the internet and world wide web.<sup>11</sup> The NO movement also circulated a range of popular symbols, types of clothing, stickers and other forms of publicity materials on public display. By doing all this, the NO movement hoped to call attention to the ‘dirty tricks’ the mainstream media was using to slant the CAFTA debate towards a YES vote (Annex 6).

Another, related concern of the NO movement was the lack of public spaces in which ‘alternative’ perspectives could be voiced, so that a sustained debate and discussion could take place *between* the YES and NO campaigns around the implications of CAFTA. We have shown this was the case for television (Sandoval García, 2007). When members of the NO movement appeared on TV to express doubts about the fairness of the Referendum campaign, or complain of bias, they were not presented as champions of political citizen participation, but simply as people who liked to complain, and as ‘negative’ individuals. The private ownership of television did not prevent them supporting the incumbent government as loyally as any state TV might have done. Voter audiences were thus denied access to reliable or even semi-balanced information about the likely implications of CAFTA for the country’s future economic, social and political development. There were some exceptions. Towards the end of the campaign, the TSE organized a series of public debates about CAFTA on the State TV Channel (*Canal 13*), which attracted huge public audience. Some private channels copied this initiative, because it attracted viewing audiences, but such openness came late in the day.

To sum this up; inequalities in resources and in media spaces, combined with manipulation and silencing of certain kinds of informed debate, certainly

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<sup>11</sup> This was especially interesting in terms of its pre-figuring how bi-partisan use of mainstream media and alternative internet and web-based messages evolved during the 2008 US Presidential election campaign.

undermined the freedom of expression and access to information of Costa Rican citizens during the CAFTA Referendum. Both these rights can in turn be considered vital to citizens being able to exercise their right a free vote. One key problem discussed during the campaign was that legal provisions in domestic laws and in the Referendum Law itself, did not make any provision for intervention to regulate media coverage in terms of balance and bias in how positions and issues were represented. The debate revolved around what kinds of mechanisms might make the media more officially accountable for the quality of its coverage (Boza & Rojas, 2007a; Corrales et al, 2007; Sandoval García, 2007). Both the electoral Tribunal (TSE) and the NO movement (through initiatives like the website ‘notlc.com’) monitored the role of media during the campaign, observing the way the news regarding CAFTA and the Referendum was portrayed in TV, on radio and in the newspapers. Interestingly, mainstream commercial media like *La Nación* was opposed to any kind of monitoring, from whatever source (including by the TSE), and instead appealed (as TSE had also done) to principles of freedom of information and the press to prevent itself being observed (Umaña Venegas, 2007b). Press freedoms were generally defended by the corporate media as a way to avoid regulation. Meanwhile, the NO movement and civil society groups tended to assert that freedom of expression implied the right of communication and voice for different positions, and the right to information, both of which were seen as pre-conditions for a meaningful vote in the Referendum.<sup>12</sup>

If the research we have referred to is reliable - as it would seem to be, on the basis of observation – then the complaints of the NO movement members were reasonably well-founded. The formal, legal instruments meant to protect free elections, free expression, access to information and a balanced press, failed to protect citizens’ rights during the CAFTA Referendum. This undermined their political participation rights. Not only was the situation repeatedly denounced by the NO movement; in addition, in its press and TV monitoring, the TSE did recognise that balanced reporting had not been achieved. The need for regulation mechanisms to ensure greater media accountability was much discussed both inside and outside the NO movement during the Referendum campaign (Boza & Rojas, 2007a; Sandoval García, 2007; Interviews).

Since the private media was allied with – and even owned by – Costa Rican political and economic elites, its role in reproducing dominant discourse around CAFTA was not that surprising. The lack of media regulation – rather than over-regulation – was what reduced media spaces open to the NO Movement, obliging them to create spaces of their own, in order to get their own interpretations of CAFTA across to the wider public. Some examples of this are presented in Section 5, which draws more extensively on the views of NO movement participants. We consider media (and other) spaces in which political participation rights were exercised and realised by NO movement members and organisations.

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<sup>12</sup> Observatory for the Freedom of Expression (Boza & Rojas, 2007a).

## 5 EXERCISING RIGHTS, ACTING COLLECTIVELY

In this section we focus on what the NO movement was able to achieve during the CAFTA Referendum process in terms of making citizens' rights to political participation more meaningful. Those in the NO movement were involved in evolving rights-based practices that sought to fulfil their participation rights, not perfectly, but through trial-and-error. As the key duty-bearer, the state was supposed to fulfil its obligations to protect political participation rights of Costa Rican citizens. But as suggested in Section 4, there were limits on the willingness and capacity of the institutions of state to do so. For the NO movement to go ahead and facilitate the exercise of political participation rights was preferable to simply waiting for a miracle to happen.

NO movement participants thus created spaces through both virtual and face-to-face and visual means, and we will explore some how some shared features and messages of anti-CAFTA NO campaigns, including the campaigns of Patriotic Committees (PCs), the central coordinating committee and the vital role of internet and website communications, were realised. NO movement visual campaigning materials are included here and analysed, and our hope is to show how democratic meanings and practices were built into such media and organisational expressions and spaces of the NO movement.

Organizational spaces and media spaces constitute the two key spheres in which political participation rights were exercised by the NO movement during the Referendum campaign. Each represents an important cultural space, and in each a process of communication took place through which common understandings of rights and issues were framed and acted upon by NO movement actors. Throughout this section, we note how closely practices and meanings of political participation are inter-connected within the media and organisational spaces of the NO movement.

Indeed, the NO Movement exercised political participation in the very process of constructing and consolidating its campaign against CAFTA. Engagement in rights-promoting action was apparent for movement members, but was also visible to the general public, through forms of organisation and messages that challenged the mainstream trivialization of debate around CAFTA. Democratic notions and practices of politics informed how NO movement participants' exercised their rights to venture beyond liberal notions of the democratic, and how broader social and cultural dimensions of rights construction and citizens' involvement became part of their political participation practices. In rights realization, the processes and institutions involved are not neatly separable, and are sometimes inter-constitutive of one another, as in the NO movement.

### 5.1 The NO movement: a campaign network

The movement that brought together social forces seeking a NO vote in the Referendum was 'a campaign of campaigns', both in how it generated its messages and in the mode of its organizational practices. The organizational structure was a typical 'network' of loosely connected, decentralized coalitions of groups and individuals. These operated in a largely 'bottom-up' manner, through horizontal rather than vertical controls. This is expressed in the box

It is interesting how things are working with good results without planning them and without having a real direction.

Mirta

I feel that this is a huge wind whirl in which the reality almost always has more imagination than oneself. There is a snowball effect with many no traditional things that emerge because different people invent them.

Juliana

here, where the 'spontaneous' element of organisation comes across clearly from the statements of Mirta and Juliana, two NO movement activists.

The corollary of this was that actors in the network operated with very little financial backing and generally had to raise their

own funds, and get their own messages across. The NO campaign would largely be based on the voluntary time and voluntary participation of people from across social and classes and from different backgrounds.

Diversity is to be expected in a loosely connected, decentralized movement like the anti-CAFTA NO movement. During the Referendum campaign, strong elements of experimentation, and a distinct multiplicity of strategies and expressions emerged from within this movement, contrasting noticeably with the relative tidiness, homogeneity and centralization of the YES campaign and its messages and strategies. Whilst the NO movement stressed 'personal' commitment from those involved, and focused on current and concrete events, the YES campaign was more impersonal, and more often referred to distant threats. The NO campaign had strong elements of physicality and positive emotional appeal, elements which are common to many contemporary global movements (MacDonald, 2006: 85-86). The contrast with the 'politics of fear', and the 'stomach politics' orientation of YES campaigning, is striking.

Other significant elements in the NO movement's networked approach to campaigning were its emphasis on creativity and artistic production, often, again, without central guidance or uniformity. The use of humour as a political strategy was widespread. Resistance to CAFTA became a creative act, about

Politics is not only rational. There is passion in our way of living politics. People completely disenchanted do not live with such a passion a political process. I think that there is disenchantment with political parties and with national elections, but not with all the political practices. People are demonstrating that there is a strong interest in being taken in account in the decision-making...

Sindy

promoting forms of popular 'counter-power', and expressing ideas in ways that would genuinely appeal to people's sense of enjoyment as well as their rational self-interest (Smith et al, 2008:98). Words like 'passion' convey this sense of being in the campaign for belief and pleasure, as well as for a

material purposes. Campaign messages tended to represent the NO movement as positive and attractive, contrasting this with a centrally-controlled, deceptive and fear-mongering YES campaign. The freedom to develop collective and individual initiatives and forms of expression, lent a colourful and fluid flavour to the NO campaign, moving it beyond the more conventional political campaigning methods still used by the YES campaign.

Uniform slogans and posters, standard party lines and oft-repeated dogmas thus dissolved into a 'pluriformity' of inter-connected and multi-focal messages, directed at different micro-audiences among the electorate. Once again, such decentralized coherence is relatively widely observed among contemporary social movements in terms of how they operate during

campaigns and shared actions (McDonald, 2006: 86; Tilly, 2004). Their mix of creativity, enjoyment and physicality makes such movements ‘subversive’ in that they difficult to steer and predict. This makes them hard to control and to confront, because of their multiplicity (Interviews with Vilma and Carmen).

## 5.2 Key NO messages in the Referendum campaign

The communicative proposals and messages of the NO movement’s anti-CAFTA campaign during the Referendum were almost as diverse as the participants and groups involved. Each ‘problematic’ issue related to CAFTA (some were mentioned in Section 3) was read and commented on from multiple viewpoints. Trade unionists, feminists, environmentalists, *campesinos* (poor peasants and farmers), university students, indigenous groups, faith-based organizations, and others had their own perspectives on issues of trade, employment, and a range of economic, social and environmental rights. It is impossible in this single study to address all these creative messages. Instead a number of general groups of messages that arose during the campaign were selected, which are taken as somehow typical of the wider sets of common messages and understandings emerging from the NO movement during the CAFTA Referendum period. The following statement brings these many types of messages of the NO campaign under a single ‘umbrella’:

NO-CAFTA is a movement built from the confluence of certain basic, shared aspirations. In general, we want a sovereign country, which can integrate into the world in new and more just and equitable ways. We claim equality and equity. We have the conviction that health, education, water, housing, recreation and a clean and healthy environment must, without doubt, be treated as universal rights. We claim democracy as a daily experience involving effective participation, and not an empty mask or ritual. And it seems very probable that we should think of our relationship with nature in totally novel ways, where we recognize ourselves as a part of this universe and not as its owners and plunderers (Vargas Solís, 2007:39).

In the above quotation, the NO campaign is portrayed as a set of nationalist efforts to defend the next generation’s right to inherit the gains of previous generations. Broad discourses, like defense of the environment, along with the assertion of national sovereignty and defense of social institutions, were historically built under the *Estado Social de Derecho* (which can be loosely translated as the social, law-based state). The welfare state and mixed economy are viewed as central to a law-based, democratic public political life. Social institutions – within this understanding– are a ‘collective’ achievement, linked to national identity and the heritage of all citizens, as in the following quotation: <sup>13</sup>

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<sup>13</sup> Collective mobilizations of the citizens in the second half of XX century were key aspects for building and shaping the social institutions of the welfare state. In this way there is a strong identification with those institutions, feeling that is shared and has been transmitted to new generations (Alvarenga Venutolo, 2005).



We will defeat our historical conquerors; we will impede the privatization of the services of ICE, INS and AyA, as well as the dismantling of the CCSS<sup>14</sup>. We act in defense of our *campesinos*, of our flora and fauna, of our cultural identity...with the defeat of CAFTA our people will conserve *La Patria* for our children and will integrally preserve their own capacity to decide their fate, their capacity to manage themselves, for themselves and forever, those non-transferable inheritances that make up our independence and our sovereignty (Movimiento Patriótico NO al TLC, 2007).

What this clearly shows is how political participation was exercised in order to defend other rights and was inseparably linked to notions of national Costa Rican national citizenship. Nationalist discourse (e.g. defense of the *Patria*) was one way the NO movement shaped its messages, portraying the NO vote as a struggle to defend Costa Rican people's identities and interests from outside attack and internal betrayal. This confluence of ideas was expressed in the widespread use of national symbols, references to national myths and to heroic historical figures. The NO movement's representational imaginary was solidly rooted in the mythical past of the nation, and referred to key moments in this history, when Costa Ricans defended their sovereignty in earlier times. The historical characters, 'Juanito' Mora and Juan Santamaría, played an important role in the 1856 war, and were highlighted as examples of previous resistance where Costa Ricans defended themselves (and other Central Americans) against US invasion and the nation's enemies. The NO movement thus presented itself as defending a proud historical tradition of protecting the nation from combined foreign encroachment and domestic treachery.

Not all NO movement supporters were happy about these 'patriotic' emotional appeals, and some objected that sentimental nationalism was not what was needed. This could also exclude some potential NO voters. What was implied was an idealization of the Costa Rican past, and an uncritical celebration of a historical national model that glossed over the marked inequalities and exclusions, for example, of indigenous people, women and migrants, for example. One interviewee expressed his concern that: 'Not even on behalf of the best possible causes, is it a good idea to idealize historical moments and actors' (interview Carlos).

These kinds of concerns were not very widespread, however, and in general the NO movement was characterised by such different points of view on most issues. The sheer plethora of imagery and practices defied any prospects of 'branding' the movement or campaigning through a centralised plan. Shared practices were marked by considerable variation in form. The NO movement was faced with a government that lacked legitimacy, and perhaps for this reason sought to recover elements of 'national' political ideology to lend greater legitimacy to its own political struggle against CAFTA. It is hard to imagine how any 'non-national' campaign could have mobilised so many supporters for the NO position. Accusations of working against the common interest of Costa Ricans could also more easily be deflected through

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<sup>14</sup> They are referring to social institutions: ICE (electricity and telecommunications), INS (insurances), AyA (water services) and CCSS (health care and social protection).

appeal to national symbols and history. Of course, each side claimed to be ‘defending the nation’, and the result was that there were areas of overlap and competition between the YES and NO campaigns, around a number of key national symbols.

The nationalistic discourse helped provide unity to a hugely range of very diverse organisations and participants in the movement campaigning for a NO vote. Nationalist discourses used by the NO movement were rooted in the idea of Costa Rican exceptionalism, whereas the nationalism of the YES campaign was more abstracted from the specifically mixed, or socio-democratic model of Costa Rican society (Sandoval García, 2007). Nationalism thus remained the ‘meeting point’ for very diverse citizen (and non-citizen) groups. But by allowing for greater potential diversity in the definition of the national, the NO movement was perhaps helping reconstruct the Costa Rican national imaginary in more inclusive ways. The contributions of migrants, indigenous people, women and even the natural environment were all included in this national discourse. Through its campaigns and use of symbols, the NO movement allowed for diversity and thus started (re)building more inclusive ways of ‘being Costa Rican’. Different identities, thoughts and voices could be accepted as part of this more inclusive idea of the national society, and given recognition.

‘...there are things that are not negotiable for money. You can sell your house, but you cannot sell the house with all your family inside. That is what happens with CAFTA: you cannot take the decision of selling the country with all the people inside’.  
University professor quoting a student’s expression in a class

The powerful ‘diversity in unity’ approach that emerged can be explained symbolically through the ‘NO heart’ logo process, in which symbols that were related, but distinct, started to emerge and were widely used during the campaign. This process is more fully explored in Section 5.5. The NO heart became perhaps the single most important shared image of the anti-CAFTA campaign, its diverse forms powerfully symbolizing the ‘colourful’ coalitions that were loosely constructed into the NO movement during the Referendum campaign. An appeal to one of the most basic human emotions, ‘love’, produced variations on the theme of Costa Rican identity and voting NO. Across different interest groups, classes and social identities, the NO movement promoted the sharing of common values of solidarity. Just as the component parts of the NO movement shared various versions of the ‘NO heart’, they also shared a certain broad vision of development, involving gender and social justice and a respect for nature.

More generally, the struggle against CAFTA membership was framed by the NO movement in terms of the need to uphold ethical values and social justice, solidarity rather than competitiveness, and the value of human beings versus the value of money alone. The NO movement referendum campaign style involved a range of different kinds of persuasive, open argumentation that might be described as ‘constructed dialogues’. Developed in countless organizational spaces, these included debates in local meetings, open and closed conferences, workshops, forums, home visits, fund-raising events. All these were closely observed during fieldwork, and many such ‘constructed dialogues’ found their way also into alternative media spaces of the movement,

providing the informational basis for the NO campaign. To facilitate communication among its component parts and among members, the NO movement made extensive use of 'free' or low-cost media and internet spaces.

The way the NO movement tried to construct its campaigning arguments is illustrated by a rare example of a funded advertisement taken out in the mainstream press. The 8-page document was featured in *El Diario Extra*, a national paper, and was paid for by voluntary contributions from NO movement members. It took the form of a 'pullout' section combining text and illustrations, and containing a range of arguments and 'facts', all presented in an attractive and user-friendly style to encourage debate. Arguments made were supported by data and references to specific articles of CAFTA. Basic 'factual' information on CAFTA was presented, as well as sections expressing opinions and giving advice. The document tried to spell out in clear terms the major likely implications of CAFTA for a whole range of issues and sectors, including everything from the environment and health to intellectual property rights, industrial investment and employment, agriculture, public services, social security, national insurance, education, telecommunications, trade, weapons and the arms trade.

This extended campaign advert was put together by a group of academics and professionals, all committed to the NO campaign, who voluntarily contributed the content and designed the layout of the document themselves (Albán et al, 2007). Funds were raised by the movement specifically for the purpose of paying for the 'special advertising feature'. Through placing such arguments and information in the mainstream press, the NO movement hoped to overcome its invisibility in the mainstream media. The concern was to get vital information across to a wider public audience and to encourage genuine debate, as well as to get the NO arguments across. Using a commercial newspaper in this way, enabled the NO campaign to push its message beyond those who were already core supporters and members. The goal was to enable voters to make sense of the key issues around CAFTA, and so to take a position during the Referendum. Private voluntary contributions thus had to be mobilised by the NO movement in order for the right to public expression, information and meaningful political participation to be exercised and realised.

In many ways, the NO movement, even whilst it was geared around campaigning against CAFTA, remained a social movement. It never became just a campaigning organisation. The NO movement firmly located the struggle against CAFTA within broader regional and historical struggles. The NO movement also continued to ask questions at a fundamental level about what kind of development was needed for Costa Rica and its citizens. It was concerned with national political life, and with its ethical basis. CAFTA was viewed as another step – albeit a very important one - in the long history of imposed forms of development and politics. Its negative economic, social and political consequences were a matter of concern, not only for Costa Ricans, but for the wider region and for the natural environment.

The anti-CAFTA campaign was thus presented as part of much broader and longer historical and regional struggles against vertical and exclusionary ways of exerting authority and usurping authority. The critical social movements and organizations involved in NO campaigning each brought their

own perspectives on neoliberal globalization, from the perspective of trade unions, women's organisations, students' groups and indigenous people's organizations, environmental networks, academics and *campesinos'* organizations, gay and lesbian groups and migrants' organisations. Many had mobilized for years against the implementation of the neoliberal model.

NO movement activists thus expressed their long-standing indignation at historical injustices over decades, perhaps centuries. They did this in both legal-rational and more creative ways, through formal and informal, organizational and media instruments. Their campaigning messages reminded those 'listening' that historical colonialism and imperialism continued to underpin present social and political economic strategies. They predicted CAFTA would worsen historically inherited inequalities, and hoped to harness the indignation of Costa Ricans around a politics of hope and solidarity (Hintjens, 2006b).

A constant message in the campaign was that change was possible through concerted citizen actions (pre-figuring the Obama 'Yes we can!'). This positive message from NO movement campaigners was also to counteract disillusion among voters, who, whilst they disagreed with CAFTA, felt they could do nothing much about it. This 'fatalism' was analysed by Ignacio Dobles, a psychologist and NO movement activist (Dobles Oropeza citing Martin Baro, 2007). In his view, this kind of conformism and resignation tended to reinforce existing dominant power structures. In contrast, the NO movement sought to offer Costa Rican citizens the sense they could do something to change the future by voting, and voting NO. An example of this hopeful campaigning style follows:

Our people will vote NO in the Referendum saying NO to the lies, NO to the submissiveness, NO to the corruption, NO to the *politiquería* (politicking), NO to neoliberalism, NO to the handover of seas, beaches, forests and strategic institutions, NO to the destruction of those generating the national wealth (Movimiento Patriótico NO al TLC, 2007).

According to this vision, only a more democratic state-society social contract could guarantee the basic rights of all, and especially of the most vulnerable and historically disadvantaged, as well as protection of the environment. Within civil society, daily human relationships were in need of a 'politics of care', as was the relationship between humans and the natural environment, including living creatures and plants. Opposition to CAFTA was associated with more caring ways of doing politics, of working, of living with others, and of being on the planet. Overall, conditions seemed promising for the more inclusive and participatory approach being promoted by the NO movement. Moreover, most elected and appointed political representatives in Costa Rica had already lost much of their legitimacy among the voters (Lehoucq, 2005).

By taking part in the Referendum process, the NO movement implicitly acknowledged the rules of the existing, narrowly defined, electoral political game. Putting forward alternative visions of social life, however, it went beyond liberal democratic definitions of what could be achieved. It may even have become too broad in its focus, and thus failed to deal with some of the vital strategic issues in the campaign. Yet to spend its energy on countering the arguments of the YES campaign, would have hampered the NO campaign in other ways. It might even have foreclosed the possibility of a wealth of

different spaces opening up and the novel, creative and more understandable modes of communication that arose so that the NO movement could effectively get its wider message(s) across to the Costa Rican voting public.

### **5.3 People's organizational spaces in the campaign**

In this section we look at a key organizational innovation of the NO-CAFTA movement during the Referendum campaign, the Patriotic Committees. These local autonomously networked campaign organisations are considered in the wider context of the loosely central coordinated strategies and institutions of the NO movement as a whole. The next and final sub-section will deal with the innovative forms and content of communication through NO movement internet and websites.

#### ***5.3.1 Patriotic Committees: key actors in the NO campaign***

The many local initiatives and many forms of 'participatory' or popular power that started to emerge and join forces were the most important quality of the NO campaign, which substantiates the claim that this was a movement. These associations and networks spread from inter-linked local organizations and individual initiatives to form more coordinated campaigns and inter-organisational networks capable of campaigning and loosely coordinating. However, the web of inter-institutional connections that emerged outpaced the capacity of any central organization to coordinate them. To ensure some level of coordination, the proliferating local network of the NO movement were organised within Patriotic Committees, which sprung up and were established in every part of the country. They mostly involved neighbours associating themselves with the NO campaign during the Referendum and getting together to discuss tactics and strategies for the campaign.

As one NO campaigner put it, Patriotic Committees 'popped up like fungi' (Informal conversation with Rudin). That is to say, they emerged very rapidly, but also in a decentralized way, and appeared as a fully-formed set of organisational spaces before anyone had really noticed their significance. This self-seeding, 'mushroom-like' quality of Patriotic Committees was one reason the central bodies of the NO campaign were not able to coordinate local networks of organizations in any meaningful way. Indeed, one of the major innovations of the NO movement was how these autonomously coordinated Patriotic Committees operated as decision-making bodies and fund-raising bodies. Being involved in the Patriotic Committee was also something most NO campaigners valued highly. For all these reasons, the Patriotic Committees merit closer attention.

Each Patriotic Committee seems to have emerged to carry out a specific set of tasks, and to have worked with significant autonomy from central movement control. They were considered privileged spaces for citizens' on-going, active discussion and participation, and positively viewed by most interviewees. Those active in campaigning now had a way to meet on a regular basis in a highly informal way. Generally, it seemed those in the Committees worked hard to democratize the whole CAFTA debate, by bringing up concerns and ideas from 'below'. Patriotic Committees were a people's

initiative, and this may be why and how they were able to expand so rapidly horizontally, through links with one another. Patriotic Committees could be effective by combining local skills, contacts and resources.

When fieldwork took place in Costa Rica in mid-August 2007, it was estimated that there were at least a hundred Patriotic Committees in the country. More may have existed, but member of the NO movement made similar estimates based on their own contacts and experience (Interviews with Juliana and Ericka). No survey had been conducted at the time. What emerged was that the central coordinating organization of the NO movement and anti-CAFTA Referendum campaign gradually became aware of the Patriotic Committees, and started to realize, as news and messages came in, day-by-day, what an important role they were playing in the overall NO campaign. Patriotic Committees continued to appear in new places as campaigning continued, and even as the Referendum date approached.

But the Patriotic Committees in another sense were not 'like mushrooms', since they did not arise out of 'nothing', but were built around pre-existing social networks, contacts and mobilisation efforts by social organizations and movements. What happened during the CAFTA Referendum campaign was that existing resources and people were being put to specific use to campaign for a NO vote, and this was done in line with the territorial logic of the electoral process (Interview with Alberto). Efforts by Patriotic Committees were articulated with, and took place alongside all kinds of other, pre-established social organizations, which continued to conduct a range of other kinds of individual and group actions. Patriotic Committees included people from local government, from social and academic organizations, trade unions, NGOs and community groups, for example, who shared an interest in a NO vote from different perspectives (Interview with Martín).

Beyond previously mobilised individuals, Patriotic Committee membership included people outside established anti-CAFTA networks and campaigners. New members came from different backgrounds, including more women, more working class and poor people, migrant and indigenous groups, and younger people who had not been actively involved before (Interview with Manuel). Patriotic Committees raised much-needed financial support for the NO campaign process, to pay for posters, advertising materials and other publicity. Members sold food, organized artistic events such as concerts and fairs, and played an active role in creating dialogue and debate, by creating, reproducing and distributing materials (e.g. photocopies of articles, custom-made stickers, CDs, T-shirts, videos, posters and other symbolic and informational materials to support a NO vote).

Interviewing one person involved in a Patriotic Committee, it emerged that an important quality of his own Committee, and perhaps of many of these local bodies, was to promote dialogue and critical debate within local communities around strategic and campaigning issues (Interview with Ciska). Meetings and events of all kinds, including cultural events, were organized in a wide range of venues, including people's homes, the streets, community centres, church and town halls. Within the locality-based and interest-based meetings, new alliances were produced through logistical, cultural and social encounters within the spaces which Patriotic Committees had created. This

resulted in sets of alliances that brought more seasoned anti-CAFTA organizers together with new campaign supporters and less campaign-oriented community-based organizations. Several interviewees reported how important this sense of ‘encounter’ was. It was noted during fieldwork, that these kinds of inter-connections were a significant feature of the Patriotic Committees.

With strong roots in the educational and academic sector, it was perhaps no coincidence that critical pedagogy was central to the whole way of working of these Committees. ‘Knowledge workers’ tend to ‘spend their lives seeking to inspire students of all ages with the desire to learn’, and teachers and other educators and researchers can be useful to political campaigns for their ability to explain and convey a set of arguments about a complex issue (quotations from George, 2004: 200). Such ‘translators’ and educators were very active in the Patriotic Committees, and their academic work and research were critical in ‘translating’ the complexity of the CAFTA agreement into terms that ordinary Costa Ricans could more easily understand. It was critical to dispense with jargon in order to relate CAFTA to people’s daily experiences.

The anti-CAFTA case was reinforced during the Referendum campaign by a wide range of educational materials, written and published as ‘popular’ issue-based texts for wide public circulation. This crucial aspect of campaigning involved many people inside the Popular Committees in writing, reading and commenting on such materials as part of their wider dissemination. As we have shown, disinformation around CAFTA in the mainstream media resulted in the trivialization of important issues. This situation obliged committed educators and academics, and others involved in social organizations, to become ‘interlocutors’ between the technical language of CAFTA, the confusing rhetoric of politicians and the media, and a set of publics that needed clear, relevant information to which it could relate. In this way, Patriotic Committees continued the work of the anti-CAFTA movement historically, in clarifying key issues of concern in the neo-liberal project. As meeting points between ‘organic’ and formally educated intellectuals, Patriotic Committees became places where anti-CAFTA messages could be devised and disseminated. Their role in this respect was highly supportive of Costa Rican citizens’ rights to engage in informed political participation.

During fieldwork, Rudin was able to observe a meeting organized by one Patriotic Committee in a small community, a meeting which involved debating environmental issues. The dynamics of the meeting were highly interactive, and many critical views were expressed, resulting in a discussion that lively and included many critical questions from those present. The meeting was attended by activists from a range of different organizations and participants not only ‘got’ information from the main speakers, but also shared their own knowledge with one another. They expressed doubts, put forward different points of view, and linked topics of conversation with their own experiences. This debating seemed to produce a tangible sense of encouragement for themselves and for one another. At one point a *campesino* stood up to tell those present about his knowledge of transgenic crops. He was able to explain the problem from experience but also made reference to farmers’ experiences in other countries, having been involved in global networks of farmers’ associations. Such debates, being issue-focused rather than political party-based, helped forge

alliances and build bridges among local people who might have voted YES vote, or might not have bothered voting at all.

In the same Patriotic Committee meeting, it was interesting to see how open conflict and disagreements arose. Some issues aroused a lot of interest, so that everybody wanted to talk at once. Responses and the reactions to statements and questions suggested that many people present had invested emotionally in the issues discussed. Organisers and participants alike repeatedly expressed their frustration that mainstream news, especially on television, could not be trusted. At the same time the lack of interest in the community, especially among those who could be considered members of the broader anti-CAFTA movement, was also bemoaned. Everyone agreed about the urgency of citizens getting actively involved in the NO campaign, taking part in debate, and also voting in the Referendum, thus exercising their right to influence the political process in several ways. This was seen as each citizen's duty, given that decisions about CAFTA would inevitably affect everyone.

Patriotic Committees, built up from below, acted as the key organizational and deliberative spaces for the NO movement during the campaign. On the one hand, they played a role in solving concrete problems – by raising funds, getting support and providing publicity through events. On the other hand, the Patriotic Committees oversaw the voting process on Referendum Day to ensure that it was fair. More generally, these Committees acted in ways that helped generate common understandings and shared meanings among NO supporters, around CAFTA and its impact. The Committees opened up new venues for the campaign, allowing relatively uninhibited and uncensored debate (according to observation and interviews). Dissent did not appear to be suppressed, at least in the Committee attended, and according to informants. Views could be expressed in an atmosphere of relative trust and openness, and this often resulted in consensus-building around key issues, and living with considerable disagreement around less important issues. The key questions concerned a positive model of development for Costa Rica, the defence of citizens' basic rights and how politics could be made more democratic.

There may be longer-term lessons for the anti-CAFTA movement from how shared meanings and 'frames' were constructed in Patriotic Committees across the country during the Referendum campaign. This process deserves further study, but can not be discussed fully here. Patriotic Committees are best viewed as organisational spaces where more active forms of citizenship and political participation could be enabled and promoted during the CAFTA Referendum campaign. Most interviewees confirmed that these committees emerged only in the context of the Referendum on CAFTA membership. But changes brought in by the Patriotic Committees have the potential to influence political processes in the longer term (see Box 5.1). The way Patriotic Committees worked in practice may even have the potential to help restore citizens' confidence in their own capacity to make a difference.

It was clear from participants and movement actors' comments that Patriotic Committees are seen by most people as one of the most successful organizational innovations of the entire NO campaign, which is why we have considered them in such detail.



**Box 5.1**  
**Perceptions about Patriotic Committees from participants in the NO movement**

The Patriotic Committees are our main strength; they are the ones that are really 'making movement'

Eva

I would say that this is a –'bottom-up' or 'grassroots' process... it is really a process from below that goes beyond the vision of the leaders. What is being generated below is something very strong... the central organization doesn't have the capacity for generating the material, the discourse or the orientation that allow the development of the Patriotic Committees... These committees have been a perfect excuse for bringing people together, for opening spaces for community meeting and for thinking about organization. But since they mix organization with debate about the kind of country we want, I think that inevitably it is going to generate a process beyond the Referendum.

Alberto

The result of the Referendum is not the most important thing. Even in the case that we lose the referendum, what is happening here with the people is something that is very strong and goes beyond it. Costa Rica is waking up, citizens are questioning the politicians and analyzing the mistakes of the past, because the political decisions have been never really conducted by the people... we are creating networks of solidarities that are not going to disappear so easily...

Ricardo

After the Referendum something that will remain is what this experience has given to us: it has meant the reactivation from the local, a return to the collective self-esteem and to the confidence in ourselves for being able to say 'we can'.

Ericka

In the middle of very serious concerns, something very nice is happening here. In a country in which the social tissue has become deteriorated, there is an attempt to build a social tissue, a 'we', common bounds across differences. Beyond the concrete aspects of CAFTA, spaces have been created in this process, in which people are giving value to the meeting by itself and they are enjoying the meeting... My Patriotic Committee is a 'rice with mango' (weird mix)... we have such diversity of people from different ideologies and characteristics that you never thought to have them all working together...

Manuel

### ***5.3.2 The question of central coordination***

Efforts to coordinate the NO movement, and before that the anti-CAFTA movement, by encouraging cooperation among its constituent parts, began almost a decade ago. The NO movement organized itself through networks inhabited by diverse individuals and by collective forms of organizational leadership (Vargas Solís, 2007). The Referendum – as a single, specific moment in time – did however require the creation of some central strategies and basic common understandings so that the NO campaign could enjoy some sense of overall coherence, pace and direction. Without coordination, it was feared the movement might be 'divided and conquered'. Some over-arching vision, however loosely defined, was needed to avoid internal conflicts becoming

destructive. Internal conflicts are to social movements what Susan George has aptly called the ‘the circular firing squad’, in which internal factional squabbles can cause the movement’s own defeat (George, 2004). If broad principles are clarified and widely shared through some central point, then this can perhaps reduce the ability of personal ambitions to cause division by hiding behind lofty-sounded concerns.

During the Referendum campaign, a central facilitative committee, the ‘*Comité Operativo Político Facilitador*’ (COPF) for the NO campaign was created, along with some working sub-committees (organization, communications and finance). Their role was to intended to be to coordinate the campaign and ensure its constituent parts would have some basic level of coherence in terms of the main messages, organizational forms and communication channels used to get messages across. But COPF was not expected to run the NO campaign ‘from the centre’ or provide it with resources; rather it was the central node in a network of other existing, pre-formed networks that made up the NO movement’s infrastructure. All the main organizations, social sectors and political parties in the NO campaign had a representative in the COPF. This committee – as its name suggests – thus provided a strategically located space for coordination, rather than a site from which the movement could be steered. COPF and its sub-committees sought to coordinate efforts during the campaign, including in the use of existing alliances, skills and resources.

According to some interviewees, however, COPF was split by inter-personal conflicts from the start, and it soon became difficult to reach agreement because of widely contrasting visions and resulting power tussles among COPF representatives. Some of these differences arose from the recurrent debate between reformers and revolutionaries, which divides many social movements (De Souza Santos, 2006). Such perennial tensions are unlikely to be resolved, and perhaps the only appropriate response is, as Susan George again advises, to take a democratic approach, which recognises: “We’ve got variety and we should glory in it” (George, 2004: 98). Seeking ‘consensus’ requires more centralized and authoritarian form of coordination than social movements can generally sustain, especially where – as with the NO movement – they lack financial resources.

A reformist-revolutionary tension emerged within COPF at the start of the CAFTA Referendum process, and was expressed as disagreement over whether Costa Ricans should take part in the Referendum at all. For some, whose distrust in institutionally state-sanctioned spaces of political participation was profound, a boycott of the entire Referendum process was the best option. But most of those in social organizations tended to agree that participation in the Referendum was as vital as participation in the anti-CAFTA movement. By boycotting the Referendum – they insisted – the movement would simply remove any chance of influencing CAFTA-related processes in future, whatever the outcome of the Referendum. Initial polemics around participation or boycott were resolved as movement participants agreed generally that everyone should take part in the vote. Some stressed that participation should be conditional on guarantees that the electoral process was to be fairly conducted. But although such claims were made, as we saw in Section 4, there was no official acknowledgement that proper procedures and democratic rules and practices had not been followed. Claims about bias were

not accepted by the key state institutions, and only the TSE – towards the end of the campaign – even recognised the mainstream media bias for a YES vote, during the Referendum campaign (see Section 4).

At the early stages, anti-CAFTA movement leaders were not prepared to recommend participation in an electoral process where the rules of the game looked rigged. Much of the anti-CAFTA movement's historical experience in social organizing was through strategies of street and community mobilizations rather than through taking part in more conventional forms of political participation, for example through voting in elections or through using legal means to contest official procedures (Alvarenga, 2005). Interviewees gave some examples of how manipulation and factionalism (especially between reformers and radicals) divided the meetings of COPF, complicating decision-making. When such examples were brought forward, it was usually to illustrate how movement leaders tended to reproduce the same dynamics of power, personal control, manipulation and exclusion they opposed when they arose outside the movement. But the disagreements did not disrupt the movement, or even seem to have that much importance. Disputes among those in COPF, aroused humour and irony among interviewees, rather than anger or concern.

This is not to dismiss the importance of such schisms, which could have serious consequences. As one seasoned anti-CAFTA activist pointed out, these: ‘\*(p)ersonal rivalries, selfishness and factional power politics... (and) the refusal to compromise’ could be turned to the advantage of the YES campaign. During fieldwork it did not prove possible to observe the inner workings of COPF. Based on interviews conducted, and on other materials obtained, it seemed that by the time of fieldwork in August 2007, the central coordination committee seemed to be playing a minor, but supportive role facilitating the unity of the NO movement for the purposes of the Referendum. This was just two months before the referendum election.

COPF faced significant obstacles to its coordination role. The sheer diversity of the NO movement's various organizations and participants, as well as the quite significant external obstacles to getting the NO message across in the media, were two of the most significant of these. The lack of economic resources and time, and the purely voluntary organization of the NO campaign, were all constraints that limited what COPF (and the NO movement) could manage. Yet in spite of all these obstacles, COPF continued to do its job, and was certainly part of the overall process of campaigning. On the other hand, it was evident from some comments, that the Popular Committees, and not COPF, were seen as the driving force and source of mobilising energy of the NO movement.

#### **5.4 The Internet as campaign media**

Alongside the movement's use of nationalist language and imagery, and the work of the Patriotic Committees, the final pillar of the NO campaign was the extensive and at times highly original use of internet networks and websites. The use of the internet can even be seen as metaphor for the whole ‘networked’ structure of the NO-CAFTA movement and Referendum campaign process. The web and internet are suited to peer-to-peer and community-to-community communication, are network-based and are

characterized by high levels of dispersion, diversity, participation. The internet and web's qualities thus match those of social movements in many ways (Carolina Flores in Boza & Rojas, 2007b; Corrales Retana, 2007; Vargas Solís, 2007).

The sheer amount of information available through the NO movement's internet sites was impressive, both in terms of the volume of communications and in the diverse graphic and written forms of creative expressions circulated through a wide range of different web and internet spaces. It was impossible to review this information in its generality. The communications themselves included tailor-made and adapted website pages, on-going themed blogs, email circulation lists, posted videos placed on sites like youtube and downloadable materials to produce (and design) posters, badges, leaflets, T-shirts and the like. The volume and quality of these communications was impressive, and should be the subject of other studies in future. Here we will focus on just a few examples of campaign communications, which have been chosen to illustrate how political participation as a right of citizens was expressed and exercised.

Widespread use of computer and internet technology by those organizing and participating in the NO campaign was possible because of the rapidly increasing skills level of the Costa Rican population. In recent years, the accessibility of internet and web-based technology and information has improved rapidly.<sup>15</sup> On the other hand, the Internet became unusually important as a tool of communication for the NO movement. This was the first time that alternative media had been used systematically to overcome the disadvantages the NO movement and campaign faced in accessing mainstream media outlets. The movement's lack of financial resources were no obstacle, as much of the communication is free. Even so, NO campaign visions and images were still notably less visible in public during the Referendum period than the huge, loud YES messages. Given the need to by-pass conventional media reporting, internet became the preferred site for distributing NO campaign materials and ideas among the population during the campaign (Verduzco and Zúñiga in Boza & Rojas, 2007b). Internet and the web are widely assumed to be integral to a new 'space of flows', as identified by Manuel Castells (Castells, 2005). This vision is expressed in the text box in which Carmen expresses the belief that such spaces help open up completely new possibilities for organising and new kinds of power for social movements. Greater freedom of expression and freedom of access to information are seen as

You have a series of images, very fluid, sometimes contradictory. Those images are closer to common and ordinary people. You can upload something and it can have repercussion and acceptance of the people or not, it does not depend on you. It represents a break with the traditional media in which the information is built from above. The NO campaign is built from below; the people are the ones who make it. It is very different than the YES campaign in which political authorities and parties establish the guidelines.  
Carmen

<sup>15</sup> From one year to another the connections to houses increase from 90 to 150 thousands, without counting Internet cafes. Around 25% of the population have access to the Internet, which is considered a privileged situation in comparison with other countries in the region (Radiográfica Costarricense S.A., 2006).

possible, especially with open-access web and internet technologies. Moreover, the uncontrollability of communication enhances, rather than reduces, the usefulness of internet-based campaign communications for a decentralised social movement like the NO CAFTA movement. Internet-generated messages can be used and adapted by all kinds of different sub-groups involved in campaigning. This means that an actor-oriented set of political messages can be disseminated through variations on a theme, and adapted to specific audiences and interest-groups as the need arises. This works by producing a message both diverse and unified. How this expresses a more democratic ideal became clear during the electoral campaign of Barack Obama, more recently, in the US, when web and internet communications, often 'home made' were seen to play a critical role in his electoral success.

By removing most costs associated with access to radio, television and the printed press, web and internet communication brings producers and consumers of information together, sometimes in the same person. New media: "...process signals that do not originate from any specific place but from endless recurrent interactions in the network" (Castells, 2005: 364). In the case of the NO campaign the use of internet served to further democratise the messages distributed and permitted their adjustment for specific target audiences, who in turn became producers of messages for others in their networks. Anti-CAFTA mobilizations prior to 2007 hardly used any internet or web communication in their actions. Perhaps significantly, control from the centre was much more noticeable during those earlier mobilizations. Perhaps as the role of the 'centre' in disseminating information has diminished, so too has its capacity to coordinate organisation of the movement, as we saw in the case of the COPF. This capacity seems to have been 'redistributed' to a larger number of localised and decentralized locations and groups better able to produce messages to support the complex NO campaigning process.

New possibilities of direct, free, fast and uncensored expression of a political message in multiple, related forms, have already made internet, web and virtual reality preferred, privileged space for anti-FTA campaigns and movements across Latin America and Central America. This has now also happened in Costa Rica. Experience suggests that campaigning via web and internet can also facilitate real-time organizing, as when mobiles or text help people to know about mass actions planned shortly in advance. Financial resources can be pooled from a wider network, including through supporters from outside the country. And there is little need for expensive trips abroad.

Patriotic Committees regularly made use of and posted information on free websites and in e-mail circulation lists. This information included texts, slogans, symbols and visual images, and could all be reproduced in physical handouts, posters, stickers and booklets within a local area. This cut costs, without the need for distribution, printing through a commercial printer and so forth. Such materials could be provided to those with no internet access at relatively low-cost, without the need for professional layout work and so on. NO movement internet and websites also constituted social spaces where different kinds of views and debates and disagreements could be aired. Such on-line processes of deliberation and open disagreement also helped create common ground. In the process of constructing shared understandings of what was at stake, a sense of community was being constructed and built upon

by those who - for all sorts of different and overlapping reasons - supported a NO vote – or at least opposed a YES vote. Solidarities created like this could help transcend geographical and identity-based boundaries and create new shared perspectives, as well as bringing some YES supporters into the debates by rousing their curiosity about what such symbols and messages implied (Olesen, 2002, 2005). In other words, to quote Castells again, these: ‘material arrangements allow for simultaneity of social practices without territorial contiguity’ (Castells, 2005: 364). Complete strangers, people who had never met, could form identifications as part of a social group or as part of the broader campaign, and work in joined-up ways, as well as within their own localities or on their own. This implied cross-spatial reconstruction of elements of shared meanings, with the result that spatially and organizationally centralized coordination became less important. It was not needed as much, and neither was it highly valued or effectively practiced. The Internet was primarily used as a tool for debate, and to exercise rights to access information through writing, but also through images and film, and various other forms of artistic and creative expression. These modes of expression became virtual spaces in which the democratic deliberations of the NO movement were facilitated by immediate and varied forms of response made possible through internet and web.

According to some, perhaps naïve, thinkers and activists, the internet and web can be used by social movement like the NO movement in Costa Rica in ways that have already changed how we look at politics, and at the news. The profound impacts that social movements’ campaigning are having on broader political culture is often pointed out (Zúñiga in Boza & Rojas, 2007b; Olesen, 2005). As a series of networks, internet and web-based groups are able to consolidate more horizontal relationships, thus perhaps diminishing the control of vertical relationships *at least within social movements themselves*. More clientelistic modes of political engagement were identifiably associated with the YES campaign during the Referendum in Costa Rica, rather than with the NO campaign. This was reflected in how much the YES campaign continued to involve top-down and conventional, although still very potent, forms of political communication. Their impact could be appreciated from the results of the Referendum.

As in the Patriotic Committees, a remarkable diversity of voices could be found in the NO movement’s various websites, blogs and e-mail list discussions. Debates developed through cross-referencing, helped to raise awareness of counter-narratives and challenges from the mainstream media and politicians who generally claimed to be representing the ‘objective’ ‘unbiased’ truth on any specific issue. An interesting aspect of this process has been how it has opened up a style of campaigning and communication that recognizes diversity, and can live with conflict. Such an approach to communication recognises that contradictory positions can coexist within a single over-arching consensus about the key, shared goals. The component parts of any social movement can retain strong elements of distinctiveness, whilst on central issues they can appear to ‘speak with one voice’. A range of points of view does not necessarily produce a discordant result, and may imply harmony rather than a cacophony of voices.

During the NO campaign, some of the interactive practices used in websites and blogs created new forms of interaction and reaction that were experimented with. This included on-line responses to politicians through e-mails and web-posts. Interacting virtually certainly seemed to have got around the strictly vertical social relations that are super-imposed on any horizontal organizational forms. One radio programme during the NO campaign analysed this process, comparing a largely passive and clientelist model of political participation with being available to communicate personal visions, enter into open debates and share information in a relatively fearless way, using one's own judgement. One NO movement supporter in this radio program described this process as: 'breaking with ideas of representative democracy in which each four years I go and vote and after that I am of no importance [and in which]...I cannot change anything' (Flores in Boza & Rojas, 2007b) (see also Annex 7). During the Referendum process, the NO-CAFTA movement seems to have been willing to experiment with the possibilities of using ICTs to promote more democratic ways of thinking, organizing, and making decisions (Smith et al, 2008).

The NO movement's messages on the internet were centred on, but not confined to, two official websites. For NO movement participants, the range of messages that resulted seemed to be experienced not as 'disorder' or 'chaos', but as something welcome. As there was a proliferation of messages and websites over time, 'efficiency' or coherence might have been lost. But instead, from interviews carried out, it seemed to be recognised that more democratic forms of direct participation were coming to the fore through coordinated direct action and experimentation. Without any central control system, horizontal 'peer to peer' communities can be in touch through internet lists. The Referendum campaign triggered creative innovations in how participants in the anti-CAFTA movement made use of ICTs. Such new practices tended to enhance members' feelings of being able to exercise their right to information and to participate politically in ways that could resonate with the notion of 'rights'. Some of those interviewed felt this would be one lasting outcome of the NO-CAFTA movement and Referendum campaign.

The users are the ones who upload the fliers, the logos, write the commentaries and the questions. They are the ones who decide about what is included in the site or not.  
Carolina referring to the website [concostarica.com](http://concostarica.com)

Olesen (2002) reminds us how: 'internet displays a potential for diminishing not only physical distance but also social and cultural distance' (p. 32). The NO movement's connections in Central and Latin America extended to include other organizations working against CAFTA, and among US civil society organizations those that campaigned against FTAA. A wider sense of 'community', beyond national borders, has helped connect the 'national' struggle against CAFTA with other, related, struggles against neo-liberal globalization elsewhere. This reinforced a sense both of uniqueness, and of being part of broader global coalitions of resistance to neo-liberalism's agendas, policies and practices (Quesada, 2007). The 'resonance between the everyday lives and experiences' of people who both send and receive

information, is built up, so that people share what they are experiencing and thinking, often on a more or less daily basis, implying a sense of ‘moral proximity’ that can create a sense of affinity and commitment.

## **5.5 Campaign materials: rights, meanings and practices**

The generation of campaign material and financing of the NO campaign for the 2007 Costa Rican Referendum were mostly organized in a quite participatory, collective and autonomous way. Diverse citizens involved in the NO movement constructed and designed campaign materials and publicity themselves. For the most part this was done through voluntary efforts. The priority was to mobilise mass support for a NO vote in the Referendum. The movement favoured opening up all sorts of spaces where people could express themselves and take part – face to face and on-line – in relatively open debates. It became clear that whilst the NO campaign was solidly based in a social movement, whose members expressed themselves quite freely, the YES campaign was not. The ICT campaign which emerged in Costa Rica to prevent CAFTA being introduced, came to be an example of what Stammers refers to as the ‘expressive dimension’ of human rights, involving creative struggles around rights, and in this case especially in relation to political participation (2005:322).

The ‘NO’ heart was mentioned earlier in this section – and came to be the one of the most powerful symbols of the NO campaign. It emerged from among a small group of NO movement supporters, some of whom were communication professionals who gave their time to the anti-CAFTA movement, and now to the NO movement. The symbol of a heart was posted onto the Internet alongside many other images and symbols. It soon became the most popular symbol for NO supporters to identify themselves. It had a strong collective resonance, and was appropriated by all sorts of different groups and individuals who adapted it by modifying its component parts. The NO heart was thus combined and mixed with all sorts of other symbols, elements, colours and shapes that represented varying identities and interests that formed part of the NO movement. A small sample of the outcome of this process is illustrated in Figure 5.1, which shows the original, most general version of the heart at the left hand side.

The national flag can be seen inside the heart, alongside many other smaller, global flags that show Costa Ricans are not alone in being against agreements like CAFTA. The slogan reads ‘my heart says NO, and yours (what does yours say?)’. Next to this are a sample of different small hearts and other shapes related to the NO heart. These represent an array of causes and organizations, identities and interest groups that make up the complex networks of the NO movement. Each symbol represents a movement or social group, whose concerns form part of the NO movement. In the top row, in the centre is a modified version of the NO heart, produced in a participatory workshop in Guanacaste and modified to represent that region. Below this, also in the centre, is another modified version which portrays the NO heart from the indigenous Bribris’ perspective. Since they see the liver as the body’s centre of feeling and associated with emotions of love, the heart shape has here



**Figures No 5.1**  
**Diverse NO hearts**



**Source: Campaign materials taken from diverse websites of the NO movement**

been replaced with the shape of a liver. This text reads NO-CAFTA in the Bribri's language. On the right are two alternative symbols generated by a Costa Rican environmental network, which were both in use during the Referendum campaign. In one case, the heart symbol, in which the national flag has been removed (below), has been replaced by an alternative symbol of the NO movement, a 'protective' hand (above).

These few examples show how the symbol's uses were adapted to specific locations, interest groups and identities, and yet remained more or less recognizable through the 'NO'. This richly nuanced set of campaigning symbols was produced in a decentralized way, with each variation adapted to a niche within the NO movement. The diversity of the symbol's usages was mentioned by interviewees. Some in the NO movement were not that happy about the importance the NO heart came to have. Some considered it perhaps too sentimental to have wide appeal, but others saw its appeal to the emotions as a sign of its strength.

The heart symbol was popularized and then appropriated by many different groups, and even by the YES campaign. It is not clear at what point YES campaigners decided to start using the NO heart symbol, but shortly afterwards Julia, one of the original creators of the heart logo, denounced this in her personal blog. She described it as 'robbery' of NO campaigners' ideas. On the other hand, the appropriation of the heart symbols suggests it had worked well, and had become a visible expression of the common vision and shared values. It was a symbol the YES campaign now sought to reappropriate. In other words, the NO heart was so widely visible in Costa Rica that the YES campaign could no longer afford to ignore it, and felt it needed to try and reappropriate it (Ardón, 2007).

Julia regretted that the heart logo had not been legally registered or copyrighted when it was created. But Silvia, an environmental activist, writing in Julia's blog (see Box 5.2) thinks the NO heart was successful precisely because, from the start, it was not copyrighted, and therefore could be freely and openly borrowed, changed and used without charge or permission. Silvia compared the NO heart to organic, unpatented seed that does not self-destruct but goes on to propagate other seeds. To 'copyright' the image and claim ownership, suggested Silvia, would be like patenting seeds, and would have

Box No. 5.2

Challenging the logic of intellectual property rights. Virtual dialogue between activists.

Fragment of Silvia's virtual dialogue in Julia's personal blog. This dialogue took place in the context of the appropriation of the 'NO heart' by the YES:

Your anger is the same that I feel when the millenary seeds of our peasants are appropriated and monopolized by those who call themselves their 'scientific improvers'. The rights over the seeds do not even end in the hands of such 'improvers' but are transferred to few seed's transnational corporations. Yes, the same ones that also control the medicines and the agrochemicals... I am glad that you did not patent the legal 'property' of our NO symbol. Because this is the same struggle of many of us for rejecting the property of the principle of reproduction that nature conceded to the seeds... The knowledge grows and perfects when it is shared... It is clear that the 'NO heart' would not be what it is now, not only because it was collectively constructed but also due to the fact that it was enthusiastically accepted by thousands of aware citizens. This heart is not yours anymore, dear Julia, either Mauricio's or the others who have contributed to shape the heart. This heart that allows keeping inside data and numbers, providing the rational arguments as the base for our struggle. Now this is the heart of the whole movement and it cannot be 'property' of anyone in particular. This does not mean that we are not going to defend our 'NO heart' as an emblem that gives unification to our movement. What we cannot do is to give the fight in their field, in the field of the legalized 'property'. There, we not only lose the fight but also accept, in fact, the commercialization of the knowledge, of the ideas and its products and processes...

prevented the lively variations on the theme. Julia wanted to confine the use of the NO heart to the NO campaign, but for Silvia, the NO heart had become a form of collective property, a public good that anyone who wished to could use, even the YES campaigners (Rodríguez, 2007) (Box 5.2). This blog-based debate mirrored much wider concerns over the logic and rules of property rights, embodied in CAFTA, and opposed by many in the NO movement who favoured shared forms of public provisions, with free services for the poorest.

Challenging market-based notion of property rights for knowledge, ideas and creative productions through the internet and through reproducible, freely shared messages and symbols, is part of the original contribution of the NO movement to democratizing political practices of citizens in Costa Rica. Producing and reproducing documentaries, academic and artistic productions, videos, external signs and others, involves democratizing people's access to different forms of knowledge. Within the NO movement, one organization known as of *La Casadora*<sup>16</sup> (Movimiento Cultura Frente al TLC, Cultural Front Movement against CAFTA, 2007), for example, explicitly challenged the market-based logic of capitalism by labelling all their messages with a 'copyleft'

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<sup>16</sup> '*Casadora*' was the name given to small popular traditional buses that used to enter to different small towns. In the context of the Referendum, *La Casadora* was an initiative of a group of artists that visited different communities throughout the country to inform and entertain, promoting a critical perspective on CAFTA. They also generated campaign material like music CDs, for example.

logo. This means ‘any person can use, modify and redistribute written documents and computer software, as well as works of art and music’ so long as they do not make a profit from them. This poses a direct challenge to the ‘intellectual property rights regime on which the current global capitalist order depends, establishing the base for an alternative political and economic system’ (Smith et al, 2008:104).

When it was used, recreated and shared in this way, the generation of visual materials – in this case the NO heart – went beyond what might be viewed as an instrumental mobilization for the purposes of the referendum. A uniform logo would have worked just as well if this was the case, as it would have been more instantly recognizable on television or in advertisements. The generation of varied campaign messages and symbols, however, became a way for participants in the movement to express themselves creatively. By being flexibly constructed, the messages also expressed the way the NO movement itself created new spaces for inclusion of previously marginalized groups of citizens. Different spaces (and different logos) were built to accommodate the range of different kinds of perspectives and actors involved.

Thus whenever a group of people, or an organisation, used the heart logo, adapted and amended it, they were playing not only with images, colours and texts, but expressing their own identities and interests within, and yet as distinctive from the rest of, the NO movement. Modifications of the NO heart express the possibilities for overlapping and distinctive spaces which can converge on-line for social movements of this kind. Each variant of the NO heart expressed a particular kind of anti-CAFTA standpoint, and was supposed to mobilise people around a set of recognizable common concerns besides CAFTA alone.

These external signs were popular with movement participants during the Referendum campaign. They were both simple to use and adapt, and were visible on a daily basis in all aspects of life. As Ciska noted, in an interview, these were ‘symbols very close to the people’, and it was observed that most NO supporters routinely made use of these symbols as decorations, placing them on their clothes or painting them on the walls of their houses. By comparison, YES supporters did not make the same use of comparable symbols at home, or in offices or workplaces (interviews with Ciska, Martín, Rodolfo). A huge Manta de los Sueños (a quilt, literally ‘of dreams’) was gradually sewn together during the CAFTA Referendum campaign using pieces of cloth on which participants, mainly women, expressed their visions of a better life (figure 5.2). During the campaign the ‘manta’ was taken around to different communities throughout Costa Rica, and as it travelled it became bigger and bigger with each visit. This collective construction also physical expresses the way in which the NO movement and campaign was constructed through shared – but diverse - values and practices.

Financially, the NO campaign struggled, and was almost entirely dependent on voluntary initiatives by the groups and individuals that formed the wider anti-CAFTA movement. These contributions went towards funding publicity, and funding was mainly organized through collective and participatory practices, using mechanisms of group accountability and financial

Figure 5.2



**La Manta de los Sueños, an initiative of 'Women against CAFTA'**

Source: [www.notlc.com](http://www.notlc.com)

transparency to keep high levels of trust. Voluntary economic contributions were collected from citizens closely or more loosely connected to the movement, and from members of network organizations that had allied themselves under the anti-CAFTA umbrella. During the campaign there were attempts to centrally manage at least some financial resources; through the *Al no lo financio YO* (I finance the NO) campaign. This scheme allowed those willing to contribute money directly into a central fund for common expenditures and overall activities. The collection of significant amounts of money in a centralized way was something relatively new, and something for which the movement was perhaps not very well equipped (Interview with Juliana). In general, for all these reasons, the NO campaigns tended to be conducted within the constraints of limited resources (Interview with Ciska, after the Referendum, looking back on the experience).

## 5.6 Inclusions and exclusions

Before we move on to analyse the implications of the ways the NO movement participants claimed and exercised rights, we consider some problems of the NO movement, some of its weaknesses, especially as observed by interviewees. Several interviewees shared the perception that membership was basically middle class. This was, in the words of one writer, a network that started 'from the middle' (De Souza Santos, 2006). To some extent this opinion was confirmed by observations by Rudin during fieldwork in Costa Rica during the Referendum campaign.

Two comments can be made regarding this observation. Firstly, the emergence and survival of the middle class in Costa Rica has depended heavily, historically speaking, on social institutions that CAFTA was likely to weaken or remove. In particular, public institutions like the national telecommunications company, electricity, national insurance, health and educational institutions, all provided the base for a sizeable Costa Rican middle class. The middle class might find it easier to engage in political participation because of their higher

education levels, and because they had more free time to spend in voluntary work. They also enjoyed better material resources, and better access to information and technology. Several interviewees were concerned that the NO movement included very few people from among the urban poor, hardly any people without formal education and relatively few informal sector workers. Some Costa Ricans remained onlookers in debates around CAFTA, apparently not interested or feeling engaged. A technology gap between the rich and poor may have been a source of exclusion, undermining the positive aspects of internet mentioned earlier. In addition to class and education, similar exclusions may have operated in the movement's participants along lines of gender, age, citizenship status and identity.

Concerns were expressed in interviews about the danger of idealizing the anti-CAFTA movement and the NO campaign. Persistent inequalities and exclusions would have been unavoidable during the anti-CAFTA campaign, according to this point of view, not only because of how the NO movement operated, but also because the campaign was being conducted in a national and regional context in which the past two decades at least had already brought in a social and economic structure defined by structural and intensifying patterns of segregation. Social and gender inequalities had tended to deepen with neoliberal policies since at least the 1980s. These structural inequalities were bound to have their echo in the NO movement and campaign.

The NO movement made efforts to reach socially marginalized groups in Costa Rican society, and encourage some excluded people to inform themselves and organize at local levels. The Patriotic Committee meetings and activities were a good example of how the anti-CAFTA movement opened up to new voices during the Referendum campaign. In some cases, better off Patriotic Committees organized support visits to underpin the work of other committees struggling in poorer rural and urban areas. Specific efforts were made to spread information and generate debate among marginalized groups and those living in remote areas. Various NGOs, social organizations within the NO movement, and groups of students and academics got involved in these kinds of initiatives. These actions of extending contacts across class, identity, locational and issue-barriers were widely observed during fieldwork and referred to both in interviews and in e-mail news and website postings.

Throughout the campaign, the generalized and active participation of women of different ages, classes and backgrounds, and of young people at all levels, was considered one of the most significant positive developments when compared with earlier anti-CAFTA campaigns. A distinct problem of representativeness was however raised by some interviewees in relation to COPF as the central coordinating committee. Almost the same people were in all the central coordinating groups and committees, and almost all were middle class, mostly highly educated men. Some groups that actively took part in the NO campaign were not represented in the central decision-making circles. On the other hand, some interviewees thought that not all groups and organizations were really that interested in participating in the central spaces of the NO movement. Perhaps – it was suggested – they preferred to invest their energy in participating in constructing shared solidarities at local level, rather than invest it in core activities of a campaign that would not outlast the Referendum.

Field observations revealed that the contributions some people, especially some women, make to the NO movement, do not appear that visible from outside. The tendency is for these contributions to be hidden behind the gender-specific roles that women are presumed to perform, pushing their contribution artificially into the ‘private’ domain. Even though women were visible from within the movement, many were not as visible from ‘outside’. For example, one woman supporter of the NO movement reported to Rudin how during the Referendum campaign period, she took on the job of running the family’s small business so that her husband could become a ‘full-time’ participant in the local Patriotic Committee. She recognized that it was her contribution that ensured that voluntary time and energy could be provided to the movement by her husband. Unless she had stepped in, his voluntary work would have sacrificed the basic needs of their family. Invisible and indirect contributions of this kind are more typical of women than men, and need to be recognized and appreciated by social movements alongside the more visible work of ‘activists’.

In conclusion, transforming gender roles, and making women’s contributions more visible, remains a challenge for social movements like the NO movement as they try to construct more democratic and inclusive forms of political participation for citizens. If the burden of the home workload continues being mainly over the shoulders of women, they (and especially poor women) will have little capacity to participate under equal conditions in public spaces where direct debate, decision-making and mobilization are both duties and rights. It is now time to review the main findings in light of the central questions posed at the start of this working paper.

## **6 TOWARDS A SYNTHETIC ANALYSIS**

Through observing the NO movement in late 2007 during the period shortly before the Referendum, it became clear that rights to political participation were being understood in different ways by various social actors in the NO movement. The research considered how participants in the NO movement were able to demand (or *claim*) and to realize (or *exercise*) political participation rights. Could such rights really be created, or even seized, through the shared process of constructing sites or spaces where information, different forms of expression and debates could be exchanges by those within the movement? Perhaps, bit by bit, certain forms of political participation came to be realized in this way, through concrete social practices of those engaged in the NO social movement? We consider the trajectory of the NO movement, and how the practices and meanings of political participation rights were connected to different aspects of the social movement’s activities during the (formally democratic) campaign process prior to the CAFTA Referendum.

### **6.1 Placing the NO Movement**

In the context of the Referendum, the NO movement – we can now see it is also a coalition – developed its effort to persuade voters not to go along with the YES vote for CAFTA. The YES vote, it claimed, was part of a policy

project supported by a deeply-entrenched ‘triangle’ of political, economic and media power, which lacked integrity and had lost its political legitimacy. Anti- and pro-CAFTA campaigns were engaged in what can be described as a ‘war of interpretations’ over what the real electoral issues were (Slater in Alvarez, Dagnino y Escobar et al, 1998:7). This was a contest for the ‘hearts and minds’ (and stomachs) of voters. On the one side was a hegemonic, dominant and officially authorized vision, promoted by most of the Costa Rican political elite, the business community and the media, which represented the YES vote. On the other side was a diffuse counter-hegemonic coalition of organizations, a loose movement, which put forward a range of ‘blended’ alternative visions and represented the NO vote. What the NO social movement sought to do was to wrest back the right to define political participation and its end-goals from the government and public authorities. To influence citizens’ voting decisions, the NO campaign went beyond the issue of CAFTA, and challenged dominant, media-disseminated interpretations of reality in Costa Rica. In other words, whilst also seeking to inform public opinion as to what CAFTA was ‘really’ about, the NO campaign also sought to pose questions about what kind of society Costa Ricans wanted. This question extended far beyond CAFTA and its likely impact (Alvarez, Dagnino, Escobar et al, 1998; Escobar, 1992).

The NO movement treated CAFTA as not just another set of economic and trade policies, but as the Trojan Horse of the neo-liberal system. It was repeated that unfettered competitive capitalism would undermine Costa Ricans’ capacity to make choices about their own futures as well as their ability to protect their society from rising inequalities and resultant social tensions. CAFTA’s neo-liberalism was linked to complicit local economic and political elites who – it was implied – were betraying the nation. The NO movement rejected the exclusionary and unequal society CAFTA promised to reinforce. It wanted instead recognition that diverse voices and identities needed to be accommodated within a framework of equal and active citizens. For the NO movement, collective action implied the exercise of political participation with a strong cultural dimension. As Dagnino (2005) states in relation to other examples of citizen action, participation for many Latin American social movements is informed by notions of active and inclusive citizenship and:

...transcends a central reference in the liberal concept, the claim to access, inclusion, membership and belonging to an already given political system. What is at stake, in fact, is *the right to participate in the very definition of that system, to define what we want to be members of*, that is to say, the invention of a new society (emphasis in original, Dagnino, 1998:51).

At the core of the NO movement’s political practices were a set of claims related to the right to voice thoughts, feelings and opinions. As we saw in Section 4, communicating ideas and experiences, and having access to means of sharing such information, were core claims of the NO movement. These claims reflected the belief that to engage in political participation in democratic ways, there needs to be available relatively clearly, cheaply and freely not only information *for* citizens but also information *by* citizens. Trivia and gossip provide only misinformation, and meant that many Costa Ricans were left feeling confused and unable to ‘do anything’ about Costa Rica’s growing social and economic problems.

With time, the NO movement's own networks (local Patriotic Committee-based groups, web and internet communications and lists) started to replace mainstream media and official sources of information for many NO movement members. As this happened, a significant part of the general public started to express their support for a NO vote. Even with the best will in the world, networked politics cannot easily overcome the hegemony of mass media communications, with their reach and resources. Democratic and creative the alternative sources of information may have been, but TV's reach was wider (Wainwright, Reyes et al, 2007: 39). Keeping people in the dark silences debate, or in Bauman's memorable phrase: "a rope plaited of ignorance and inaction comes in handy whenever the voice of democracy is to be stifled or have its hands tied" (Bauman, 2005: 126). This is why the right to information proved such an important part of the NO campaign's claiming and exercising of rights in relation to political participation. The direct participatory processes engaged in almost managed to turn a majority of those who voted into NO supporters. Almost, but not quite.

In relation to social movements' theory, this study has tended to confirm the views of those who see significant points of convergence between those who stress resources and those who explain social movement activities and membership in terms of non-material, value-based goals. There is no logical contradiction here, and this point is echoed historically speaking in the work of Colhoun, who has shown how early social movements made both identity claims and material rights claims at the same time (Tilly, 2004: 71). The point here is that social movements' political participation rights claims are often constructed in ways that simultaneously articulate with economic, social and cultural demands. Sometimes, globalization allows common understandings that produce what Olesen (2002) calls a 'shared injustice frame' to emerge among very diverse movement members. To some extent, this was true of the NO movement too. Such shared understandings of what the problem was were very important in how those involved in the NO movement in Costa Rica came to understand their own actions and the aims for which they were working together. This shared frame of reference can also be international, and for the case we are analyzing, this means that actors in the NO movement in Costa Rica may – perhaps without realizing it – increasingly be taking their cues from wider regional examples of resistance outside the country (Olesen, 2005; Tucker, 2006; Icaza Garza, 2004). At the same time this study challenges the idea that states have dissolved in the past twenty years or so, and we tend to agree with Charles Tilly that: 'states remain salient actors, targets and sites of early-twenty-first-century social movements' (Tilly, 2004: 108), even if other actors like media and national and transnational private corporations are also key players today.

The NO movement, like most 'new' social movements, is connected transnationally with movements in other countries, and is involved in global, national and local alliances and networks all at the same time. Yet these connections come as much from working with rights issues locally, in a grounded way, as from any universal rights-frame of reference (Sassen, 2004). These transnational and local aspects of the NO movement were not explored in detail in this paper, which has stuck to the more realistic goal of trying to understand the movement during the Referendum, and within Costa Rica. We



have focused on how members claimed and exercised political participation rights by focusing more or less exclusively on the mobilization process around the NO vote in the CAFTA Referendum of 2007.

The NO movement spent energy publicly denouncing the lack of legitimacy of the political and economic elites, of the system they already represented, and of the economic project they would bring in if CAFTA were introduced. The main beneficiaries were elites and foreign companies. The NO movement sought to protect the gains of the past in terms of defending the Costa Rican model of 'balanced' and relatively inclusive social and economic development. Basic human securities and entitlements were seen as better than rampant market competition, from the NO movement's point of view. This helps explain why the NO movement took such a 'nationalist' line in its overall arguments, and perhaps also why a widespread tendency for social justice movements to be internationalized was less noticeable in the case of the Costa Rican anti-CAFTA and NO movement (Tilly, 2004: 113-121).

## **6.2 Linking rights, democracy and development**

Rights-based claims regarding political participation have been the main focus of this study. Over and above this theme, there has been a second strand of interest in how the NO movement has helped to expand notions of what democratic politics looks like. The idea here is that there is a 'master frame' (or widely accepted idea) of democracy that has helped to legitimize the movements' claims and actions during the struggle against CAFTA (Lekhi & Newell, 2006; Olesen, 2002, 2004). Both by organizing and debating, the NO movement fostered popular forms of political power that could have a longer-term impact, and prove useful antidote to the neoliberal insistence on market competition and the inevitability of CAFTA. Other development models were set on the table – and placed on the menu – and arguably this remains important even after the Referendum is over (the longer-term consequences are not yet clear).

Through their messages and organizational practices, the NO movement and those in it, also questioned traditional neo-liberal and institutionalized interpretation of democracy and rights. Notably, they identified and communicated to the public the powerful nexus between socio-economic development, human rights and politics. In drawing these connections, the movement was able to highlight how decisions about CAFTA membership, presented by the government as purely 'economic', 'legal' or 'technical', were much more far-reaching, being political, cultural and environmental in their implications. The way the NO campaign was conducted brought to light that implementation of the neoliberal CAFTA-based model of development, would result in democratic institutions being manipulated even more than before, for the economic benefit of elites and for transnational interests.

Existing crises of political representation and corruption inside Costa Rica were associated with the notion that the pro-CAFTA political leaders prioritized their own class interests over even the most basic rights of the majority of ordinary Costa Rica's citizens, especially women, the poor and other marginalized groups. The NO campaign and vote was presented as a way to 'reclaim', or recapture the state and its institutions from those corrupt elites,

who lacked legitimacy. By voting NO, citizens could help ensure that the state once again served the citizens, and not the other way round (Wainwright, 2003). In this way, the NO movement and its participants promoted the idea that ordinary citizens could and did have the right not only to know about the issues, but also to hold institutional representatives and political leaders accountable for decisions taken on their behalf. The notion that democratic politics can be constructed purely on the basis of self-interest and a periodic vote was more or less dismantled by the movement. CAFTA membership was not the only issue, but the way in which participants were not being enabled to understand the information or to critically assess the implications of CAFTA being introduced, was seen as inexcusable.

The NO movement's vision of rights was that political rights and social justice were interdependent with economic justice. The particular history of Costa Rica meant that 'democratic' political achievements were viewed as inseparable from the historical context construction of a social and welfare state (*Estado Social de Derecho*). This history framed the NO movement's entire struggle to define how democracy should be understood. An essential part of the 'Costa Rican national identity' emphasized by the NO movement was the capacity of the state to guarantee protection of citizen's rights over purely commercial interests. This state model was defended even though it had already been undermined and weakened by the time resistance to CAFTA was being mobilised. Voting NO became a patriotic exercise of citizenship in order to defend basic welfare and economic rights; no more and no less.

A concern with democratizing political life, the state and national development plans, was accompanied by a concern to democratize social relations and modes of communication. Politics was defined broadly by the NO movement to include relations between the state and civil society and within the private and personal spheres at household and community levels. The need to loosen the grip of vertical and exclusionary patterns of domination, which tended to isolate those at the 'bottom' of society, has been considered crucial inside the movement. So too was building up collective power from among citizens to help them shape improved possibilities for active citizenship in future, which were considered the most basic elements for a real or 'substantive' democracy (Dagnino, 2005; Escobar, 1992; Olesen, 2002). The idea of 'radical democracy' of de Souza may also prove helpful in this context (De Souza Santos, 2006; Olesen, 2002, 2005; Smith et al, 2008)

### **6.3 Political participation claims: democratic discourses & practices**

This study drew a distinction between 'claiming' and 'exercising' rights. In practice, this tidy analytical distinction does not translate into separable activities of social actors. To be able to demand improved accountability from public authorities and specific institutions through formal and existing mechanisms, one may also need to be able to exert pressure by acting to create spaces for autonomous organization and for generating media debates so that rights can be realized without the need to assert state accountability. The question is not really one of principle, but of the art of the possible; in other words, this is a question of strategy rather than ideology.

Indeed the claiming and exercising distinction is not really a choice; both are ways of reaching a goal of **realizing** rights. They can be combined, and perhaps they should be. They were certainly combined by the NO movement in Costa Rica. Exercising rights through collective action can create new spaces and new ways of claiming rights through holding the state and other actors accountable. Thus, as this study has shown, the NO movement was able to pursue formal efforts to claim rights from the state authorities, including through regional human rights instruments, whilst at the same time NO movement members undertook new initiatives that opened up possibilities for rights-promoting and fulfilling actions by citizens themselves. Exercising agency, and combining formal and informal mechanisms, are the key ‘deductive’ and ‘inductive’ elements in this process of realizing rights (de Gaay Fortman, 2006).

### ***6.3.1 Connecting formal and informal claims***

Formal processes of claiming rights focused mainly on institutional, and especially legal, national and regional mechanisms, including constitutional provisions. Through these instruments, the NO movement tried to hold the government, and other potential violators of rights, such as the media and other private corporations, accountable for protecting basic rights. Basically the claims made by the NO movement sought to guarantee conditions for ‘fair’ campaigning around the CAFTA Referendum. Through making such claims the movement demanded institutional action to reduce abuses of power by the central political authorities and their allies, including by private corporations in control of the mainstream media, where unequal access was a particular concern, which the NO movement claimed undermined the political rights of citizens, as voters, especially to have clear information. NO supporters were deprived of the representation of their views on mainstream TV and in newspapers. The movement demanded recognition of this problem, and called for greater media regulation to protect the rights of the citizens to be fully informed and on this basis to participate freely in the Referendum process.

Some NO movement participants used institutional mechanisms and resources and adopted these formal, legal procedures to frame their demands. But research in the field suggested that most participants in the NO movement tended to be focused on daily actions of building movement spaces, often in experimental ways. Their main concerns were to devise creative strategies for exercising their own rights to political participation in particular. From the interviews, these initiatives and spaces of action around the NO movement were also felt to be closer to people’s own experience and more under their control (McDonald, 2006). Formal legal strategies were mainly of interest to those elites whose participation was facilitated by their ‘resources, expertise and influence’ (Lekhi & Newell, 2006:197). Moreover, legal claims were made to institutions not widely trusted and generally viewed as not that representative in terms of people’s participation and the priorities of the NO movement. On the whole, formal and informal claims tended to reinforce one other.

It is interesting that NO movement participants, even in relation to conventional legally-based claims, looked very critically at the law. They demanded modifications in its provisions, and accused the state authorities of

not meeting their legal obligations to protect and fulfil the basic rights of citizens, including to information. The claims of the NO movement sought to show that the power and discretion of corporations, including the media, should be closely regulated (Benedek, 2003; Fisher & Harms, 1983). By contextualizing their legal claims, participants in the NO movement tried to demonstrate how elite self-interest distorted, and undermined formally democratic legal and political processes. The principle of neutrality became irrelevant in a context where the government and big business were openly promoting the YES to CAFTA position. Moreover, the consideration of the means of communication as important duty bearers with social responsibilities regarding rights to political participation was stressed although eventually the existing formal mechanisms did not enable the respect of these rights to be enforced. The absence of real information and debate was presented by the NO movement as a violation of citizens' basic right to information and political participation.

Conflicts and tensions inside the NO movement among positions that prioritized legal and institutional strategies and those who preferred informal strategies like mobilization, activism and processes of organization, distribution of information and reflection in communities, were perceived by some interviewees. These can be viewed as a normal part of all social movements, and can be something movements learn to live with, and even learn from. Elsewhere, social movements have consciously combined these strategies to good effect, pursuing multiple-track approaches to social change (De Souza Santos, 2006; Lekhi & Newell, 2006; Smith et al, 2008). Appealing to overarching notions of democracy, which includes both the aspects of formal state accountability and of engaged, active citizenship, has helped the NO movement in Costa Rica to stay together. This 'twin track' approach has also helped in legitimizing the movement's pursuit of several strategies at the same time. In the eyes of the Costa Rican electorate, this brought support for the movement and persuaded some people to vote NO.

Law-based claims proved unsuccessful, and this valorised alternative strategies for opening up spaces to realize political participation rights and construct alternatives to the mainstream media, for example. Exercising and practicing rights served to challenge the 'hegemonic power' that was prioritized over 'coercive power', given the specific history of Costa Rica (Gramsci, 1971; Icaza Garza, 2004). The challenge for the NO movement was to build a base for exercising power through mainly non-material resources (authority, knowledge and creativity) as well as some material means (economic resources, organization and access to media). The struggle in this respect was to exercise communication and participation rights, and to legitimize alternative representations of the key issues at stake. The results of the Referendum were almost 50: 50, and this certainly could not have been predicted at the start. Nor could it have been achieved without the huge creative and political effort on the part of NO movement campaigners and participants.

### ***6.3.2 Realizing rights: alternative democratic practices and power 'from below'***

The creation of physical organizational spaces and alternative media spaces was very significant in building collective forms of power and overcoming the NO movement's structurally disadvantaged position in relation to the state authorities, corporate resources and the mainstream media. These alternative, organized spaces allowed for the mobilization of resources and the creation of political capacity and experience. The social spaces constituted by the movement were able to generate networks of national and international solidarity, and to disseminate and create relevant information and stimulate debate. All this helped to promote shared understandings (or common frames) among a very diverse set of groups and participants in the NO Movement. Through these processes, the members of the movement played active roles in realizing and promoting political participation rights, in fostering processes of civic participation, in giving expression to alternative opinions, and to other forms of information and knowledge. This knowledge was either not represented, or was misrepresented, in the mainstream. At the same time, through both discourse and practice, the hegemonic 'common sense' view of the issues at stake was challenged, and the 'anti-democratic' nature of the pro-CAFTA strategies and practices were revealed.

The NO campaign thus became a vehicle for promoting more active, inclusive and critical forms of citizen participation. This campaign was based on people's own creativity, work, and cultural and artistic expression. Processes of open argumentation and debate were central in raising wider public awareness of central issues of rights, development and democratic politics. The NO Movement sought to show how democratic principles could be applied during the campaign, not just in theory, but also in practice. Perhaps circumstances forced the movement to work in a more 'democratic' way, firstly to attract the symbolical and material resources needed to confront the authorities so strongly supportive CAFTA. Secondly, there was a conscious effort by the movement to exercise deliberative and inclusive practices in their own daily work and campaigning, and to critically reflect on their practices as they were emerging. That is, diverse participants in the movement took advantage of the context of the Referendum in order to experiment and apply in practice democratic principles, using democratic means of decision-making.

Practices of the NO movement's members and institutions during the CAFTA campaign tended to challenge the values associated with the dominant neo-liberal model of development. This model was equated with the vertical and 'antidemocratic' operation of authority, especially state and corporate authority. The lack of transparency, culture of political clientelism and the exclusionary logic of intellectual property were seen as part and parcel of this model. In contrast, inside the NO movement, significant efforts were made to be as inclusive as possible, and responsiveness to claims of citizenship from diverse interests was valued, as were the different perspectives and identities of members and supporters. The effect was to shape a heterogeneous and loosely coordinated network-based movement with important levels of autonomy for local bodies, local actors and organizations to pursue their goals in their own ways.

Even though they took more time and effort, more participatory and deliberative or reflexive approaches to taking decisions tended to be prioritized within the NO movement. For example, when it came to deciding how economic resources, collectively generated by the members and supporters, should be used, it was decided to invest more resources into generating informational material to support the Patriotic Committees, rather than spend more on posters, adverts and other forms of publicity. This approach was considered more in line with the NO movement's campaign and democratic ideology (Interview with Juliana). By generating a sense of a shared collective interest, the movement came to understand political participation as about forms of solidarity rather than the exchange of favours through political clientelism. The strong, consistent connection observed during fieldwork, between the ideological meanings attached to democracy and political participation, for example, and the concrete political practices acted out by those involved in the NO movement, has also been observed in the practices of other Latin American social movements (Alvarez, Dagnino, Escobar et al, 1998). Of course some contradictions and conflicts emerged, or were expressed, but these allowed an important part of the principle of democratic communication to surface, which is that differences should be aired, not suppressed in the name of unity. Decision-making within the NO movement did appear to be consistently more democratic than in the YES campaign, given the lack of central command in the former.

### ***6.3.3 Challenging the idea of rational collective action***

Among NO participants, there were many who viewed political participation as something more than an instrumental, rational and self-interested set of practices. As we have shown, this dominant liberal or neoliberal vision of political participation, has been contested across the range of NO movement messages and practices (Dagnino, 2005). The movement questioned the notion that citizens should channel their participation through existing institutional channels, like political parties or civil society organizations. A degree of distrust in existing forms of institutionalized politics was clear from both the claims and the ways of exercising political participation rights by members of the NO movement. In addition and alongside self-interest, such as the fear of losing jobs, services, entitlements and material rights, were ethical motivations which brought members of the NO movement together. These centred on social justice, equity and solidarity, values that underpinned claims to full political participation rights.

During fieldwork, forms of 'personalized politics' were observed among NO movement actors (McDonald, 2006:88). These were visible in the emotional attachment and commitment of participants to the the movement's struggle, and in the diversity and fluidity of the movement's forms of creative and communicative expression of both ideas and practices. Political participation acquired a strongly expressive and emotional dimension that goes beyond the instrumental logic of most political campaigns. We might even question whether the position of all those involved in the NO movement was based on a cool, rational consideration of the implications of CAFTA. After all the agreement itself and its implementation were very complex and difficult

issues, difficult even for people with a university education to understand. More significant was a sense that those involved in the process expressed their discontent and anger at an increasingly unequal social order and the continuation of oppressive forms of vertical power relations replacing genuinely democratic forms of political action. These frustrations were experienced and felt in daily life and were associated to CAFTA.

In this context, active citizen involvement expressed a felt need to build up a wider sense of a shared 'community', underpinned by solidarity and allowing for the recognition of diverse voices and priorities. In a context in which individualism and self-interest were seen to dominate, this vision represented an alternative to the mainstream associated with CAFTA. Moreover, political participation conceived as a process of resistance to a constraining dominant order, responded to the need to recover hope and some sense of collective power in a context of difficult economic and political neoliberal globalization.

This study has reinforced the point that struggles over meanings are not purely semantic. Part of the real challenges to existing social structures is to deprive them of the ability to define what is what and set the terms of public policy debates. As Dagnino has shown in the case of citizens' movements in Brazil (2005), redefining ideas like participation and citizenship, by departing from more conventional understandings of both, can be challenging to societal structures and political authority. She suggests that 'progressive' social movements and community-based organizations tend to stress that citizenship and public participation are basic rights for all people, rich and poor alike, and not just for the few who are well-off and highly educated. Such 'active', 'participatory', 'inclusive' and 'democratic' forms of citizenship are forged in a ways that:

...transcends a central reference in the liberal concept, the claim to access, inclusion, membership and belonging to an already given political system... [but instead]...at stake, in fact, *is the right to participate in the very definition of that system, to define what we want to be members of*, that is to say, the invention of a new society (Dagnino, 1998:51).

In this sense, effective protection of people's democratic political participation rights means that all voters – and not just the wealthy, well-connected people – should be able to protect their own interests and reflect their own perspectives through demanding policies and practices in line with these. Taking rights to political participation as an example, this requires access for people to understandable and reliable information. It requires the capacity to critically interpret such information and draw connections with broader contexts and the personal and subjective experiences of citizens. Problems can also arise, as recently noted by some other social movements, when, in newly elected progressive regimes in many parts of Latin America, social movements seek to retain their autonomy of action in the context of top-down anti-FTAs campaigns and policies (Zulechi, 2007: 21-2).

One of the main democratic contributions of recent anti-CAFTA campaigning in Costa Rica and elsewhere can be considered its 'popular' and 'educative' character. It was the collaborative 'action research' and informed, participatory involvement of intellectuals, formal and informal, that made it

possible for new forms of critical consciousness to emerge. This exposed issues that might otherwise have been invisible in public debates around CAFTA. By generating new forms of knowledge based on recognition of people's own experiences with neo-liberal policies, perspectives were opened up for a deeper understanding of the concerns, emotions and ideas of those most directly affected by such policies. An interesting aspect of the campaign was the creation of alliances between intellectuals and local organizations, in which intellectuals were at the same activists sharing their knowledge and learning from a diverse range of citizens, working together to influence the decision about CAFTA implementation. In our view, this can generate processes of shared communication that may also contribute to longer-term processes of democratization.

The anti-CAFTA movement in Costa Rica thus developed some substantive alternatives to the purely limited and formal democratic political practices embedded in the Referendum campaign and the Costa Rican state. Potentially transformative forms of public participation were enacted, not for the first time, in media-aware ways. Citizens' rights to political participation in practice were thus realized rather than existing simply on paper. The capacity of people to build rights 'from below' was well illustrated by this case study.

#### **6.4 From below? Yes but...**

The contribution of the NO movement to building more 'democratic' forms of active citizen participation needs to be critically assessed. For the most part, the most active participants in the movement continued to be predominantly middle class group of people. Those who felt themselves and their organizations to be in danger of future exclusion were central to the movement. They clearly formed the basis for political action rooted in self-interest, where values and interests coincided. Those still 'within the system' also had more opportunities to act as vocal protagonists of the anti-CAFTA NO movement. They worked and moved through both virtual and physical spaces where they were able to express and act out alternatives to CAFTA scenarios. Many less articulate Costa Ricans, with fewer social and political connections, who were unemployed or removed from the centres of power and influence, were not able to access the internet, or go to meetings or attend campaign planning activities. In effect, they were excluded from the more open debates and information-sharing that characterised the movement. Their citizenship was constrained by this, and they were less able to realize their rights to political participation. Defined by various forms of marginalization by gender, age, class, ethnicity, rural remoteness or linguistic barriers, these groups were largely excluded from the NO movement's scope and activities. Having a voice and influencing decisions in the process are all things that can be structurally denied to the poor and socially marginalized, unless some deliberate efforts are made to reach them and engage them in the movement. The NO movement generated significant efforts to tackle this problem, but these efforts were almost certainly not enough. The inequalities and power structures contained in the social structure were thus reflected within the anti-CAFTA movement and in the NO campaign.



By the same token, and despite the structural exclusions that limited its scope, the richness of the NO movement lay precisely in its inner diversity and the sheer range and depth of new and old alliances and networks formed by the movement at multiple levels. This diversity sometimes made it difficult to generate attainable, agreed upon proposals for action and get beyond the defensive character of the anti-CAFTA position. This problem was reinforced because so much of the participants' energies were expended to protect the already weakened social institutions of the Costa Rican state. Energy also had to be expended in defending themselves from attempts to criminalise and discredit the NO position and its supporters. Participants referred to the history of conflicts among some of the organizations involved in the NO campaign. Some traditional vertical, self-interested styles of leadership and the mentalities associated with political party cliques found themselves reproduced within the NO movement. Some personal practices of manipulative leadership were also recognized by others in the NO movement as a problem, and another internal limitation on the movement's capacity to mobilize and inspire the majority of the electorate and so win the Referendum.

Building more sustainable processes of organization and critically reflecting on the lessons of the recent past is now an important challenge for the anti-CAFTA movement in Costa Rica, as well as elsewhere in the region. By making the right to information, to expression and to active citizen participation in the political process, central issues in the campaign, the NO movement helped ensure that future mobilizations would operate in a way that would be more critical of the role of media, and more communicatively sophisticated.

One challenge will be to overcome the culture of immediacy and prevent the demobilization that follows specific events-driven campaigns like the NO campaign. Overcoming fatalistic visions that ensure that change is not possible due to the crushing power structure, was and continues to be a challenge for the NO Movement. The achievements of those involved in the NO campaign were considerable; they managed to become a credible challenge for those in authority who thought CAFTA was inevitable. There was increasing support for the NO vote throughout the Referendum campaign and the very even results of the final vote are evidence of the campaign's impact. However, the fatalistic message that led to the YES vote having an advantage over the NO vote, led to further loss of hope after losing the Referendum.

## **7 CONCLUDING THOUGHTS**

This research has explored some ways in which the NO movement against CAFTA sought to realize political participation rights in the context of a Referendum campaign in Costa Rica in 2007. The study considered how such rights were both claimed and exercised by those in the NO movement. We also suggested the NO movement introduced more democratic understandings and practices of political participation in the Costa Rican context.

The approach we adopted to rights highlights how political and ideological aspects of rights realization are as important as material concerns. Drawing on theories of social movements, and approaches to participation and rights-based

approaches to development, the original study on which this working paper is based, explored notions of political participation as potentially widening citizens' agency by involving people in the public sphere in ways that more directly influence decision-making. The introduction of CAFTA in Costa Rica was undoubtedly considered, both by supporters and opponents, a decision that would affect the lives of everybody in the country, and generated a significant degree of mobilization and ideological confrontation. We explored just one side of this, in the shape of the NO movement.

Participation was understood in this research as the key to active citizenship. The intimate connection between participation as a right and participation as a process that entails people in building and defending wider shared notions of rights was highlighted as important to a process of political contestation. In the light of this, social movements can be considered protagonists of political participation, as well as political and cultural change agents, since their collective action involves struggles to portray alternative world visions as well as to influence the distribution of resources. This was clear during the CAFTA Referendum campaign in Costa Rica. A significant struggle was over several different meanings of development, of democracy, and of participation and rights. In the case of global justice movements, of which we argue the anti-CAFTA movement forms a part, the struggles imply questioning the dominant world vision. This has become a shared 'injustice frame' for many global social movement actors (George, 2004; Olesen, 2002). Political participation rights are deliberately conceived broadly in this study, so that rights related to freedom of expression and opinion, communication and voice, information and knowledge, are included alongside not only the right to vote and be elected, but also alongside economic and social rights, such as education, basic services, health and so on.

The experience of the NO movement used a broad and 'deep' notion of democracy to frame and legitimize their claims to political participation rights and the struggle against CAFTA. The NO campaign sought legitimacy by portraying itself as part of a much longer history of defending a national model of state-society relations rooted in solidarity, and now viewed as threatened and already weakened by previous implementation of neoliberal reforms. The distinctiveness of the Costa Rican 'model' may help explain why the nationalism of the anti-CAFTA movement was so central to the NO movement in Costa Rica in particular.

As Evelina Dagnino (2008) reminded us recently, all projects are political, however economically realist or technocratic their presentation. This too was the vision and insight of the NO movement in Costa Rica. According to their messages democracy implies actions that protect both the values and interests of citizens, and especially the most vulnerable among them. From their vision and practice, democracy also entails active involving of citizens in demanding accountability from their political representatives and institutions, as well as helping to bring about a model of state and development geared towards securing everyone's basic economic, social and cultural rights. The fulfilment of political participation rights is then considered a pre-condition for the citizens in order to actively protect and promote other sets of rights.

The anti-CAFTA movement in Costa Rica is manifestly part of the global justice movement, and shares some common understandings of neo-liberalism that characterise that movement. The link between national and global level movements was not always obvious, however and it was not always clear or visible to the movements' activists. Rather their shared take on democracy centred on opposition to unequal, vertical and authoritarian power relations that shape the state's relations with citizens, and permeate all spheres of social, cultural and economic life, including spheres traditionally associated with personal life. The NO movement's activists tried to make rights real through formal and informal claims and practices. By first demanding institutional accountability for the protection of rights, and at the same time relying on their own participants' efforts to open up and protect spaces for collective action, the movement defended its own members' and supporters' rights, but also promoted wider critical awareness and sought to promote the interests of the general citizenry. The partiality of the government was highlighted, as were the biases of the corporate media. The lack of effective regulation to protect the rights of citizens to fair elections was revealed for all to see. Since this situation diminished the credibility of formal democratic institutions, it reinforced the appeal of more meaningful and substantive bottom-up and citizen-generated ideas and practices of political participation.

In terms of rights this study has emphasized the social and cultural construction of rights realization. The experience of the NO movement in the run up to 2007 Referendum, shows how even in the absence of effective legal regulations to protect people's rights, people can build them up and make them effective 'from below'. This crucial dimension of the realization of rights, has not been sufficiently appreciated in much mainstream human rights literature and theory, which in our view tends to place too much emphasis on the formal institutions and regulations that relate to rights, and human rights.

What emerged clearly from the case study was the widespread and generalized distrust in conventional institutional mechanisms of the Costa Rican state among a large part of the electorate. This distrust did not reflect a loss of interest in democratic forms of politics by the citizens involved; on the contrary. It involved new and movement-based practices of political power which were made visible during the campaign around CAFTA membership, and through inspiring new members in the anti-CAFTA movement to become engaged themselves in more democratic forms of decision-making and communication. What this study highlighted was the need to express emotionality rationally and creatively, the discontent with oppressive and unequal socio, economic and cultural order, and the need to build certain levels of citizen's control and influence in decisions that shape the collective life. CAFTA became a symbol that brought together wider currents of discontent and created a good opportunity to canalize this discontent collectively and constructively. It also helped to open up a public debate about the kind of country and development that Costa Ricans wanted. Using this discontent creatively, was one of the key qualities of the NO campaign, which became a formidable force, and secured almost 50 per cent of the vote, in spite of much fewer resources and publicity outlets. The campaign was inhabited by constant discussions and efforts to deepen its democratic practices at every level, from Patriotic Committees to the regional and national levels. Such debates took

place through all possible means, including virtual and face to face, mediatic and direct forms of communication.

To conclude, it is fair to say that the NO campaign itself represented an effective collective effort to demand and exercise rights in Costa Rica, including political participation rights as central. NO movement participants claimed rights through formal processes, whilst also actively building up physical organizations and virtual spaces, in parallel to the mainstream media. They did this both by mobilizing resources for the referendum and by generating debate and coming up with alternative visions and common understandings about what kind of state and society people wanted to see in Costa Rica, and why and how CAFTA would not contribute to this. The movement, through its campaigning, applied participatory democratic principles, and challenged narrow definitions of democracy and participation as used by the mainstream. Through their messages and practices, movement participants challenged more exclusionary, vertical and authoritarian power relations and biased decision-making processes. They also challenged the exclusionary logic of both liberal democracy and market-based principles of commercialization, including the privatization of knowledge and ideas.

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## APPENDICES

### Annex 1 Results of Costa Rica Referendum, 2007



Source: [http://www.tse.go.cr/ref/ref\\_def/pais.htm](http://www.tse.go.cr/ref/ref_def/pais.htm)

**Annex 2**  
**Interviews August 2007**

	<b>Name</b>	<b>Organization</b>
1	Ricardo Araya	Participant in a Patriotic Committee
2	Carmen Caamaño	Researcher Institute of Social Research, University of Costa Rica (IIS-UCR)
3	Eva Carazo	Movement of Organic Agriculture (MAOCO). Participant in different instances of national coordination ( <i>Coordinadora Nacional contra el TLC, Conversatorios, Bloque Verde</i> )
4	Maylin Cordero	Supporter of the NO. She works in the Inter-American Institute of Human Rights.
5	Alberto Cortés	Participant in the Communication Operative Commission of the NO campaign
6	María Eugenia Díaz	Participant in a Patriotic Committee
7	María Florez	Journalist of the Newspaper <i>Semanario Universidad</i> . Researcher IIS-UCR
8	Mirta González	Professor UCR. Member of <i>Frente Universitario Contra el TLC</i>
9	Rodolfo González	Journalist of the Newspaper <i>El Financiero</i> of <i>Grupo Nación</i>
10	Vilma Leandro	Participant in the group <i>Costa Rica Solidaria</i> . Participant in a Patriotic Committee
11	Juliana Martínez	Consultant of trade union ANEP. Researcher IIS-UCR. Collaborator in spaces of central coordination
12	Sindy Mora	Researcher IIS-UCR
13	Ciska Raventós	Researcher IIS-UCR. <i>Frente Universitario contra el TLC</i> . Participant in a Patriotic Committee
14	Martín Rodríguez	Director of Communication of the trade union of public employees (ANEP). Participant in a Patriotic Committee
15	Casilda Sancho	Member of NGO working in popular education ALFORJA CEP <i>Centro de Estudios y Publicaciones Alforja</i> . Participant in a Patriotic Committee
16	Carlos Sandoval	Researcher and director of IIS-UCR. Supporter of the NO and activist in urban/poor communities.
17	Manuel Solís	Researcher IIS-UCR. Participant in a Patriotic Committee
18	Ericka Valverde	Coordinator of <i>Centro de Información y Apoyo Cantonal</i> (CIAC), central instance in charge of coordinating with Patriotic Committees. Member of NGO.

### Annex 3

#### Radio Programmes

Programme: *Desayunos de Radio Universidad* (Breakfasts of Radio Universidad)

- Topic: Denunciations before the Inter-American Commission of Human Rights (ICHR) about the limitations to the fundamental rights of Costa Rican citizens in the context of the Referendum. Guests: Juan José Sobrado Sánchez, Pablo Barahona. Conductors: Olga Marta Sánchez and Juany Guzmán. Broadcasting: 17 September 2007.

Programme: *Voces y Política* (Voices and Politics)

- Topic: Referendum and the Right to Information. Guests: Heriberto Valverde, Raúl Sileski, Armando Vargas. Conductors: Giselle Boza, Manuel Rojas. Broadcasting: 16 May 2007.
- Topic: The NO-TLC Campaign. Guests: Rolando Araya, Ovidio Agüero, Fernando Orozco, Jose Alberto Grillo, Luis Montoya. Conductors: Manuel Rojas, Giselle Boza. Broadcasting 8 August 2007.
- Topic: Use of alternative media in the referendum. Guests: Seidy Salas, Gustavo Verduzco, Carolina Flores, Andrea Alvarado, Alejandro Trejos. Broadcasting 12 september 2007.
- Use of traditional media in the referendum. Guests: Carlos Sandoval, José Francisco Correa, Julia Ardón (no present), Giovanni Bulgarelli (no present). Broadcasting 26 september 2007.

Source: Radio Universidad

<http://www.radiouniversidad.ucr.ac.cr/static/index.htm>

**Annex 4**  
**'The Memorandum of the Fear'**  
**A summary of the YES strategy**

During field research in August 2007, there were claims about a so-called 'Memorandum of Fear', a confidential document containing explicit advice to the President and his brother, the Ministry of the Presidency. The topic was: 'urgent actions to activate the YES-CAFTA campaign' (Casas & Sánchez, 2007). This memorandum was supposed to have been written at the end of July during the height of the campaign by the then Vice President and a Member of Parliament. It was later passed by an anonymous source to the small, alternative university newspaper, *Semanario Universidad*. The Memorandum was published on 6 September and news of it quickly spread through different electronic and physical media. The Memorandum caused shock-waves in Costa Rican society, assisting the NO campaign to attract new supporters disgusted with the tactics proposed in the Memorandum (Chacón & Chacón, 2007).

The Memorandum gave advice for running the YES campaign. Among the main concerns expressed was the lack of confidence and credibility of people in the government, the lack of a clear strategy to ensure a YES vote, and the differences between the NO and YES campaigns. The first was considered an 'amazing' coalition and the second basically formed by the government and some big businesses. The Memorandum also stated: 'The CAFTA campaign is becoming something that we should never have allowed: a fight between rich and poor, between the people and the government'. The following some of its recommendations:

- a massive campaign in the media. Two main strategies were recommended: to show the faces and voices of working class people, and of small business people, and to create a fear of unemployment. The NO campaign should be presented as attacking democratic institutions, and linked with foreign intrusion (e.g. Hugo Chávez of Venezuela or Fidel Castro of Cuba).
- to print a significant amount of campaign materials, which would include official documents with arguments in favour of CAFTA, but would not explicitly ask for a YES vote, so as to evade the attentions of the TSE. The Memorandum recommends discord be sown among NO campaigners.
- to recess Parliament so could campaign a YES vote in communities all around the country.
- to introduce a systematic visits of senior public officials to enterprises and corporations should be organised for convincing workers of the importance of voting for CAFTA.
- to form alliances with mayors, making them responsible for coordinating the YES campaign in their localities and applying pressures and threats, including the threat of withdrawing budgetary allocations to Municipalities if the Referendum result was negative for the YES campaign.

## Annex 5

### Opposing resolutions of Electoral Tribunal Defending the right to voice and knowledge

The poster below was made by the Federation of Students of the UCR. The poster invited the citizenry to take part in a public street demonstration to defend university autonomy and the right to 'say NO' (Fig 4.1). The demonstration was in response to a resolution in which the TSE warned the public universities not to use public resources for campaigning in the context of the Referendum (TSE, 2007a). This resolution was used by the Union of Commercial Chambers (UCCAEP) and the YES alliance to effectively accuse the university of doing just that. The perceived unjust action by the TSE, which warned the universities but did not likewise reprimand political authorities for abusing their power and public resources, deepened concerns about the institutional biases and political manipulations going on in protection of the elites' interests. The cartoon shows a picture of the President who has the Constitutional Chamber and the symbol of justice caught in a glass case. The president of the TSE is depicted as a puppet, whose strings are pulled by the President, and this puppet is about to cut the sunflower, which is the symbol of the UCR and represents 'the seeking of knowledge'. This illustration is a good example of how creatively humour was used by the movement to denounce abuses of power and violation of citizen's basic political rights.

Picture 4.1  
Poster of Federation of Students of UCR



'Nobody silenced UCR: neither Arias nor TSE'  
'Street demonstration defending the university autonomy'  
'Let's defend the right to say NO'

## Annex 6

### Denouncing dishonesty of the media, counteracting the discrediting of the NO: an example



Sources: pictures posted in a NO website and newspaper La Nación



On the left, a picture of a NO supporter carries the message ‘*La Nación* lies’, worn during a public demonstration of NO campaign supporters. *La Nación* is a mainstream (conservative) Costa Rican newspaper which openly supported CAFTA. Social movements completely discredited neo-liberal policies before, at the time of the huge Combo ICE mobilization of 2000 (Alvarenga Venutolo, 2005; Marín Cañas, 2004-2005). On the right a poster associating a NO vote with foreign ‘anti-democratic’ leaders. Published in *La Nación* in August 2007. Translated text: The NO faces: Fidel Castro, Hugo Chávez and Daniel Ortega. The three of them want to destabilize our democracy and are behind those who support the NO for achieving that. Our democracy is at risk. Let’s say YES to CAFTA! Let’s ratify our will to continue living with freedom and without either extremisms or totalitarianism. Yes to democracy!

## Annex 7

### Contesting political authorities through Internet

A citizen reacting in her personal blog to a public ‘letter of apology’ sent by the vice-president and a Member of the Parliament, in which they considered their rights to privacy were violated by the releasing of the ‘Memorandum of the Fear’ (see annex No.6):

...This is not a robbery. This is a citizen’s responsibility, an almost heroic act... You are not common citizens, you are citizens in a public position. Nothing that you do in your position can or should be secret... Resign with honor, this is the minimum that you can do... you have been the ‘escape goats’ that have allowed to this country to confirm that your methods and those of your bosses are already tiring. Move aside; give the example and give space for decision making to other wiser, more tolerant and generous people. Please, in order for this country not to continue in the way of hatred and polarization that the ‘hot heads’ have promoted, no your heads but the ones of your obsolete ‘leaders’ and their perverse methods (Ardón, 2007)