

International
Business Negotiation



复旦卓越

上海市外贸经济教育高地建设项目
21世纪国际经济与贸易专业教材新系

国际商务谈判

(英文, 第二版)

■ 窦 然 主 编

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内容提要

修订版依旧由12章组成，涉及国际商务谈判的各个环节和相关知识，如谈判的准备与开局、磋商策略、僵局化解、签约须知、语言技巧、心理素质、不同国家和地区谈判者的谈判风格和相关礼仪，等等。本次修订中对第一版各章节的多处文字表述、数据和部分段落结构做了重新调整。例如，将原先书中按中国人习惯的表达，换成西方人的惯用说法；某些案例中的数据按实际汇率重新做了核实；有些略显冗长的小标题和句子，在不改变原意的前提下，改写成更加精练的文字和表述；书中涉及一些谈判的策略和技巧，也按逻辑关系、使用频率等予以重新调整和增删。

本书适合中国高校相关专业的学生、进修生、来华留学生以及从事涉外商务工作的相关人士。

总 序

现代经济发展的实践表明,国际贸易是经济增长的强大推动力。第二次世界大战后,国际贸易的迅速发展在全球范围内引起了国际分工体系的革命性变革和福利分配格局的重组,极大地促进了经济增长。中国实行改革开放和加入世界贸易组织,加速了对外开放的步伐,外贸业务增长迅速,对外贸易对经济增长的贡献度不断提高,市场对外贸人才的需求急剧增加。

为了适应国际经济理论的创新与拓展以及外贸业务发展的需要,加快培养出更多掌握经济学理论知识、具有良好的外语基础、熟悉WTO的游戏规则、了解国际惯例、熟悉国际市场运作规则、具有浓厚的国际意识、掌握具体操作能力的国际经济与贸易专业应用型人才,必须从国际经济与贸易专业的课程体系、课程内容、教学方法、教材编写等方面进行探索和创新。

“复旦卓越·21世纪国际经济与贸易专业教材新系”教材编委会精心策划,在总结过去教材建设经验的基础上,结合应用型本科教育的特点,借鉴国内外经验做法,经过反复研究论证和撰写,推出了“复旦卓越·21世纪国际经济与贸易专业教材新系”。这套系列教材包括《国际结算》、《国际贸易实务》、《外贸实务》、《国际运输与保险》、《WTO规则与运作》、《外贸函电》、《单证实务》、《国际服务贸易》、《报关实务》、《进出口商品检验》、《国际商务谈判》、《国际贸易专业英语》等12种。

本套系列教材同时作为上海市十大教育高地之一——外贸经济本科教育高地——的标志性教材和国际经济与贸易专业人才培养的重要成果,具有“新、特、实、强”等特点。设计思路新颖,强调学以致用,突出“以学生为中心”的思想;力求创新写作体例和研究分析方法;观点内容着力体现前瞻性、前沿性、动态性,并尽力做到深度和广度适宜。课程

体系体现涉外经济类专业特点,采用中文和英文双语相结合的办法,凸现双语教学特色;注重实践性、实用性、可操作性,便于实践教学。编写教师的阵容庞大,起点高,教学经验丰富,研究能力强。

我们希望,通过本套系列教材积极探索出一条国际经济与贸易专业教学改革的新路子,为国际经济与贸易学科在中国的发展做出贡献。由于我们的理论水平和对外贸易实务操作技能有限,本套教材难免会存在许多不足之处。希望通过这套教材的出版,与国际贸易学界、政界以及从事实务工作的同仁共同研究和探讨,进一步提高教材的编写水平,提高教学和科研质量。

丛书编审委员会

2014年2月

再 版 前 言

一天中午在食堂用餐,偶然与中丹学院的几位教师坐在一起。当同事向一位外教提及,我就是他所教的“中丹班”《国际商务谈判》课程教材的主编时,那位丹麦教师对我说,这是他看到的写得最好的一本商务谈判的教材!如此溢美之言,我权当是句客套话,笑而谢过。可接下来我却感受到了真诚,因为他说出了该书的妙处——每个章节的重要知识点,均有相关案例辅以说明,许多案例让人如临其境,非常实用,且包含不少外国人所不知的“中国智慧”。我告诉他,我曾经在国内外商务机构工作了15年,参加过无数次国际商务谈判。书中许多案例,是我的亲历和所见所闻所感,我将这些或成功或失败的案例分享给学生,为的是让他们能得到正反两方面的经验教训,举一反三,少走弯路。说故事、谈感受,算是从商界转行到学界的一点优势吧。当然最赞的是,我们有个很强的编写团队,正是几位国际商务专业教授和博士们的共同努力,以及美国专家 Jolie V. Huang 女士在文字方面的悉心校订,才使得本书成为一部备受出版社重视、赢得全国各高校相关专业师生欢迎的实用型教材。这让我们十分欣慰,并乐于再接再厉。

在本次修订中,我们对第一版各章节的多处文字表述、数据和部分段落结构做了重新调整。例如,将原先书中按中国人习惯的表达,换成西方人的惯用说法;又如,某些案例中的数据按实际汇率重新做了核实;再譬如,有些略显冗长的小标题和句子,在不改变原意的前提下,改写成更加精练的文字和表述;书中还涉及一些谈判的策略和技巧,也按逻辑关系、使用频率等予以重新调整和增删。总之,本着“勘校文字、理顺表述、优化案例”的原则,在几位同仁的再次携手努力下,终于顺利完成再版修订。然而,这毕竟是一部由国内教师主笔编写的英文教材,尽管编者都是在国外工作生活多年并长期以英语讲授国际商务的资深教师,尽管本书的文字和语法均由外籍专家最终把关,但不足之处在所难免。因此,诚恳希望使用本教材的师生和读者,一旦发现问题,可以随时通过 douran@shfc.edu.cn 的邮箱向我们指出,本书主编将不胜感激。

窦 然

2014年5月于上海

前 言

时隔将近 20 年,当笔者重返高校任教,领衔编撰的第一本书,竟然是这部英文版的《国际商务谈判》,这真是件令人既兴奋又有压力的事情。

兴奋的是,终于有机会可与读者分享自己就职于海内外多家商务机构所见所闻和经历的一些谈判故事,以及平日收集的诸多国际商务谈判的典型案例。压力是,本书被列入复旦大学出版社“21 世纪国际经济与贸易专业教材新系”,并且是为数不多的全英文版本之一,能否以浅显地道的英语,有创意地将实际案例与理性分析糅合在符合现代高教特点的教材中,的确是一件颇具挑战的任务!

值得欣慰的是,我们有一支很棒的编写团队!其中,既有资深的国内外英语专家鼎力相助,又有经验丰富的南北高校国际商务双语教学骨干倾情参与,加上时逢中国改革开放的火热年代,无数活生生的商战素材和资料可供借鉴,凡此种种,增添了自己担纲编写本书的几分底气。

在商言商。商战的最终目的是获利,而商谈的最佳结果是双赢或多赢。凡参与国际商务谈判者,或许不一定有全面扎实的专业背景,但要想取得谈判成功,或避免在谈判中陷于被动,就必须掌握一定的谈判策略和技巧,并具备广阔的国际视野和跨文化的知识储备。当然,良好的外语功底会有助于降低谈判的交际成本,提升交流的乐趣。为此,本书紧扣“国际”二字,围绕“应用”这个主题,将一个个生动的国际商谈案例串联于全书始终——每章先以开篇案例引出主题,接着,在主要节目中穿插相关案例佐以分析,结尾以案例强化主题,归纳要点,提出问题与思考。全书采用这种新颖方式,有节奏地将读者引入各种国际商务谈判情景,以期达到持续激发读者的学习兴趣、强化对谈判策略的理解和相关技巧掌握的目的。这,或许算是本书的一个特色吧!

本书由 12 章组成,涉及国际商务谈判的各个环节和相关知识,如谈判的准备与开局、磋商策略、僵局化解、签约须知、语言技巧、心理素质、不同国家和地区谈判者的谈判风格和相关礼仪,等等。鉴于本书的对象主要为中国高校

生、进修生、来华留学生和从事涉外商务工作的相关人士,所用英文力求浅显通俗,层次结构力求清晰完整。学习时还可结合多媒体方式、现实案例讨论和模拟谈判等形式,学活用活,触类旁通。

本书的编写人员为:窦然、苏丽文(第一章、第二章、第三章、第四章、第五章、第八章、第九章),罗树民(第六章、第七章),黄海(第十章),谢萌(第十一章),郭小婷(第十二章)。曾在北京高校及东北财经大学任教 11 年的美国专家 Jolie V. Haug, D. C. 女士参与了本书的文字校对工作,回国后还经常通过电子邮件和网络视频,就本书英文词句的准确表述与我们反复切磋,提出许多宝贵建议。在此,我们深表谢意!并祝她身体健康,愿她在俄勒冈州家乡与 3 个子女及 10 个孙辈共享天伦之乐。

由于编者水平有限,书中难免存在错误与不当,敬请读者不吝赐教。

窦 然

2007 年 9 月于上海

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Chapter 1

An Overview of International Business Negotiation

Key Points:

- 1. Concepts of business negotiation**
- 2. Characteristics of international business negotiation**
- 3. Forms of international business negotiation**

【Preview Case】 Mr. Lu Weiguang, President of Anxin Company, is pondering how to circumvent the control of the Taiwanese business people over the quantity and price of timber export when he comes upon a good idea—to purchase a stretch of forest directly in Brazil, then he would own the source of timber in a foreign land with control over its price. He immediately starts off with this idea. However, a few problems crop up. First, almost all the forests in Brazil are owned by Indians. Anyone with the intention of purchasing a forest has to approach them. Then how to bridge the wide gaps in language, customs, culture and religion between them? Second, Indians have their own laws prevailing over their preservations. Any transactions in large volume must be approved by the head of their tribes. As they view it as their source of life, it is very difficult to lay hands on their forests. Will Mr. Lu Weiguang be likely to get what he wants? How to get? How much will he get? These are the questions Mr. Lu has to work out.

Compared with the limited resources in the world are concerned, our needs and wants are infinite. To resolve these contradictions and to avoid the conflicts brought about by the escalation of these contradictions, negotiation has turned to

be one of the major approaches to settling the conflicts. Today this is especially the case with the globalization of the world's economy. To get more irreproducible resources and high-quality goods at low prices, to establish plants in a foreign country to circumvent trade barriers, to gain in the overseas capital markets, these cross-border business activities of varied sizes and forms are impossible without negotiation.

1.1 Definition and Characteristics of International Business Negotiation

The world we are living in is full of conflicts. There are two ways to resolve the conflicts; one is the use of force and the other is negotiation. In the field of international business, the era when one party manipulated the other by means of violence and force has long gone. Instead negotiating has become an effective approach to resolving conflicts and adjusting interests.

1.1.1 Definition and characteristics of negotiation

The word "Negotiation" derives from the Latin word "Negotiarī", which means "to do business". Now in a broad sense, negotiation refers to the action and the process of reaching an agreement by means of exchanging ideas with the intention of dispelling conflicts and enhancing relationship to satisfy each other's needs.

From the time memorial, home or abroad, a numerous varieties of negotiations have been conducted. Though negotiations vary in forms and contents, they all demonstrate the following characteristics:

(1) Every negotiation involves two or more parties

Even though you can role-play another person to negotiate with yourself, the counterpart you role-play is bound to represent interest different from yours. In effect, there are at least two or more key participants in a negotiation. The number of the major parties in a negotiation, from the debate of the United Nations with more than 200 members to a talk about marriage arrangements, may be as many as over a hundred, but absolutely never fewer than two.

(2) The objective of a negotiation must be definite

Different from everyday talk, the purpose of a negotiation is to persuade someone else into accepting one's own ideas, and to maintain or achieve mutual interests. At the same time, the other side participates in the negotiation with the similar purpose of maintaining his or her self-interest and advocating his or her ideas and persuade the counterpart to accept his or hers. Rambling negotiation without a clear purpose is nothing but a waste of time, leading to nowhere. In essence, it is not negotiation.

(3) Negotiation must be conducted on an equal basis

Regardless of whether it is a high-level negotiation or a low-level negotiation, both sides are independent and equal in dignity and legal status. Neither side is subordinate to the other side or supposed to coerce the other side into giving in. Only under the prerequisite of independent dignity and equal status all sides of negotiation are likely to sit down to serious talks and give a complete and accurate account of one's ideas. For instance, when a person applies for a position or talks about a pay rise with the boss, he or she is conversing with the boss independently and equally. There are no such rules that the minority should submit to the majority and the lower level should be subordinate to the higher level.

(4) A consensus must be built on the basis of mutual concession

In negotiation, the self-interests of all sides do not necessarily increase or decrease on a same percentage. Nevertheless, if only one side makes concession or gain complete victory, it is not a genuine negotiation. The agreement established in a negotiation, in which one side totally lost its self-interest, is hard to be implemented.

(5) Negotiation involves exchange of ideas, communication, persuasion, compromise, and suchlike

During negotiation, the interaction among all participants facilitates information sharing and mutual understanding. Meanwhile, negotiation turns to be a process of persuading and being persuaded. Its major task is to attempt persuading the opposing party into accepting one's idea, self-retained interests, and satisfied behavior.

1.1.2 Definition and characteristics of business negotiation

Business negotiation is a process of conferring in which the participants of business activities communicate, discuss, and adjust their views, settle differences and finally reach a mutually acceptable agreement in order to close a deal or achieve a proposed financial goal.

Business negotiation is a form of negotiation itself. It not only presents the characteristics of common negotiation, but also the characteristics of business activities. In modern society, the range of business activities is expanding all the time. The subjects of business activities almost include everything, from tangible to intangible goods for exchange and sale. That is to say, it includes production factors such as technology, labour, capital, information, real estate and the like as well as the sales of general consumer goods and various materials. Therefore, business negotiation includes all the discussions over institutional or individual interests in business transactions.

Business negotiation falls into the scope of applied science. This discipline covers the study of the forms, principles and procedures of business negotiation, the psychological analysis of the participants, as well as the introduction of specific methods, strategies and skills used in business negotiation. In real situations, business negotiation takes on numerous forms and concerns various contents, involving different procedures and methods in different cases. There is a saying, "When in Rome, do as Romans do." It well manifests the nature of business negotiation. As a negotiator, you should identify the objective of your negotiation first and then figure out proper methods and strategies to be used. Take the following cases as an example—a university plans to negotiate with a digital company over the price at which to purchase desktop LCD computers, and two large corporations talk about merger. Though both of them are business negotiation, the knowledge, methods and strategies used are different.

Business negotiation demonstrates the following characteristics:

(1) The objective of business negotiation is to obtain financial interest

It is the financial interests that all parties concerned hope to gain to satisfy their needs through negotiation that enables them to negotiate over a matter of common concern. In business negotiation, what the negotiators care are the cost