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**Eco-Adventure Preserve and Michael J. Dundee**

**GENERAL INFORMATION TO BOTH PARTIES**

A group of investors are in the process of developing an Eco-Adventure Preserve (“Eco-Adventure”) on Isla Nublar, an island located 193 kilometers west of Costa Rica. “Sovereign rights” to the island were obtained through a very large payment to the Guatemalan government. Isla Nublar is currently uninhabited. The climate on Isla Nublar is tropical, there has been recent volcanic activity, and two rivers run across it to the East and Northern Coasts. There is a large lake on the north part of the island. The highest elevation of the island is a peak reaching 640 meters. Isla Nublar currently has a diverse range of tropical birds and animals living within dense jungles and bamboo habitats.

The investors in Eco-Adventure reside in the home country of the lawyers who are representing Eco-Adventure at this negotiation. Isla Nublar was previously inhabited by local residents in two small villages—one fronting the natural harbor on the island and the other on a small offshore island. The residents were actively engaged in logging, hunting, and fishing. This activity was starting to show effects on the island in terms of environmental degradation. In addition, several animals had been hunted into extinction, including the entire snake, beetle, and monkey populations (snake surprise, beetle appetizers, eyeball soup, and chilled monkey brains were favored specialties among the local inhabitants). Eco-Adventure made lucrative offers to the local residents to relocate to Guatemala. After these offers were accepted, the only human contact with the island has been by Eco-Adventure’s employees.

The investors hope to return Isla Nublar as much as possible to its pristine condition and to create a biological preserve. To make this financially possible, they hope to take advantage of the recent upsurge in interest in ecotourism. The investors would also like to showcase biodiversity and help revive endangered or even extinct species. In fact, the investors’ goal is *“to make a biological attraction so astounding that it will capture the imagination of the entire world.”*

One of the hoped-for attractions of Eco-Adventure is to provide a safe haven for endangered or even extinct species by means of modern technology. Science recognizes that twins are a natural occurrence and have the same DNA makeup. Cloning technology now allows the creation of animals that are genetically identical to the original. Successful cloning has included, *inter alia*, carp, mice, sheep, pigs, cattle, cats, rabbits, mules, deer, horses, rats, fruit flies, dogs, and wolves.

One type of cloning the investors have in mind requires a simple tissue sample from the animal to be cloned. For most large animals (*e.g.*, cows), it involves a small ear punch. For smaller animals (*e.g.*, cats), it involves a skin-punch biopsy from the abdomen. The punched-out area might need a couple of stitches, but otherwise does not harm the animal at all. The tissue sample is then cultured in a laboratory to produce millions of viable cells, creating a cell line that can be cryogenically frozen and stored indefinitely.

Through advanced biological processes, the DNA from the stored cell lines can be transferred into suitable oocytes (eggs) that have had their genetic material removed. These oocytes are incubated for several days and then transferred into recipient females. After a normal gestation period, normal animals are born just as any other animal would be.

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Original source: International Negotiation Competition, amended source Wægger Negotiation Institute 03/2019

**Norwegian Negotiation Competition - Final 2019**  
**Round Three**

Importantly, the oocytes and surrogate mother only must be similar enough to the animal to be cloned to serve as “hosts.” For example, to clone rare Asiatic cheetahs, a tissue sample would need to be obtained from an Asiatic cheetah; the egg of a leopard could be used and a leopard could serve as the surrogate mother; the cub’s mitochondrial DNA will be from the leopard, but the offspring will be a cheetah—having nucleus DNA from the cheetah cell donor—not a leopard/cheetah hybrid.

In order to move forward with its cloning project, Eco-Adventure has contacted Michael J. Dundee (“Dundee”), a well-regarded expedition guide, adventurer, and wild animal expert. Incidentally, he is also noted for, *inter alia*, having been attacked by a crocodile and living to tell about it. Previously, Eco-Adventure had hired Dundee to help Eco-Adventure comprehensively survey the island and to identify various “excess” animals for possible “loan” to others in return for receiving other animals compatible with its tropical environment and the planned use of the island, as well as species on the island that might benefit from greater genetic diversity. As part of Dundee’s agreement with Eco-Adventure, Dundee also had arranged for four interested parties to meet to discuss entering into a “Breeding Loan Agreement.” Eco-Adventure now wants Dundee to use his worldwide contacts among zoo administrators, conservationists, circus operators, wildlife preserve directors, and animal “brokers” to acquire sixteen different tissue samples from each of the following types of animals:

Amur tiger



Asiatic cheetah



Malbar large spotted civet



Okapi (a relative of the giraffe)



Golden or greater bamboo lemur



Tamaraw (dwarf water buffalo)



Black rhino



Dundee is a citizen of the home country of the lawyers who are representing him at this negotiation. After being contacted by Eco-Adventure, Dundee has indicated an interest in putting together a business arrangement to accomplish Eco-Adventure's goals. The parties have agreed to have their respective lawyers meet to try to work out a mutually satisfactory arrangement.

You can assume that the lawyers have agreed to meet at a convenient location to negotiate specific terms and finalize the agreement if one can be reached. Eco-Adventure and Dundee have agreed to keep this meeting confidential, whether or not an agreement is reached. For convenience, the parties have authorized their lawyers to negotiate in terms of Euros.