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## Scandal Topples Costa Rican Vice President, Clouds Outlook as CAFTA Referendum Nears

by Mike Leffert

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Costa Rica's Second Vice President Kevin Casas has resigned after disclosure of a memo he wrote urging a campaign of fear and deception to support the "yes" vote in the fast-approaching referendum on the Central America Free Trade Agreement (CAFTA). The vote is scheduled for Oct. 7 (see NotiCen, 2007-07-12). Costa Rica is the only signatory country not to have joined the pact and the only one to decide the question of membership by popular vote.

Casas sent up a trial balloon to test his continued viability on Sept. 19. He temporarily ceded his post to allow an inquiry on the matter to go forward. The balloon sank, and the second vice president of the republic stepped definitively away on the Sept. 21.

The memo, sent by email, was first disclosed on Sept. 12 but was written July 29. Casas was joined in authorship of the missive by legislative Deputy Fernando Sanchez. The memo directly recommended a "campaign of fear" about the consequences of failing to pass CAFTA. It also counseled linking the anti-CAFTA campaign to Presidents Fidel Castro of Cuba, Hugo Chavez of Venezuela, and Daniel Ortega of Nicaragua in a strategy of plunging the whole country back into Cold War-style propaganda.

The memo suggested exerting pressure on mayors to see that the vote went their way under threat of reducing resources from the central government if the local officials did not perform. "The propaganda might get on the nerves of some people," voters read in the published memo, "but we can almost be sure that it would have an immense influence on the simple public." Seventy-three municipalities of the official party were to be targeted, and the illegal use of public funds in connection with the tactic was recommended.

The Tribunal Supremo de Elecciones (TSE) ordered an investigation. Forces opposing CAFTA called immediately for Casas to resign. Deputy Sanchez, the co-author, resigned, too, but only partially. He was president of two committees, electoral reform and development-bank law. Two days after the fall of Casas, Sanchez wrote Arias to step down from these posts. This partial resignation seemed unlikely to satisfy opposition officials, who pressed for Sanchez's resignation from the legislature.

The governing Partido Liberacion Nacional (PLN) was only too eager to move on from the situation. "Let's now turn the page and leave this memorandum," said delegation chief Mayi Antillon, hopefully. "We must close this chapter and focus on what is really important the 15 days we have to put CAFTA in its proper light." No time to measure scandal's effect Getting proper light on all this is going to be difficult. There is not time, say experts, to do a poll gauging the effect of these developments on voter sentiment.

A poll taken between Sept. 7 and Sept. 13, just as this story broke, did not reflect the events. It was done by the political science department of the Universidad de Costa Rica (UCR). It was a phone poll of 807 respondents throughout the country with a 3.45% margin of error at .05 level of confidence. While the sample excluded those without phones, it found 33.5% in favor of CAFTA, 34% against, a technical tie. Marco Fournier, a poll coordinator, said the latest poll demonstrated a continuing decline in CAFTA support since polling on the subject began in 2005.

In that year, support at the "good" or "very good" for the country levels stood at 46.8%. In March 2007, the number had fallen to 39%. Meanwhile, the opposition has been moving steadily in the opposite direction, 21.1% in 2005, 32.7% in March, and 34% now.

Caught flat-footed by the breaking scandal, the pollsters chose not to start over or to junk their data. "The process of information collection was going on during the scandal. Now the scandal had two moments, first, when they wanted to minimize the affair, and then when it became a public debate. In this context, we suppose there was an important impact, because we see an increase in the undecideds," said Alberto Cortes, another of the poll coordinators.

The undecided figures that drew his attention were 22% in March versus 25.4% now. Fournier also noted that the figures for those who just did not care rose from 6.3% to 7.1%. He interpreted this as, "There is a progression of those who abandon the "yes" vote; they don't go directly to "no" but rather enter a stage of indecision and in this study the increase in indecision almost coincides with the fall of the "yes." Both pollsters agree that scandals of this kind tend to create a generalized disenchantment in the population rather than provoke a direct change of opinion about the issue.

The scandal brought with it a kind of serendipitous justice. One of the concerns going into the referendum was the asymmetry of resources. The pro-CAFTA people had a lot of money and were poised to spend it. Newspapers looking into the actual spending reported nearly US\$1 million spent on the yes side, and a mere US\$57,000 on the no. The imbalance enabled not only more spending but also more effective spending. Costa Ricans said through the latest poll that TV was the most effective (40.5%), followed by print (20.3%), radio (10.1%), and word of mouth (5.9%).

Before the scandal broke, the poll indicated turnout would be high for the referendum. Of respondents, 57% placed themselves in the "absolutely certain" category, and 14.9% would "very probably" vote. How the disenchantment factor will cut into these expectations is a matter of speculation, but it is known that the electorate is about to sustain another blow to its confidence.

The foremost opposition political party, the Partido Accion Ciudadana (PAC), revealed yet another emailed memo outlining prohibited tactics. The PAC revealed that Luis Fernando Escalante Soto, director of the yes forces in Heredia, sent out the note to 33 business leaders in the province detailing how to go about buying and coercing the votes of their employees. The mailing recommended that the "employees show up at their respective companies, and from there we could bring them to vote. In exchange we propose that the companies offer them at least a quarter to a half-day off as incentive. Another alternative would be that, in place of going to their workplace, we could give them, in every polling place, a certificate of attendance which could be presented to the

business in exchange for the quarter or half-day off as incentive. This would be the best support and the best way of assuring ourselves of the necessary votes."

PAC Deputy Alberto Salom, who first obtained the memo, called it a "vote-buying" scheme, expressly prohibited by Article 152 of the Electoral Code. He said it was also evidence that the Casas and Sanchez scheme was in full force and effect, despite government denials. "If a list of vote confirmations is brought up, the democratic principle of the secret ballot is not respected.

Also, to condition a payment on an affirmative vote is a mechanism of labor harassment and a violation of the right to vote," Salom charged. He made a formal charge to the TSE, which, in turn, forwarded it to the Public Ministry for criminal investigation. UCR political science professor Luis Guillermo Solis called the affair "a bombshell," and a "Watergate." He took the pollsters' analysis a step further and predicted that the undecideds would end up in the no column, spurred not just by this episode but also by a series of corruption scandals in recent years that have shaken their view of their country as the Central American exception.

Alfredo Volio, head of the yes campaign, denied knowing anything about the memo until it was leaked. He said none of the recommendations it contained had been implemented. He agreed, however, that the scandal was "a blow," and it has been reported that accusations that the recommendations had been acted upon were what made Casas' resignation necessary.

### *Anti-CAFTA forces encouraged*

Whether spurred by the scandal or not, US CAFTA opponents have become energized as the referendum approaches. Sen. Bernie Sanders (I-VT) and Rep. Michael Michaud (D-ME) arrived in Costa Rica on Sept. 21 to join PAC leader Otton Solis in a trip designed to "calm the fears" of those who would like to vote against the trade pact but see no alternative. The US legislators spoke of "a new generation of free-trade agreements" and a "renegotiation" of those already in place. Said Sanders, "What we want are trade agreements that raise the living standards not only in the United States but also in Costa Rica, a new generation of treaties that protect human rights and the environment."

The pro-CAFTA press in Costa Rica played the visit as an effort on Sanders' part to halt outsourcing in the US, quoting him in a 2003 article in the Washington, DC, newspaper The Hill as saying, "The US is the most lucrative market of goods and services in the world. We must use that influence to obtain trade agreements that result in more exports of US products, instead of US jobs."

The paper also downplayed Michaud's promise to support a bilateral treaty if CAFTA is defeated, reminding readers that it would take time because the Congress did not reauthorize fast-track legislation. "It would depend," said the paper, "on the Democratic party winning the 2008 presidential election."

The legislators made the point that Costa Rica still enjoys the benefits of the unilateral Caribbean Basin Initiative (CBI), which allows ample preferential treatment of Costa Rican goods while not

requiring the country to open its doors to floods of US products. There is no pending legislation, nor is there likely to be any, to modify CBI.

Another of the lurking fears or concerns is all the radical legislation the legislature passed to get the country CAFTA-ready. Those fears were allayed as President Oscar Arias, the ground shifting under his feet as a result of the scandal, confirmed that all 13 of the pending laws would be dropped if the agreement were to go down. This is seen as a clear victory for the anti-CAFTA PAC, which has promised to fight the new laws even if CAFTA wins. Their defeat would cause Costa Rica to lose its place in the agreement by failing to comply with its US-imposed provisions.

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