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**PROPOSED DONATION OF LAND OWNED BY IICA FOR THE  
CONSTRUCTION OF A HOSPITAL IN TURRIALBA**

**Montego Bay, Jamaica**



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

## **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, Cost 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 56<sup>th</sup> place in the national human development index, which includes aspects of health. In 2005, it dropped to 64<sup>th</sup> 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.

**RESOLUCIÓN N.º 512**

**DONACIÓN DE UN TERRENO EN TURRIALBA PARA LA  
CONSTRUCCIÓN DE UN HOSPITAL**

EL COMITÉ EJECUTIVO, en su Vigésima Novena Reunión Ordinaria,

VISTO:

El documento IICA/CE Doc. 554 (09), “Informe de la solicitud de donación de un terreno para la construcción de un hospital en la ciudad de Turrialba”;

CONSIDERANDO:

Que el patrimonio del IICA incluye terrenos ubicados en Turrialba actualmente en usufructo por el CATIE, de conformidad con el Contrato Constitutivo del CATIE, que es un acuerdo entre la República de Costa Rica y el IICA;

Que la Junta Directiva de la Junta de Salud del Hospital William Allen Taylor en Turrialba, con el apoyo de diputados de la Asamblea Legislativa de Costa Rica, del Ministro de Agricultura de Costa Rica y del Presidente Ejecutivo de la Caja Costarricense de Seguro Social, han solicitado al IICA y al CATIE la donación de cinco hectáreas, terreno identificado en el documento IICA/CE Doc. 554(09) (el terreno solicitado) para la construcción de un nuevo hospital/centro médico para la municipalidad de Turrialba y zonas vecinas;

Que corresponde a la Junta Interamericana de Agricultura tomar la decisión de donar, vender o trasladar a terceros derechos en usufructo permanente o por períodos largos de terrenos del IICA que forman parte del patrimonio del Instituto;

Que la Junta Directiva del CATIE ha manifestado que está dispuesta a acompañar una decisión que adopte el IICA para donar el terreno solicitado para la construcción del nuevo hospital/centro médico en Turrialba, teniendo en cuenta que ese terreno no es esencial para el desarrollo de las actividades del CATIE;

Que el terreno solicitado es el más adecuado en Turrialba para la construcción de un hospital/centro médico moderno, que el significativo crecimiento de la población de Turrialba en los últimos años genera la urgente necesidad de ampliar la infraestructura y los servicios de salud, que el actual hospital de Turrialba siempre ha atendido a la comunidad del CATIE y que la

donación del terreno solicitado para ese uso altamente humanitario es consistente con el compromiso que el IICA y el CATIE tienen con el desarrollo de las comunidades necesitadas y vulnerables;

Que los Estados Miembros del Comité Ejecutivo no han expresado ninguna objeción a la propuesta de ceder el terreno solicitado a la municipalidad de Turrialba para la construcción del nuevo hospital/centro médico;

**RESUELVE:**

Recomendar a la Junta Interamericana de Agricultura que en su Décima Quinta Reunión Ordinaria;

- (1) apruebe la cesión gratuita del terreno de cinco hectáreas a la entidad que indique el Gobierno de Costa Rica en comodato perpetuo, sujeto a las siguientes condiciones:
  - a. que el terreno sea usado exclusivamente para la construcción y operación de un hospital/centro médico público para la población de Turrialba y zonas vecinas; y
  - b. que el comodato caduque y el terreno revierta al IICA en el caso de que el terreno solicitado sea usado para fines ajenos a los indicados en el párrafo “a” arriba y/o el hospital/centro médico no sea construido y puesto en funcionamiento pleno dentro del plazo de cinco años contados desde la fecha de cesión.
- (2) instruya al Director General para que, en su capacidad de representante legal del Instituto, tome las medidas necesarias para ejecutar la cesión aprobada.



**REQUEST FROM THE GOVERNMENT OF COSTA RICA FOR IICA TO DONATE  
LAND IN TURRIALBA**

The Governing Council of CATIE, at its Eleventh Regular Meeting, held at IICA Headquarters, in San Jose, Costa Rica, on July 16, 2009,

**Considering:**

1. That the Director General and the Chairman of the Council provided the Governing Council with background information on this request from the Government of Costa Rica, including the resolution issued by the Board of Directors of CATIE requesting that the matter be resolved by the competent organs of CATIE.
2. That the Executive Committee of IICA, in Resolution IICA/CE/Res.512(XXIX-O/09) resolved to recommend that, at its Fifteenth Regular Meeting, the Inter-American Board of Agriculture (IABA) approve the transfer of the five hectares of land to the entity indicated by the Government of Costa Rica, in permanent usufruct, subject to the following conditions:
  - a. That the land is to be used exclusively to construct and operate a public hospital/medical center for the population of Turrialba and neighboring areas; and
  - b. That the usufruct arrangement will cease and the land will revert to IICA if the land requested is used for purposes other than those specified in subparagraph "a." above and/or the hospital/medical center is not constructed and operational within five years of the date on which the rights to the use of land are transferred.

It also instructed the Director General of IICA, in his capacity as the legal representative of the Institute, to take the actions necessary to execute the approved transfer of rights.

3. That the Ministers have discussed this matter and recognize how important it is for the city of Turrialba to have this land to build a new hospital.

**Resolves:**

1. To endorse Resolution IICA/CE/Res.512(XXIX-O/09) of the Executive Committee of IICA, which recommends that the Inter-American Board of Agriculture (IABA) approve the transfer of the land in question to the Government of Costa Rica to use exclusively for the construction of a new hospital for the community.

(signature)

(signature)

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Javier Flores Galarza  
Chairman

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Jose. J. Campos Arce  
*Ex Officio* Secretary