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REPORT ON THE REQUEST FOR THE DONATION OF A PLOT OF LAND FOR THE CONSTRUCTION OF A HOSPITAL IN THE CITY OF TURRIALBA

San José, Costa Rica

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I. INTRODUCTION

Clause 28 of the Law establishing CATIE (Law 8028 of the Republic of Costa Rica) states that, for as long as the law remains in effect, CATIE's capital consists of the usufruct ownership of the assets (farms, buildings, facilities, equipment and other goods and real estate) contributed by IICA to the Asociación CATIE, located in Turrialba, Costa Rica.

Since 2001, various requests for donations of land have been presented to the general directorates of IICA and CATIE, in particular a request from the Board of Health of the William Allen Taylor Hospital in Turrialba related to the construction of a new hospital. Following on from that request, in 2006 a group of Costa Rican lawmakers (members of the Legislative Assembly) requested a donation of 5 hectares of land for the construction of the new hospital. On 5 February 2008, Dr. Eduardo Doryan Garron, Executive President of the Costa Rican Social Security Fund (CCSS), submitted a donation request to the Director General of CATIE and, subsequently, to the Director General of IICA.

This document describes the background to the process of requesting the donation, the implications in terms of social responsibility, the decisions taken to date by the governing bodies of CATIE and a recommendation regarding the request, so that it can be submitted to, and studied by, the governing bodies of IICA and CATIE that have the legal authority to take a decision on the matter.

II. BACKGROUND

With regard to requests for land owned by IICA that CATIE holds in usufruct, at different times both institutions have given their opinions as to the legal possibilities of obtaining the approval of their respective governing bodies, the implications of such an action and the procedures involved. The following is a summary of the main opinions expressed by the two institutions.

Statements made by IICA:

23 April 2001. IICA's reply to the Municipality of Turrialba concerning the playing field of the community of Noche Buena.

25 May 2001. IICA's comment on several requests for land, in which it states:

"... Bearing in mind all the foregoing legal considerations, it is my opinion that IICA does not have the authority to grant the requests under the terms of the Agreement and

the current institutional rules with respect to donations of real estate that form part of the assets of CATIE and, consequently, of IICA and the Government of Costa Rica.” The Institute went on to make the following recommendation: “...I suggest that a commission be set up comprising representatives of the two organizations and the Government of the Republic of Costa Rica to study the question of the land that the population of Turrialba needs and the contractual and legal amendments that would be required to establish the boundaries of the land and the necessary use and enjoyment of the land assigned to us to achieve our objectives...”

Statements made by CATIE:

4 April 2001. The Executive and Finance Committee of the Board of Directors drew attention to Resolution 11-00/XV ROCEF of November 2000, sent on 21 December 2000 with official letter D-1513/00, whose operative paragraph reads as follows:

“To recommend that the Board of Directors ask IICA to study, jointly with the Director General of CATIE, the possibility of donating to the Municipality of Turrialba a plot of land measuring 5 hectares in size, for a fairground, or for some other use, by mutual agreement, including the possibility of formulating a long-term strategy and a Master Plan for the development of the boundaries of the farm nearest to the city....”

The Executive and Finance Committee of the Board of Directors of CATIE, in the pertinent section of the operative part of its Resolution 4-04/XVII ROCEF, adopted at its Seventeenth Regular Meeting, held at CATIE on 29 October 2000, decided:

“5. To recommend that the Board of Directors ask the Director General not to donate or transfer any land belonging to CATIE to any institution, except in especially justified cases that should be considered at the highest level, including by the Board of Directors...”

The Governing Council of CATIE, in the pertinent section of the operative part of Resolution 11-08/X ROCS, adopted at its Tenth Regular Meeting, held at CATIE, Turrialba, Costa Rica, on 24 July 2008, decided:

“1. To ask CATIE to conduct an analysis of the details and impact of this request, including the area and the location, for presentation to the Board of Directors of CATIE and, at a later date, to the Governing Council during subsequent meetings, in order to determine the implications of this transfer or donation... Roman Solera, Acting Chair, Jose Joaquin Campos Arce, ex Officio Secretary.”

Official letter from the Director General, DG-430/2008 of 29/7/2008, setting up a committee to consider the donation of a plot of land for the construction of Turrialba’s new hospital.

The Board of Directors, in the pertinent section of its Resolution 10-08/XXXV ROJD, adopted at its Thirty-fifth Regular Meeting, held in September 2008, decided:

“To entrust to the competent, legally authorized bodies the decision of whether to donate or transfer the title of one of the plots of land proposed in the report mentioned in preambular paragraph 5 above, for the construction of a new hospital in Turrialba, subject to compliance with the authorization procedures established in the legal provisions applicable in such cases, noting that CATIE will take the corresponding steps to carry out the decisions of said bodies.”

III. IMPLICATIONS FROM THE STANDPOINT OF SOCIAL RESPONSIBILITY

The local population is aware of the need to build a new hospital in the city of Turrialba and such action is justified at many levels. The current location of the hospital is inappropriate, and is even considered high-risk. The present facilities have serious deficiencies that pose a risk to staff and users alike. They also limit the quality of the services provided at the hospital.

In determining the best location for the new hospital, a number of aspects have to be taken into account, including natural threats (floods, landslides, earthquakes, etc.), accessibility, topography and the space available. The amount of suitable land available in the city of Turrialba is limited. One area identified as suitable is the land owned by IICA - CATIE.

CATIE has operated in the city for decades and the well-being of its population and of its neighbors is important to the institution. The construction of a new hospital would benefit over 500 members of the institutional community (including staff and students), their families and over 119,000 inhabitants who visit the William Allen Taylor Hospital each month to receive some type of medical service. It should also be noted that the hospital has been, and will continue to be, the only center that can offer emergency medical services to the CATIE community.

The canton of Turrialba also needs to enhance its health services in order to help improve its sustainable human development index. According to studies carried out by the United Nations, in the year 2000 Turrialba occupied 56th place in the national human development index, which includes aspects of health. In 2005, it dropped to 64th place among the country's 81 cantons.

Both IICA and CATIE are institutions dedicated to the development of needy and vulnerable communities, and the city of Turrialba is one such community. One way of demonstrating their support would be by considering the possibility of donating a plot of land for the construction of a new hospital.

On the other hand, both IICA and CATIE have an obligation to administer their assets responsibly, while also contributing to the development of the rural communities of their member countries in different ways. It is not simply a question of having a plot of land where the building can be built; the corresponding authorities must also possess the

political will necessary to complete the project promptly and responsibly and provide a quality facility that will benefit the entire population, including the CATIE community.

IV. PROPOSAL AND RECOMMENDATION FOR DECISION-MAKING BODIES

Following the donation request, representatives of the parties involved (Health Board of the William Allen Taylor Hospital, the Costa Rican Social Security Fund / CCSS, IICA and CATIE) agreed, as an alternative, to ask the National Production Council (CNP) and other Costa Rican government agencies to donate a plot of land that belongs to the Costa Rican State. The land is situated along the northern perimeter of the CATIE campus, specifically next to the facilities currently occupied by the Ministry of Agriculture and Livestock (MAG), the National Learning Institute (INA) and Agricultural Diversification. It measures approximately 6 hectares.

The representatives of the abovementioned entities took their decision after assessing the location, demographic implications, topographical conditions and current and potential use of the three sites initially proposed. All agreed that it was not feasible to build the new hospital on any of the sites proposed.

As a result, the entities decided to ask the governing bodies of IICA and CATIE to consider the possibility of donating a plot roughly 5 hectares in size, adjacent to the land previously described that is owned by the Costa Rican State, which would complete the area required to build the hospital (approximately 11 hectares), according to the preliminary estimates of the engineers and architects of the CCSS. The donation would remain subject to the approval of the corresponding regulatory entities, which is required to obtain the necessary building permits.

This option, in addition to involving major contributions by the State of Costa Rica and IICA-CATIE for the implementation of the new hospital project, would provide a plot of land of the size required and make it unnecessary to seek approval of potential sites in other areas of the CATIE campus. Therefore, it is recommended that the governing bodies of IICA and CATIE be asked for permission to set aside the 5-hectare plot in question for the Costa Rican Social Security Fund, on the understanding that it is to be used exclusively for the construction of a new hospital for the city of Turrialba and the neighboring communities.