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Costa Rican Court Gags Universities From Speaking Out On Cafta

by Mike Leffert

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Costa Rica's Tribunal Supremo de Elecciones (TSE) has gagged the state universities from participating in the national debate on whether the country will become a member of the Central America Free Trade Agreement (CAFTA). The Universidad de Costa Rica (UCR), the Universidad Nacional (UNA), and the Instituto Tecnológico de Costa Rica (ITCR) have been studying the treaty for years, issued numerous reports on it, and, in the end, have all called for its rejection.

But now the TSE has ruled that the universities cannot use state resources to finance campaigns for or against CAFTA. That means they cannot pay for any activity related to the debate and cannot host conferences that "propagandize for or against the treaty." Since the academic community does little propagandizing in favor of CAFTA, the decision is seen as a victory for treaty advocates.

The TSE issued a statement against Eugenio Trejos, rector of the ITCR, after he announced that he opposed a recent ruling of the Constitutional Court (Sala Constitucional) upholding the constitutionality of the treaty (see NotiCen, 2007-07-12). Trejos made the statement in a university auditorium. Trejos is a prominent and influential anti-CAFTA figure and a target for treaty supporters.

Far from withdrawing from the fray, he told reporters after the TSE decision, "We're analyzing the implications of the TSE's resolution. We invite university committees and fellow rectors to defend academic autonomy." He said the ruling was biased and presented a double standard because the government, the president and his ministers, all use public venues to advocate for the treaty.

Also hit by the ruling, Yamileth Gonzalez, rector of the UCR, was accused of propagandizing against CAFTA for funding a study titled, CAFTA's Constitutional Conflicts. Gonzalez said the TSE ruling "is offensive and disrespectful, as well as inadequate, because it insinuates that we've misused public resources, without making specific accusations. It is an attempt to breach our right to a free debate on an important issue."

TSE president Luis Antonio Sobrado countered that there is no violation of freedom in the decision but rather a "reminder" of the duties of the universities. "There are limits to the universities' involvement in the CAFTA debate. While they are called upon to take part in the most important political discussions, we also have to decide if they have abused their position." The TSE decision is short on specifics and does not really point to concrete instances of abuse. The universities have all said they would respond with a march in San Jose demanding respect for academic freedom.

Bad information, conflicting data

The attempt at silencing the universities comes as reliable information and meaningful analysis of the treaty become more scarce. Instead of considered views of the more than 2,000 pages of text, the media are serving up conflicting data on how the people are feeling about the agreement. On Aug. 1, a pair of polls was released giving diametrically opposed data on which way the country would vote. The largest daily newspaper, La Nacion, released a poll done by the firm Unimer indicating those favoring CAFTA leading those who oppose 51.5% to 42.1%. The poll was taken in June. La Nacion is pro-CAFTA. On the same day, UCR's school of mathematics announced the results of its poll, taken in the same month, that shows those opposing CAFTA ahead, 56.7% to 43%.

Its producers were quite certain of its accuracy. "We guarantee a scientifically supported methodology, with internationally proven mathematical and statistical methods," said Javier Trejos of the Direccion del Centro de Matematicas Puras y Aplicadas. Jorge Poltronieri, who directed the UCR poll, said there is no way the polls could differ to that extent if both were done correctly.

The opposing factions do agree, however, that they are moving closer to violence. The TSE's Sobrado has called the coordinators of both sides to a meeting scheduled for Aug. 15, in the hope of getting some agreement on basic civilities, moving the discussions away from personal attacks and the like. "We believed that this kind of confrontation was overcome, but we see that the referendum has unleashed passions that are difficult to control," he said. His recent decision and the resulting march in the streets make him a principal unleasher.

The Catholic Church has also noted that CAFTA has brought the country to positions of irreconcilable polarization. Bishop Angel Sancasimiro issued a statement in the name of the Conferencia Episcopal de Costa Rica (CECOR), warning, "Beware friends, the country will have no future if extremist thinking moves us to believe that those who think differently than we do are our enemies. A country as small as ours will be condemned to ruin if the value of tolerance is abandoned." The bishop made the announcement at an open-air mass in Cartago on the feast day of the Virgin de los Angeles, the patron of Costa Rica, with President Oscar Arias in attendance.

Arias, fiercely pro-CAFTA, recognized the country is dangerously polarized. "Costa Rica cannot continue slipping down the slope of verbal violence, because at the bottom of the slope we will find ourselves, without any doubt, engaging in physical violence," said the president. In some ways, the debate itself is doing what CAFTA opponents feared it would do, dismantling the social solidarity the country has been crafting since the middle of the 20th century.

The opposition social organizations and political parties did not see it happening quite in this way. They thought CAFTA would have to be approved in order for it to tear the country apart by ruining the livelihoods of campesinos and small industrial producers, and by dissolving national sovereignty.

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