**附件一：赛题以及说明**

**Attachment 1: Case Details and Guidelines**

**Belt and Road Initiative Simulation:**

**An Inclusive International Negotiation Focused on the BRI**

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# 1. About Inclusive International Negotiation

## 1.1 What is “Inclusive International Negotiation”?

Inclusive international negotiation is a process of role-based dialogues engaged by four major stakeholders in the contemporary societal structure intended to reach agreement on tensions or disputes involved in transnational projects. These four major roles include a government, an enterprise, a local NGO, and an IGO. The goals of inclusive international negotiation are to create a platform and a set of procedures for different actors to be able to negotiate at the same table and seek to limit or minimize existing tensions or potential disputes. It aims at transforming global governance that goes beyond the status quo among sovereignty power and intergovernmental power, empowers non-state actors, including enterprises and civil societies, and creates opportunities for interactive conversations among them.

**1.2 The BRI projects as an Application Scenario**

The Belt and Road Initiative is a global infrastructure development framework proposed by the Chinese government in 2013 to invest in nearly 70 countries and international organizations. The industries that are involved include transportation, energy, power, petrochemicals, and communications and other related projects aimed at promoting national industrialization, trade facilitation, and multilateral economic and trade cooperation. Business coverage involves various aspects such as consulting, financing, construction, operation, and maintenance.

However, at the same time, the construction of the BRI infrastructure also faces complex challenges and dilemmas in the implementation and advancement of specific projects, such as the financial structure issues, environmental compliance, labor protection, and geopolitical risks, long-term sustainable development, compliance with international obligations and other issues and problems that may arise during the investment and project implementation process.

Negotiation is often involved in dealing with these challenges. Given the diversity of the stakeholders, inclusive international negotiation could serve as an efficient and valuable mechanism in promoting the cooperation and limiting the existing tensions.

## 1.3 What are the takeaways for students?

During the simulation, students can learn the standpoints of different stakeholders and take what they have learned to their future jobs, either in government, enterprises, IGOs, or NGOs. It can help students to learn how to use the corresponding knowledge and skills to conduct cross-cultural exchanges and negotiations and improve their capabilities in researching, public speaking, debating, and writing, as well as abilities in creative and critical thinking, teamwork, and leadership. As the Belt and Road Initiative continues growing and the world's interconnections gradually increase, these skills would be crucial for future professional development.

# 2. Negotiation Manual for Successful Inclusive Negotiations

## 2.1 Multi-party Negotiations

Negotiating with multiple parties complicates the negotiation process. It is important to develop strategies to ease the process and produce successful results for all parties. Some of the strategies below can be used to enhance the negotiation in a multiparty context.

1. Know who will be participating

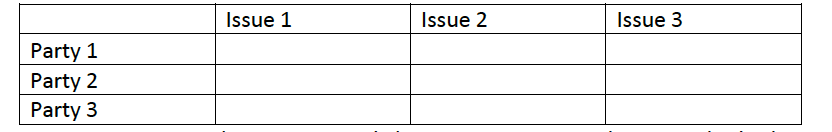
It is of utmost importance to know what parties will be participating in the negotiate, what their interests are, and who they represent.

2. Manage the information & time effectively for proposal making

a. It is advised to create a model to organize information related to all parties in the

negotiation.

b. For example, develop a model that lists each party along rows and each issue along columns, and then record information for each party’s preference on each issue.



c. It is important to explore options and alternatives to proposals in a methodical fashion to avoid tunnel vision or the tendency for participants in group negotiations to underestimate the number of feasible outcomes available.

3. Brainstorm Options

It may be beneficial for team members to independently brainstorm and develop their own strategies which they can then share with the team.

4. Assign Procedural Roles

To ensure smooth procedural negotiation, team communicators or representatives need to be assigned. These roles can be rotated during the negotiation, as not to give any member an advantage or disadvantage.

5. Stay at the Table

When group members leave the negotiation table when an agreement is necessary, coalitions are more likely to form, which may be disadvantageous to the team.

6. Encourage Equal Participation

When one or two people do all the talking, it discourages idea exchanges within groups.

7. Allow for Some Points of Agreement, Even if Only on Process

a. Sometimes negotiations come to a halt because it takes longer for parties to come to an agreement, even on a single issue. Failure to move forward on other issues can lead to members feeling as thought the negotiation are stalemated.

b. Avoid making an agreement just for the sake of making an agreement.

c. Consider differences of interests between parties, as it can lead to viable options for all parties to gain in the process.

## 2.2 Cross-Cultural Negotiations

Negotiations are usually hard not only because both sides want to beat the other, but also because of the cultural differences. Every country and every nation has its own unique traditions and customs of communication and etiquette. Representatives of different cultural traditions meet at international negotiations, therefore the problem of maintaining a high culture of communication, implying respect for the representatives of all nations and nationalities, is the basis for successful negotiations.

### 2.2.1 The Difficulties of Language

Language, both verbal and body, physical cues and punctuality could make a huge difference when negotiating cross cultures.

An obvious problem when negotiating between cultures and people is the potential of encountering a language barrier. It may not be uncommon to be put in a situation where one party cannot directly communicate with the other. In this case, communication may be done through interpreters, which may make the negotiation a more laborious process. When dealing with an interpreter, it is important to recognize him or her as a resource in overcoming cultural challenges.

Negotiations, where a common language is spoken, does not necessarily negate the potential for problems. For example, though many people can speak English, there are numerous dialects with various usages of vocabulary. Non-native speakers may find difficulty in regional differences; therefore, it is imperative to limit the usage of technical jargon and colloquialisms, using straightforward language to communicate ideas directly.

### 2.2.2 Prepare for Possible Cultural Barriers

Even with a common language and the best of intentions, negotiators from different cultures face special challenges. Try following these guidelines when preparing for talks with someone from a different culture.

1. Research your counterparts’ background and experience.

With a little homework, you should be able to learn who your negotiating partner will be and find out some details about her background and experience.

2. Enlist an adviser from your counterparts’ culture.

If you discover that the person with whom you are likely to be negotiating has little or no international or cross-cultural experience, consider enlisting someone from his culture to serve as your “second” during the negotiation.

3. Pay close attention to unfolding negotiation dynamics.

Listen carefully during talks. If you’re unsatisfied with the answers you receive, reframe your questions and try again. If you’re unsure about what the other side said, repeat what you think you heard. It’s safe to assume that people living and working in different cultural settings often view or interpret the same events differently.

## 2.3 Business and Diplomatic Negotiation

To build a strong professional relationship, negotiators must adhere to the basic norms of business and diplomatic etiquette. Many do not realize it, but negotiation and etiquette go hand to hand. Therefore, knowing and following the rules of etiquette during business or diplomatic negotiation is the key element that could either easily guarantee their success or failure.

The negotiation process is a complex system of written and unwritten customs and regulations that must be correctly followed by the parties involved. Negotiations are a dialogue of equal partners and should not be an imposition of one's position. Both business and diplomatic negotiations represent communication between two or more parties, the main goal of which, at a minimum, is to improve the relations between the parties, at a maximum, to find and jointly adopt a mutually beneficial, reasonable solution. Negotiators should be ready to make compromises, to perceive and respect someone else's point of view, to argue reasonably, and not to push their opinion. In other words, it is necessary to follow the etiquette of negotiations and the rules of the business protocol. Knowledge and observance of the norms of the etiquette of business meetings help establish constructive discussion, focus on solving professional problems, minimize emotional tension.

Although cross-cultural differences impact specifics of business and diplomatic etiquette, the basic principles do not change regardless of time and/or geographical location. For instance, following correct procedures and being respectful to the negotiation counterparts are essential elements that could secure one’s victory. By following suitable negotiation etiquette, the parties avoid open conflicts and have an opportunity to address their demands and advocate for their positions.

# 3. Procedural Guide of the BRI Simulation

## 3.1 Acronyms & Glossary

NGO- Non-Governmental Organization

IGO- Intergovernmental Organization

BRI- Belt Road Initiative

USAN- Union of South American Nations

Communicator - A team member who is responsible for all communications with the Secretary such as composing and submitting requests for negotiation, monitoring all communications to keep the team informed, act as timekeeper, etc.

Decorum - Overall respect for the formal negotiation process and speakers.

Secretary - The Secretary is a person who oversees the negotiation and attempts to ensure no procedural conflicts arise between participants.

The Secretariat - The administrative arm of the simulation entrusted with administrative duties, maintaining records, and overseeing and performing secretarial duties.

Negotiation Outcome - The final resolution agreed upon by teams.

Table - The Table will be where all formal negotiation sessions will be held.

Team - Teams will be made of three to seven members and represent the intentions of the stakeholder assigned to the team.

UN Charter - The Charter of the United Nations was signed on 26 June 1945, in San Francisco at the conclusion of the United Nations Conference on International Organization and came into force on 24 October 1945. The Charter establishes the purpose of the United Nations.

Memorandum - A written note or document recording the negotiation details and proposals or the terms of agreements or resolution.

Resolution - A final proposal, or firm decision and action of solving a problem, dispute, or contentious matter.

## 3.2 Introduction

### 3.2.1 The Goal of the Simulation

The BRI Simulation is an educational activity in which participants are delegated different roles and use their knowledge and skills to create better strategies and solutions in the process of BRI cooperation and negotiations.

The simulated case is based on real BRI issues and must be dealt with by involving both the public and private sectors, including governments, local society representatives, NGOs, international NGOs, transnational corporations, etc.

The purpose of this simulation is to educate participants to gain experience and knowledge in creating strategies for and promoting the implementation of the BRI-related projects. It requires participants to have excellent knowledge at the intersection of law and international affairs, understanding of local cultures and globalization, skills in researching, public speaking, debating, and writing, as well as abilities in creative and critical thinking, teamwork, and leadership.

#### 3.2.1.1 About the Simulation

The simulation will address the issues of the Nuevo Puerto Port. Nuevo Puerto is a major town located at the southern tip of Ecuplia. The Ecuplian government aims to develop its port to boost regional growth in Nuevo Puerto and enhance economic trade within the area. The Port of Nuevo Puerto holds significant value for international maritime routes due to its ideal location along the primary route used to transport fruits and minerals from South America to East Asia. It offers desirable geographical conditions for constructing a deep-water port and is the nearest port to the main maritime route across the Pacific Ocean. Once constructed, the Port of Nuevo Puerto will be able to accommodate ships of up to five hundred thousand tons and serve as a major hub in the Pacific Ocean. The primary issues of this case include investment and the financial structure of the project, environmental compliance, employment and welfare, and the challenge of balancing regional powers while integrating local economies into the project.

Teams will receive key documents about the case, containing information on the situation, the stakeholders involved, confidential instructions, and other reference materials. Confidential instructions are considered protected documents for their respective team delegations during the negotiation rounds and must be treated accordingly.

This type of simulation operates under a strict schedule. The schedule replicates the formality in which negotiations take place and provides the parties involved with time to negotiate issues, review and evaluate strategies, adjust negotiation approaches, and schedule or respond to negotiation requests. While strict adherence to and enforcement of the schedule may cause some level of frustration among participants, this reflects realistic expectations in formal negotiations.

#### 3.2.1.2 The Structure to the Simulation

The simulation contains four teams representing four parties in the case. Each party has their own motives and objectives and each of them has three to ten delegates. However, no more than three delegates may participate in each round of the negotiation. The team must appoint a team Communicator, who is the sole point of contact with the Secretary of the simulation, and responsible for scheduling and processing ad hoc negotiation requests, sending/receiving press releases (if any), team-to-team communication, and diplomatic communiqués.

There is a Secretary in each simulation, he or she is responsible for collecting proposals, exchanging information among teams, facilitating negotiations, releasing new findings, and supervising the process to be conducted within the established schedule.

The Simulation includes four crucial phases: the delivery of the opening statement, bilateral negotiation, ad-hoc negotiation, and quadrilateral negotiation. During the simulation, all teams will meet for three hours over the course of two ceremonies and three rounds: opening ceremony, first round, second round, final round and the closing ceremony. Each team may use the rest of time during the simulation to prepare oral argument and proposal.

The preparation of the opening statement and the final resolution requires participants’ full understanding of the case scenario and each parties’ interests and propositions. The goal of the negotiation is to reach the best balance among all parties.

The evaluation of the simulation will be based on the following performance:

* proposal writing and negotiation, including the knowledge applied in the writing and negotiation
* negotiating strategy adopted
* achieving their primary goals or objectives

The key documents of the simulated case are provided following the rules of the simulation, including case background, scenario and stakeholders, negotiation roles and goals, and other reference documents. The confidential materials will be delivered once the roles of the negotiating parties are determined.

### 3.2.2 About the Belt and the Road Initiative

The Silk Road Economic Belt and the 21st Century Maritime Silk Road, also known as the One Belt and One Road Initiative (OBOR), or the Belt and Road Initiative (BRI), is a systematic project proposed by the Chinese government to connect different parts of the world. The goals of the project are to promote economic prosperity of the countries involved, promote regional economic cooperation, strengthen exchanges and mutual learning between different civilizations, and promote world peace and development.

The BRI aims to promote connectivity between Asian, African, American and European continents and seas. The BRI follows the principles of the UN Charter and upholds the Five Principles of Peaceful Coexistence: mutual respect for each other’s sovereignty and territorial integrity, mutual nonaggression, mutual noninterference in each other’s internal affairs, equality and mutual benefit, and peaceful coexistence.

## 3.3 Preparing for the Negotiation

### 3.3.1 Research References

There are several primary resources for teams to use in preparing for the simulation. The Procedural Guide should be viewed only as a starting point to begin research. Individual team research is vital, and the use of scholarly journals, academic literature, newspaper articles, and college or law school libraries, databases, or the following websites:

* The State Council of People’s Republic of China Belt and Road Portal:

http://english.gov.cn/beltAndRoad/

* UN Treaties https://treaties.un.org/
* UN Charter http://www.un.org/en/charter-united-nations/

Teams are expected to use the sources identified above to form their own ideas and suggestions

in the simulation. Information gathered should be in line with their assigned stakeholder’s policy and framed in their own words.

### 3.3.2 Key Operations

#### 3.3.2.1 Opening Statement Submission

Each team is required to present their stance in the negotiation. The opening statement should clearly address each and every issue introduced in the case scenario and be in strict accordance with the interest of the proposing party. Opening Statements are publicly available to every participant and the secretary will distribute them once they are submitted by all teams. The secretary will give instructions in due course.

The opening statement should be finished and submitted to the secretary by March 20th at 5pm. Each team will prepare their response based on other teams’ opening statements from other teams for the following rounds of negotiation.

#### 3.3.2.2 General Rules

Rules established by existing treaties, charters, stakeholder policy, official state laws, and regulations will be adhered to by teams during the simulation. Procedures governing the simulation have been established by this Procedural Guide and shall be followed throughout the simulation.

#### 3.3.2.3 Team meetings

A brief discussion about interests, including negotiation strategies, of the team and how they are to be portrayed in bilateral and ad-hoc meetings. Team meetings will also be the time for the team to prepare any documents needed during the simulation. Team meetings will also be the time for requesting and scheduling Ad Hoc negotiation meetings with other teams.

#### 3.3.2.4 Bilateral Meetings

Bilateral meetings will be scheduled by the Secretary. Bilateral negotiations will be between two of the stakeholders only that are directly concerned with issues of the case.

#### 3.3.2.5 Ad Hoc Negotiation Scheduling

At the beginning of each session, each team will have the opportunity to submit up to three requests for Ad Hoc Negotiations. The Ad Hoc Negotiation can be bilateral or multilateral depending on the needs of each team. Once the requests of Ad Hoc Negotiation are received by the teams and agreed upon, an Ad Hoc Negotiation will be initiated and the related teams will be able to attend the session. A team can join up to two Ad Hoc Negotiations in an informal session.

* Procedure for Scheduling Ad Hoc Negotiation Sessions
* During the simulation, teams will be able to accept, decline, or ignore requests for Ad Hoc negotiation sessions.
* Initial requests to negotiate should be submitted no less than five minutes prior to the start of the scheduled negotiation period.
* It is acceptable to make a deliberate choice to ignore a negotiation request rather than to accept or decline a request for Ad Hoc Negotiation Session, but it is pertinent for each team to consider ramifications of making this choice such as missing critical opportunities to reach a resolution.
* The Secretary may schedule negotiation sessions with any team as they deem fit.
* Attendance at these negotiation sessions is required; they may not be declined or ignored.
* Negotiation Request Guidance
* When a team sends a request to negotiate, the Secretary will forward the request to the appropriate team(s).
* Once all of the teams listed on the request have received notice, and have responded to the Secretary, the negotiation will be scheduled.

#### 3.3.2.6 Memorandum

Teams can prepare memorandums during informal negotiations. Written memorandums should be submitted to the secretary for filing records when required.

#### 3.3.2.7 Team-to-Team Communication

Teams are allowed to communicate with each other as they deem appropriate. Each team should have a member to serve the role of Communicator, any formal communication between teams should be brought about by a Communicator and its records should be kept by the Secretary.

#### 3.3.2.8 Press Releases

Under some circumstances, teams will have the opportunity to submit press releases. Teams must submit press releases to the Sectary for evaluation and release. The Sectary will vet each release and publish it to other teams. Teams may not publish their own press releases. Press releases will not necessarily exist in all simulations.

#### 3.3.2.9 Communiques to another team

The purpose of these messages is to allow for inquiries or requests for clarification and additional information.

#### 3.3.2.10 General Communication Guidelines

The designated Communicator will use their own email to establish contact with the Secretary

and use as their primary means of communications.

Communicator’s responsibilities are as follows:

* Compose and submit all Ad Hoc negotiation requests, diplomatic communiques, press releases (if any), and inter-team messages;
* Monitor all communications and keep the team informed;
* Advise team when actionable items are received;
* Maintain situational awareness of all requests/requirements; and
* Act as the team timekeeper; each team meeting period is designated a length of time according to the schedule. The timekeeper’s responsibility is to keep track of time during discussions and debate and remind the team of when decisions need to be made.

#### 3.3.2.11 Exercise Schedule

Negotiation sessions between teams can only take place during scheduled bilateral negotiations and during additional Ad Hoc Negotiation periods. Team Meeting periods are an important time for team communication, evaluation/reevaluation of positions and interests of the other teams, working on memorandums, scheduling negotiation sessions, and establishing talking points for the next round of negotiations.

During the simulation, participants should remain in the role throughout. While the negotiation sessions and team meetings are confidential, conversations in common or public areas are not. Each team will present their opening statements during the Opening Ceremony. Concluding the Opening Ceremony, participants will immediately begin their first Formal Negotiation Session. Teams will then move to their team zones, meet with own teammates, and prepare for the commencement of the negotiations. The first round of negotiations consists of pre-scheduled bilateral sessions (see schedule in Annex). The second round of negotiations will be Ad Hoc, conducted as described above. After the second round of negotiation, there will be a team break, which is also a period of time for teams to work on final strategies or have an informal negotiation. A final formal session will be held to discuss concluding remarks on team achievements, final proposals on each issue, announcing supportive allies, and a final resolution. Teams will then be evaluated and a score calculated on team performance. The simulation will then conclude with a Closing Ceremony.

## 3.4 Rules of Procedure

### 3.4.1 Rules Governing Formal Sessions

**On-table Negotiation:**

• Each party must attend the formal negotiation session.

**Points of Order:**

• Points of order can be raised by stakeholders at any point during the negotiation session. If a stakeholder believes that another participant is not following the rules of procedure, or not being sufficiently active in ensuring others do so, he/she may raise a point of order. The Sectary overseeing the negotiation will immediately interrupt the session to hear the point of order and to rule immediately on it (‘rule’ meaning whether or not that point of order has no merit, or to accept it and direct participants to conform to the proper procedure).

• It should be noted that points of order take up scheduled negotiation time and have a confrontational dimension that may prove detrimental to the general mood of the simulation.

**Adjournment of a meeting:**

A negotiation session can be adjourned upon the request of a stakeholder. An adjournment calls a session to a close. Any continued consideration of an item will take place in another session.

**Seeking the floor and addressing the Sectary:**

• No one, other than the Sectary, may intervene during opening statements or final resolutions (i.e. speak so as to be heard by the simulation) without having been given the floor by the Sectary; and

• When the Sectary intervenes, parties must address their remarks to the Sectary (although it is understood that what they say is meant for the whole simulation).

• Only one person should speak during formal sessions, this is to prevent quarrels between the stakeholders while they are giving team statements.

**Resolution Signing and Signing Parties:**

• A final agreement must be reached and signed by the relevant parties or the negotiation remains unresolved.

• It is assumed that all draft resolutions/decisions presented at the negotiation table will be adopted without a vote (i.e. by consensus). If a resolution is not to be adopted by consensus, the Sectary will be notified beforehand that a vote will be requested.

• In the final resolution, three distinct roles are defined to ensure clarity and efficiency in responsibilities and expectations: Responding Party, Main Sponsor, and Co-Sponsor. The Responding Party (or Implementing Party) is tasked with fulfilling specific obligations or responding to the negotiated requests, such as implementing measures or addressing concerns. The Main Sponsor serves as the principal advocate for the resolution’s objectives, often initiating discussions and driving the agenda with a vested interest in the proposed outcomes. The Co-Sponsor provides support to the Main Sponsor, offering ethical backing, resources, legitimacy, or expertise to reinforce the resolution’s goals. While each party has a distinct role, all parties are equal in standing and are expected to collaborate in good faith to achieve mutually beneficial outcomes.

• Due to the diversity of issues, resolutions can be signed separately based on the specific topics that are proposed by different sponsors.

• The Final Resolution Example and Template will be published in due course.

**Explanation of a Vote:**

• Before and after an action is taken on a draft resolution/decision, stakeholders can explain their vote, or in the case of a consensus, their position.

### 3.4.2 Rules Governing Informal Sessions

• Informal Sessions will include the following parts of the simulation: Ad Hoc negotiations, bilateral negotiations, multilateral negotiations, and team meetings.

• The main difference between Formal and Informal Sessions are the rules of procedure. Informal Sessions follow less formal guidelines.

• During Informal Sessions, participants are able to ask any question they want of another participant, which is an essential element of the negotiation process. This allows the opportunity to enhance the participant’s learning by asking questions of other participants as long as it occurs in the appropriate context.

### 3.4.3 Negotiations

The majority of successful diplomatic negotiations occur within an informal debate setting. Once you and your team have clearly understood the issues in the topic, you should seek out and consult with like-minded teams to informally negotiate. Participants should take advantage of informal sessions to introduce their team’s policy initiatives, as well as gather input and information from other team stakeholders regarding options for a resolution(s). Additionally, informal negotiation sessions are used to clarify any contrasting opinions regarding proposals.

Below are the Five Stages of Negotiation. These stages are meant to help guide teams through the negotiation process.

* Stage 1: Prepare: Identify potential value, begin to understand interests of stakeholders, develop fact-based information
* Stage 2: Information Exchange and Validation: Discovering value creation, assessing interests of stakeholders, building rapport and trust between teams
* Stage 3: Bargain: Create and distribute value, address interests of parties, make and manage concessions
* Stage 4: Conclude: Capture value, confirm interests have been met, thank other teams for participating
* Stage 5: Execute: Expand value, address changing interests, strengthen relationships

Participants will want to develop relationships with each other, based on common positions or values, to advance the goals of the team and successfully develop solutions to the case. During the initial stages of the simulation, participants should seek to meet all other participants, make their positions known, and gather general information about intentions, attitudes, and positions of the other team participants.

## 3.5 Negotiation Documents

### 3.5.1 Opening Statement

As the representative of your assigned stakeholder, you will be expected to speak about your stakeholder’s position on the case topics and your proposed solutions. As mentioned previously, teams must be prepared to give their opening proposal/statement during the Opening Ceremony.

The easiest way to organize your team’s statement is to use the following three-part formula:

* Hook: The beginning of the speech should grab the audience’s attention and give them a reason to listen to you. Many successful hooks begin with a quote, question, statistic, or story.
* Point: The point is the purpose of your statement. Once you have the audience’s attention, you should deliver your point. Opening statements are often short, so it is imperative to make your point significant, but simple to understand.
* Call to Action: Good statements end with a call to action, which is when you give your specific solution to the problem.

### 3.5.2 Final Resolution

The resolutions must be feasible and within the limit of the party’s capacity. Resolutions are the formal expression of the will or opinion of the teams and their participants. A finalized resolution which has been approved by some parties is the best way to express an opinion on an important issue, apply pressure on other party or parties, or recommending actions to be taken. Binding resolutions are utilized when renewing mandates and establishing sanctions.

The final resolutions follow a common format. Each resolution has a heading, preambular clauses, and operative clauses. The entire resolution consists of one long sentence, with commas and semicolons throughout, and only one period at the very end.

### 3.5.2.1 Formatting

Working papers should be single-spaced, 12pt font. The first word in each clause should be italicized.

### 3.5.2.2 Heading

The heading is the identifying part of the resolution. The heading answers several questions; it explains where the resolution is directed (to which team it is to be referred), what topic of discussion is, and who has written it.

#### 3.5.2.3 Preambular Clauses

The purpose of the preamble is to supply historical background for the issue as well as justify the action to be taken. Preambular clauses summarize the foundation of what will be discussed in the operative clauses and the actions that will be discussed in the second section of the resolution. The preambular clause can support specific arguments discussed in the resolution. The clauses should proceed from the broadest concept to the most specific (e.g. citing a meeting that occurred on a specific date). Specificity should go in historical order or chronological order.

#### 3.5.2.4 Operative Clauses

The solution in a resolution is presented through a logical progression of sequentially numbered operative clauses. The language of operative clauses should be specific. These clauses may recommend, urge, condemn, encourage, request certain actions, or state an opinion regarding an existing situation. Each operative clause calls for specific actions. The action may be as vague as future planned negotiations, or as specific as to call for a ceasefire or a monetary commitment for a particular project. Operative clauses can have sub-clauses to provide further detail for complex ideas. A sub-clause is part of a whole and cannot stand alone as a complete clause.

Additionally, there must be at least two sub-clauses; there cannot be only one sub-clause.

### 3.5.3 Memorandum

There is no fixed formatting for a memorandum unless it is required specifically. Teams can use their own convenient ways to record the negotiation details and proposals or the terms of agreements or resolution in their memorandum documents.

## 3.6 Purpose and Practice of being a Delegation

The most important aspect of participating as a participant in the BRI Simulation is assuming the role of a stakeholder. In this role, participants act as representatives of NGOs, IGOs, communities, and the government to which they have been assigned. Participants are reminded that professional diplomats and representatives conduct themselves, and regard one another, with the utmost dignity and respect, regardless of foreign policy affiliation or personal feelings.

During preparation and at the simulation, delegates may disagree personally with the policy of the stakeholder they are representing, but participants’ personal opinions are entirely inapplicable during the course of the simulation. It is of utmost importance for all participants to arrive well-versed in the dynamics of the position of their assigned stakeholder. The simulation’s quality depends on accurate preparation and participation.

Participants should also exhibit the ability to negotiate and compromise, demonstrate leadership, and to influence by gaining the professional respect of fellow participants.

# 4. About the Case

## 4.1 Case Background: Nuevo Puerto Port

Ecuplia is a nation located in South America. It is a unitary semi-presidential constitutional republic with the President as its head of state, the Parliament as its legislature and the Chief Justice as the head of its judiciary. As a close neighbors, Ecuplia has historically had deep cultural and economic connections with other regional powers and the Union of South America Nations(USAN) of which Ecuplia is a member. Ecuplia was once under colonial rule by a major western power for about one century. Ecuplia’s society has a diverse ethnic, cultural and religious landscape. There are multiple major ethnic groups in Ecuplia and the conflict among them once spiraled into intense civil war. Even though Ecuplia has transitioned to a market-oriented economy, its central government still plays an important role in national economic planning. Centuries ago, the country was colonized as a plantation economy and still exports commodities such as fruits, minerals, sugar, etc.

Nuevo Puerto is a port set to be built next to a major town in the western tip of Ecuplia where the second largest urban hub after the capital of the country is located. The Port of Nuevo Puerto is one part of a future economic engine that Ecuplia Government wants to build in order to boost the development of the region. It will be of great value to international maritime routes, as it is perfectly located in the middle of the currently established route via which minerals and fruits from the South America is transported to East Asia. It has desirable geographical conditions for building a deep-water port and is also the nearest port to the main maritime route across the Pacific Ocean. Once built, the Port of Nuevo Puerto can accommodate ships with a cargo capacity of up to hundreds of thousands of tons and will serve as a major port in the east Pacific Ocean.

## 4.2 Introduction to the Stakeholders

### 4.2.1 Globeworks Shipping Port Holdings Company Limited (GW Shipping)

Globeworks Shipping Port Holdings Company Limited (“GW Shipping”) is a listed company on the Hong Kong Stock Exchange with its shareholding structure largely distributed among global investors including Chinese state-owned investment companies.

### 4.2.2 The Government of Ecuplia (GOE)

The Government of Ecuplia Republic consists of all reasonable departments and administrative organs that could be seen in a sovereign state government.

### 4.2.3 Nuevo Puerto International Port Services Company (NPIPS)

Nuevo Puerto International Port Services Company Limited. A private limited responsibility corporation registered in Ecuplia for managing the construction and operation affairs of the port, fully owned by the Government of Ecuplia on the date this document is published but the ownership is subject to negotiation.

### 4.2.4 Indigenous People

Indigenous people live in the area of Nuevo Puerto, including various minority ethnic groups. The indigenous people have lived in the area of Nuevo Puerto for hundreds of years and they still live in the tribe and maintains very traditional lifestyle today. They have authorized HRI to serve as the representative for them in the negotiation.

### 4.2.5 Human Rights International (HRI)

Human Rights International is an influential international NGO aims at protecting and promoting human rights across the globe. They have invited a group of negotiation experts across the globe to form a volunteering team to join the negotiation on behalf of indigenous people, the environmentalist and wild-life protectionists.

### 4.2.6 Union of South American Nations (USAN)

Union of South American Nations is a regional intergovernmental organization (IGO) in South America with members countries of the region including Ecuplia. The organization aims at promoting regional economic integration and the development of the regional economy in South America.

## 4.3 Scenario and Stance of Stakeholders

The Belt and Road Initiative calls for higher level of inter-connectivity and infrastructure projects like the port at Nuevo Puerto are great starting points for achieving that goal. To pave the Maritime Silk Road as one of the two components of the Belt and Road Initiative, China actively seeks to build a sturdy maritime transportation chain connected by ports across the Pacific Ocean and facilitate the economic and social exchange along the route. As a multinational enterprise that has a long history benefiting from businesses between the Chinese economy and the international market, the board of the Globeworks Shipping highly agrees with the initiative see great opportunity in the trans-pacific maritime development.

Ecuplia enjoys abundant natural resources and a strategic geographic position. Its economy relies extensively on tourism and commodity exports such as fruits and minerals. The lack of a modern infrastructure system has been impeding Ecuplia’s development for decades. Therefore, NPIPS has borrowed $1 billion for construction of Nuevo Puerto Port.

Scale economy is a key factor that determines the operational efficiency and profitability in the modern shipping industry. Due to the limited scope of the operation, the port has become a serious loss of public finances. As a result, NPIPS decided to seek collaboration with a reputed port developer for the further construction and operation of the port. By doing so, the Government of Ecuplia would largely ease its short-term public financial stresses and hopefully turn the port into a economic success. In addition, the revival of the port operation could generate new employment and economic activities and attract more foreign investment and boost the entire economy of the country.

GW Shipping is not only one of the largest port developer and operator globally, but also a competitive investor of ports and developer of adjacent economic zones with abundant capital raised in Hong Kong and industry resources from mainland China. Its worldwide port network includes major coastal hub ports in China and Western Europe. It also has a growing presence in South Asia, Africa, the Mediterranean and South America. Benefiting from the BRI, GW Shipping has further strengthened its position in relevant markets in recent years. Also, the model of developing an export-oriented economic zone that GW Shipping could bring not only port construction and operation services but also supply chain connections between the local economy and the Chinese economy has been proven to be very successful. It raised the Ecuplia government’s interest in cooperating with GW Shipping for not only building a port but also the introduction of pertinent industries and their supply chain to grow locally.

The collaboration will apply the build-operate-transfer (BOT) model. BOT is a form of project financing, wherein a private entity receives a concession from the private or public sector to finance, design, construct, own, and operate a facility stated in the concession contract. This enables the project proponent to recover its investment, operating and maintenance expenses in the project.

The indigenous people are members of the aboriginal group living in the Nuevo Puerto Area. As part of the larger economy, they highly rely on traditional fishing methods for food and trading seafood with other areas in Ecuplia for the larger economy. The indigenous tribal economy is still closely affiliated with primary hunting and gathering techniques, and culturally, they worship Mother Nature as their spiritual support. Even though the leaders of indigenous tribe want to help their people to live a healthier and better life, most indigenous people worry about the change of life and see the possible damage of environment an offense to Mother Nature. There have been a couple of indigenous protests against the construction of the Port of Nuevo Puerto and the issue has raised global attention, especially with international human rights NGOs.

The leader of the indigenous people, also on behalf of other ethnic groups in the region, has accepted international negotiation aid from Human Rights International (HRI). An international volunteer negotiation team assembled by HRI will represent indigenous people in the negotiation. Human Rights International has been following human rights practices in international operations of the port construction industry for years and it sees itself as a watchdog of multinational enterprises’ international human rights compliance.

The establishment of South American Free Trade Area has boosted the regional economic interaction among member states of USAN and promoted Ecuplia’s demand for better infrastructure to fit its economic development. Neighboring countries in the South America Region, especially the largest and strongest member state in Union of South American Nations (USAN), have invested in infrastructure and related industries in Ecuplia as a part of the regional economic integration plan.

In order to boost the economic integration of South America Free Trade Area, the Union of South American Nations has offered a plan for Ecuplia for constructing the Port of Nuevo Puerto. The plan is financed jointly by the USAN and carried out mainly by a local port construction company with promises to hire most of the workers and buy most of the services within the South America region. But the plan costs almost twice as GW Shipping’s proposal and the quality is not guaranteed with a longer construction period. Ecuplia’s government has chosen GW Shipping’s plan for the Port of Nuevo Puerto but given the project’s significant impact on regional economic development, it has also invited USAN to sit on the table to promote the interest of the South America region.

## 4.4 Stakeholder Grouping

Not all stakeholders will be attending the negotiation. The following four parties will be representing different stakeholders that are involved in the project.

* The Government of Ecuplia, representing the Government of Ecuplia, and Nuevo Puerto International Port Services Company (NPIPS);
* Human Rights International (HRI), representing the indigenous people including the indigenous People and environmental groups in the region;
* Globeworks Shipping Port Holdings Company Limited (GW Shipping); and
* Union of South American Nations.

## 4.5 Issues on the Table

There are a number of significant issues which are interconnected. The issues can be divided into following sections:

### 4.5.1 Investment

The basic concern regarding the method of investment is the way the project is financed. GW Shipping advocates the lowest use of cash to inject equity investments and raise funds by using long-term loans from various developing finance institutes. However, the Government of Ecuplia prefers the project to be directly financed by cash and other short-term capital tools.

The total cost of the project is approximately 2.5 billion dollars; the GW Shipping proposes to provide 1 billion dollars for the cost, while the Government of Ecuplia believes that relevant investments in the Nuevo Puerto Special Economic Zone other than the port, such as roads necessary for connecting pertinent storage and industrial facilities to the port, should be also included in the cost, and has provided a total estimate of 3 billion dollars.

In addition to capital investment, GW Shipping maintains that the core construction technology and management know-hows they will be using in the project should be included in the overall investment as an intangible asset, which is worth 50 million dollars. Additionally, the Government of Ecuplia claims that the original debt should be included in the overall investment.

The investment from each party will decide the corporate structure. It needs to be carefully discussed and confirmed that how much proportion of shares should the GW Shipping and the Government of Ecuplia hold in this project.

### 4.5.2 Employment and Welfare

Ecuplia’s labor resources are abundant. The construction and operation of the port can highly improve the local employment-to-population ratio, which is a matter of concern to all parties. The governmental of Ecuplia hopes the port construction and operation can provide 15000 jobs for local people.

How to protect the workers’ rights and interests is also a concern to some parties. On the one hand, the local workers hope that a trade union can be organized in order to represent them and protect them from potential conflicts in the future. On the other hand, the Immigration Bureau of Ecuplia strictly limits foreign laborers to work in Ecuplia. Except for agreement under contracted projects or investment project, foreign labor personnel is basically not allowed to enter. But because of the nature of this project, it can also create potential job opportunities for the member countries of USAN.

In addition, once the Nuevo Puerto Port is built, it will limit access to the surrounding waters for those whose livelihood depends on fishing, which is a big concern for the Nuevo Puerto indigenous people.

### 4.5.3 Environmental Compliance

Ecuplia is one of the most biologically diverse countries in the world. The idea to integrate environmental protection into socio-economic development has been widely accepted in Ecuplia. Not only that environmental protection is regulated in different fields, the Supreme Courts of Ecuplia has interpreted a healthy and protected environment as the "fundamental right to life" element. Possible environmental damage of the port construction and operation also raises concern from the environmentalists and wild-life protection advocates.

According to the local law in Ecuplia, all businesses must meet the requirements of the Environmental Law and its related regulations, including the protection of terrestrial and aquatic animals and plants, water resources, soil and other natural resources during business activities. The Environmental Impact Assessment (EIA) process has become the most common institutional mechanism for environmental protection. The Environment Department of the Ecuplia Investment Management Committee will also give investors advice and guidance on environmental protection and participate in the approvals of business operation from the environmental perspective.

GW Shipping needs to make sure their business plan meets the requirements of national law in order to get approval from the government and support from the indigenous community with the lowest budget. HRI, representing the interests of the indigenous community, needs to make sure the port benefits the living environment of the people as well as wildlife in the surrounding area.

### 4.5.4 Geopolitical relationship

The construction and development of any new framework to some extent always relies on the existing system within which a balance of power is required. All parties, either domestic or international, are all geographical relationship players and can impact on the negotiation. USAN wants to ensure its influence in the area where the project is built and make sure the economic benefits of the port could be shared with all regional stakeholders. The Government of Ecuplia hopes that the port can be included in the South American Free Trade Zone so that it could serve regional economies with favorable tariff and non-tariff trade terms.

GW Shipping, as the advocate of the BRI and the initiator of the project, needs to focus on not only its financial benefits but also the partnership with other global players in a long term.

HRI, on the other hand, can use the intention of other teams on international influence to secure their own interests.

All team needs to figure out how to leverage the geopolitical relationships to gain their bargaining power.

## 4.6 General Preparation strategies

* Regarding the legal issues in the case, the following points are worth notice:

a. Conduct the necessary due diligence and ensure all negotiation proposals meet the requirements of relevant law, treaties, and other soft law or industrial standards.

b. The goal of the negotiation on the law issues is not to resolve disputes but to ensure all necessary steps regarding the construction of the port behaviors are conducted in compliance with relevant law and other applicable international law.

c. Understand the differences and conflicts between the legal, social, cultural and economic norms among different countries and areas in order to propose ideas that are acceptable to other teams in terms of culture and custom.

* Regarding the financing issues in the case, the following points are worth notice:

a. Select professional team talents who understand financing, capital operation procedures and local financial regulations to avoid unnecessary misunderstandings in communication.

b. Pay attention to the preparation of the financing plan and the project plan, and fully prepare the written materials before negotiation, so as to avoid unnecessary disagreement in the negotiations.

c. Negotiation content must be clarified before negotiation and the negotiation goal should be determined. The target for the negotiation includes: the amount of financing; the composition of shareholders and equity structure; whether the fund can be controlled; the mode of contribution of both parties; the value determination and disposal of intangible assets; the disposal of existing debts and contingent liabilities; the corporate governance institutions of the new company; personnel arrangements and remuneration; management team formation and incentives; government’s policies for related departments; auditing, evaluation, legal and financial advisory and other intermediary agencies; division of work and schedule of the two parties.

* Regarding the international relations issues in the case, the following points are worth notice:

a. Understand the interest of each party in the global community and use the Game Theory to analyze the reasons and logic of their stances.

b. Use one party’s intention as bargaining power against a third or fourth party.

* Negotiation Outcome

The fundamental goal of the negotiation is to establish cooperation between the negotiating parties, specifically relating to the outstanding issues on the table. The negotiation outcome is/are the final resolutions that each team submits, within which the four teams are supposed to reach to a point where all issues are addressed and all parties are satisfied with the specific issues they are concerned with.

## 4.7 Applicable Law

In order to maintain the legal integrity of the negotiation and avoid any legal risk that may occur, teams are encouraged to provide the applicable law to support their arguments and stances. Law, as a broad term, means the general idea of all sources of law. It does not necessarily mean a statue or statutes enacted by the legislative body in a country. In this case, it includes case law, regulations, and international law as well. Teams can also use international customs, domestic policies, industry standards can be applied too.

The legal documents listed below are provided for your reference when determining the applicable law, assuming that Ecuplia is a signatory to these agreements.

• ILO Declaration on Fundamental Principles and Rights at Work

• United Nations Declaration on the Rights of Indigenous Peoples

• Universal Declaration of Human Rights

• International Covenant on Economic, Social and Cultural Rights

• United Nations Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights

• Charter of the Union of South American Nations

• Equator Principles (A financial industry benchmark for determining, assessing and managing environmental and social risk in projects)

• ILO Convention No. 98 Right to Organise and Collective Bargaining Convention

• Convention on Biological Diversity

• Paris Agreement

• Rio Declaration on Environment and Development

• International Maritime Organization (IMO) MARPOL Convention

• ILO Convention No. 100: Equal Remuneration Convention

• ILO Convention No. 138: Minimum Age Convention

• ILO Convention No. 155: Occupational Safety and Health Convention

• International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

• United Nations Global Compact

• OECD Guidelines for Multinational Enterprises

• UN Sustainable Development Goals (SDGs)

• UN Guiding Principles on Business and Human Rights

# 5. Simulation Schedule

**Preparation Stage**

• Team-based research

• Study the confidential materials

• Prepare an opening statement

**Opening Statement (30 minutes)**

• Deliver an opening statement (7 minutes for each role)

**First Round (60 minutes)**

• First Round -- Pre-scheduled Bilateral Negotiation

|  |  |  |
| --- | --- | --- |
| Sessions (2 mins in between) | Bilateral Negotiation Table 1 | Bilateral Negotiation Table 2 |
| First Session (15 mins) | Ecuplia Gov’t with GW Shipping | HRI with USAN |
| Second Session (15 mins) | Ecuplia Gov’t with HRI | GW Shipping with USAN |
| Third Session (15 mins) | Ecuplia Gov’t with USAN | GW Shipping with HRI |

• Team Recap (10 minutes)

**Second Round (Informal Session, 40 minutes)**

• Ad-hoc negotiations (Bilateral or Multilateral, 30 minutes)

• Team Recap (10 minutes)

**Final Round (32 minutes)**

• Final Round -- Quadrilateral negotiation (8 minutes for each team)

**Resolution Signing (15 minutes)**

• Preparing and signing the final Resolution.

# Annex 1: Opening Statement Example

Union of South American Nations

Dear Secretariat, representatives of Ecuplia Gov’t, GW Shipping, and HRI

I am \_\_\_\_\_\_\_ of the Union of South American Nations. We are a regional intergovernmental organization comprised of South American nation member states. It is the task and goal of the USAN to resolve conflicts and promote economic development and regional integration. Our organization maintains permanent diplomatic relations as an observer with the United Nations and has significant ties to other international organizations.

USAN is pursuing lasting peace and prosperity in the region and is willing to represent the Ecuplian government in negotiations as a member of the organization. It is imperative for the organization to maintain influence in regional affairs and help Ecuplia to gain economic prosperity. In order to maintain our presence in the region, we want to ensure that any construction of the port project is in accordance under USAN rules; our organization is the entity with the ability to grant permission to commence the project.

Ensuring prosperity in the region on a long-term track will require that the organization ensures the preservation of local culture and to prevent any potential harm brought on by the construction process. It is imperative that traditional knowledge and practices are protected.

USAN promotes regional unity through cultural integration and cultural dialogue. Through the negotiation process, USAN demands a necessary plan and essential financial endowment to deal with the potential environmental issues during the construction of the port in order to protect locals. To maintain status in the region, the organization asks that at least one position be open to a representative of USAN within the port administrative leadership or within its board of directors. Finally, as a way to integrate the local community, we ask that any labor or other positions of employment include local workers and contractors. In granting our requests, USAN can carry out its duty to resolve conflicts and promote economic prosperity for its members.

# Acknowledgement

The simulation case used in this competition was designed by the team listed below (Listed in alphabetical order by surname):

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We extend our sincere thanks to the team for conducting extensive research on the case design and the simulation procedure.

# Contact

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You can also visit our website at <https://flia.org/education/programs/brisimulation/> or [obor.education](https://www.obor.education/) for further information about this program.