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江 春 编著

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Unit 1 Fundamentals of Negotiation



Sentence Patterns

1. Think of the word “negotiation”, what images come to your mind? Conflict? Confrontation? Battle? War? Or maybe Debate? Logic? Science?

一想到“谈判”这个词, 印入你脑海的是什么形象? 是冲突、对峙、战斗、战争, 还是辩论、逻辑、科学?

2. Believe it or not, despite all the clinical, logical, rational, psychological, statistical analysis, graphs, pie-charts, methods, and techniques from MBAs, CPAs, CEOs, mediators, mediums, gurus, and astrologers, *negotiation is not a science*.

不管你是否相信, 虽然有各种临床、逻辑、理性、心理、统计的分析, 有曲线、饼状图和来自工商管理者、注册会计师、首席执行官、调解人、媒体、专家、占星家的方法和技巧, 但是, 谈判不是一门科学。

3. The popular concept of negotiation as war and as science have contributed to the negative image of deal-making, the image that the biggest and toughest thug wins.

将谈判视为战争和科学的流行观点导致了谈判的负面形象, 即

只有高大强硬的暴徒才能赢。

4. Cultural conditions (magazines, TV series, movies, best-selling books) have reduced deal making to images of brutal combat—often making great entertainment on film but lousy negotiation in reality.

文化氛围(杂志、电视剧、电影、畅销书)也造就了谈判的残忍格斗的形象——这种氛围在电影中营造了很大的娱乐性,但在现实中却导致了糟糕的谈判。

5. The best way to get what you want is to help the other side get what they want.

要得到你想要的东西的最佳方法是帮助别人得到他们想要的东西。

6. What matters in negotiation are results. Everything else is decoration.

谈判的关键是结果,其他的一切均为装饰。

7. Never forget, everyone who sit down at a negotiation table is there for one simple reason: they want something the other side has.

永远记住,每个人都为一个简单的原因坐在谈判桌前:他们想从另一方得到某种东西。

8. The most effective negotiators tend to be the most confident negotiators. Conversely negotiators who are less confident are less effective.

最成功的谈判者是最自信的谈判者。相反,缺乏自信的谈判者则难以成功。

9. Remember knowledge is power. If you are armed with knowledge you can face your negotiators with confidence.

记住知识就是力量。如果你用知识武装自己,你可以充满自信地面对你的谈判对手。

10. Everybody talks about win-win negotiation today. How do you interpret it?

当今每个人都在谈论双赢谈判。你是怎样理解的?

11. As far as I am concerned, win-win negotiation means: big win for your side, little win for theirs.

在我看来,双赢谈判意味着:你赢大头,别人赢小头。

12. If we negotiators were seeking truly equal terms and deals, like King Solomon, we'd simply divide everything in half.

如果我们谈判者寻求绝对平等的条件和交易,就像所罗门国王那样,那么,我们就简单地将任何事情一分为二吧。

13. In real world we're out to achieve all (or most) of our goals, to make our most desirable deals. But the best way to do so is to let the other side achieve *some of their goals*, to make their acceptable deal.

在现实世界中,我们的出发点是达到所有(或主要)的目的,达成我们最希望达成的交易。但是要做到这点的最好方法是让对方达到某些目的,达成一个可接受的交易。

14. There is an old saying, "If all you have in your toolbox is a hammer, then every problem looks like a nail." The same is true for negotiation.

有句古话说:“如果你在工具箱里有一把锤子,那么一切问题看起来就像钉子一样。”这也同样适用于谈判。

15. How to *prepare* better than the other side, how to *probe* so you know what they want and why, and how to *propose* without going first and revealing too much, these are the necessary

tools that you need to put in your negotiator's toolbox.

如何比对方准备得更充分,如何探求对方的底细,如何提出建议而又不操之过急、显露马脚,这些都是谈判者工具箱里必备的工具。

16. The tools in your negotiator's toolbox will enable you to deal with the toughest people and situations, from neutralizing animosity to breaking deadlocks.

谈判者工具箱里的工具将使你能对付最强硬的对手和最棘手的情况,从化解仇恨到打破僵局。

17. To be effective in negotiation, you have to stop using the same old "normal" approach. You got to want change, accept change, and throw yourself into that change. The result will be worth it.

要使谈判成功,你必须停止使用老生常谈的“正常”方法。你必须愿意变革、接受变革并投身到变革当中去。结果将是值得的。

18. If you are armed for combat, the other side will be, too. If you have to win at all costs, so do they. Both sides attack, both sustain casualties. Neither side gives in, neither side gets what they want.

如果你准备全副武装地去战斗,那么对方也会这样。如果你不顾一切代价去争取赢,对方也会这样。双方进攻,双方损失惨重。没有一方让步,就没有一方能赢。



Professional Terms

1. engage in 从事

2. purchasing agent 购买代理
3. supplier 供货商
4. satisfaction in careers 在事业上获得满足
5. collective well-being 集体的福利,好处
6. well-meaning platitude 善意的陈词滥调
7. hard-boiled cliché 老调重弹,陈词滥调
8. aggressive 好斗的,有闯劲的,敢作敢为的
9. deceptive 欺骗性的
10. outcomes 结果,成果
11. discipline 学科
12. intellectual tools 学术或智力工具
13. human interactions 人类的交往
14. exchange situations 交换场景
15. arena 竞技场,舞台
16. be involved in 参与其中
17. bargaining situations 讨价还价的场景
18. minimum price 最低价格
19. conflicting interest 彼此冲突的利益
20. mutually 相互的
21. benefit from 从……获益,受益
22. confront 面对
23. favorable 有利的,受恩惠的
24. reach agreement 达成协议
25. witness 目击,作证,成为证据
26. delayed agreement 延时、拖延的协议
27. abrogate an agreement 废除、取消一个协议
28. self-enforcing 自行行使,强迫执行
29. obviating 消除,排除(危险、障碍等)
30. Pareto optimization 帕累托最优化结果(双方均达到最佳利

益状态)

31. bargaining power 讨价还价的力量和能力



Relevant Knowledge

Rationale for Negotiation

Everybody engages in negotiations. A housewife with a salesperson over the counter for the price of fruits, a girl with her parent for lifting the night curfew, a driver with a police for removing ticket over a traffic violation, a purchasing agent with a supplier for the quality of a product, so on and so forth, all of which involve negotiation. Indeed, negotiation is the order of the day for each of us.

Broadly speaking, every facet of human life, from our happiness in families to our satisfaction in careers as well our collective well-being on earth, hinges much on negotiation. A fundamental understanding of this subject can neither be built either on well-meaning platitude about being generous and open-minded nor depend on hard-boiled cliché about being aggressive or deceptive. It is therefore not surprising that negotiation processes and outcomes are studied in various disciplines such as political science, economics, psychology and sociology. In addition, courses on negotiations are now commonplace in business schools and law schools, principally because negotiation skills are highly prized both in the field of business and law. Since the intellectual tools are there to improve the capacity in study and practice of negotiation, they need to be better understood in order to be put to real use.

There are two main reasons for studying bargaining situations.

The first, and a practical one, is that many important and interesting human (economic, social and political) interactions are bargaining situations. As mentioned above, exchange situations are bargaining situations. In the arena of social interaction, a married couple, for example, are involved in many bargaining situations throughout their relationship. In the political arena, a bargaining situation also exists, for example, when no single party on its own can form a government; the party that has obtained most votes will typically find itself in a bargaining situation with one of the other parties. The second, theoretical, reason for studying negotiation is that understanding such situations is fundamental to the development of the economic theory of markets.

Consider the following situation. Casey owns a house that she values at \$ 100,000 (which is the minimum price at which she intends to sell), while Peter values this house at \$ 80,000 (which is the maximum price at which he intends to buy). If trade occurs at a price that lies between \$ 100,000 and \$ 80,000—that is, if Casey sells the house to Peter—the seller and the buyer would each become better off. In this situation, there lies a common interest for the two individuals to trade. But, at the same time, they have conflicting interests over the price at which to trade: the seller would like to trade at a higher price, while the buyer would like to trade at a lower price. Any exchange situation, such as the one just described, in which a pair of individuals (or organizations) can engage in mutually beneficial trade but have conflicting interests over the terms of trade, is a bargaining situation.

Stated in general terms, a *negotiation is a bargaining situation in which two or more players have a common interest to co-operate, but at the same time have conflicting interests over exactly how to*

co-operate. To put it differently, the players can mutually benefit from reaching agreement on an outcome from a set of possible outcomes, but have conflicting interests over the set of outcomes.

The main issue that confronts the players in a bargaining situation is the need to reach agreement over exactly how to cooperate—before they actually cooperate (and obtain the fruits of that co-operation). On the one hand, each player would like to reach some agreement rather than disagree and not reach any agreement. But, on the other hand, each player would like to reach an agreement that is as favorable to her as possible. It is thus conceivable that the players will strike an agreement only after some costly delay, or indeed even fail to reach any agreement—as is frequently witnessed by the history of disagreement and costly delayed agreements in many real-life bargaining situations (as exemplified by the occurrences of trade wars, military conflicts, strikes and divorce).

The intersecting yet conflicting interests of the different parties are what make the problem of reaching an agreement a “game”—that is, the outcome depends on the choices of *all* the players. Insofar as no players have reason to abrogate an agreement, the game is said to be “*noncooperative*”: the agreement, because it is in the mutual interest of the parties, is self-enforcing, obviating the need for an outside party to make it stick. *Cooperative games*, which also presume such an agreement can be made, however, concern the issue as how the surplus generated by the agreement might be reasonably divided among the players.

The main focus of any theory of bargaining is on the *efficiency* and *distribution* properties of the outcome of negotiation. The former property relates to the possibility that the bargaining outcome is not Pareto optimization. As indicated above, this could arise, either

because the players fail to reach an agreement, or because they reach an agreement after some costly delay. Examples of costly delayed agreements include: when a wage agreement is reached after lost production due to a long strike; or when a peace settlement is negotiated after the loss of life through war. The distribution property, on the other hand, relates to the issue of exactly how the fruits of co-operation are divided between the players (or, to put it differently, how the gains from trade are divided). The negotiation theory will determine the roles of various forces on the bargaining outcome. It also addresses the issue of what determines a player's *bargaining power*.

研究谈判的理由

每个人都从事谈判。家庭主妇与售货员在柜台前就水果的价格讨价还价,姑娘要求家长取消夜晚外出禁令,司机请求警察撤销违反交通规则的罚单,采购员要求供应商保证产品的质量等等,都离不开谈判。的确,谈判是我们每个人日常生活的常规。

从广义上讲,人类生活的各个方面,从家庭的幸福到事业的满足以及人类社会的集体福利,在很大程度上都依赖于谈判。对这一主题的根本性理解既不能建立在慷慨大方和胸怀坦荡等老生常谈的基础之上,也不能依靠咄咄逼人或兵不厌诈之类的陈词滥调。因此,不难理解,谈判的过程和结果已成为政治学、经济学、心理学以及社会学等多门学科研究的对象。不仅如此,有关谈判的课程如今已成为商学院和法学院的固定科目,这主要是因为谈判的技巧在商业和法律领域均得到了高度的重视。既然已经有了现成的智力工具来提高谈判的研究和实践能力,那就需要更深入地理解它们,以便投入实际的运用。

研究谈判有两个主要的理由。首先,这也是实践上的理由,即许多重大而饶有趣味的人类(经济、社会和政治)交往都属于谈判的情形。如上所述,交流就是谈判。在社会交往中,譬如一对夫

妻,他们在彼此的关系问题上就会经历许多次谈判。在政治领域,譬如当任何一个单独的政党无法独自组成政府时,谈判就不可避免;获得多数选票的政党就要与其他一个政党进行谈判。第二,这也是理论上研究谈判的理由,即谈判是发展市场经济理论的基础。

试想下面的情景。凯希拥有一幢房子,她认为值 10 万美元(这是她想出售的最低价格),而彼得则认为这幢房子值 8 万美元(这是他想购买的最高价格)。如果以 10 万和 8 万之间的价格达成交易(也就是说,凯希将房子卖给了彼得),那么,买卖双方均可各受其益。在这种情况下,两个人都存在共同的利益。但与此同时,他们在交易的价格上却存在利益冲突:卖方希望以更高的价格成交,而买方则希望以更低的价格成交。如上所述,任何涉及两个人(或组织)进行互利交易而在交换条件上存在利益冲突的时候,都是一个讨价还价的过程。

一般而言,谈判是一个由双方或者多方进行讨价还价的过程,他们具有共同的利益开展合作,但同时又在具体如何合作的问题上存在利益冲突。换言之,当事各方均能够从一系列可能的结果中就一种结果达成协议而相互受益,但是对一系列的结果存在利益冲突。

在讨价还价的过程中,当事人所遇到的主要问题是究竟如何在实际开展合作(并获得该合作的成果)之前就合作的方式达成协议。一方面,每一方都希望达成协议而避免谈判破裂;但另一方面,每一方都希望达成对自己尽可能优惠的协议。所以,可想而知,当事人必将花费一定的周折才能达成协议,甚至使协议化为泡影。历史表明,现实生活中的许多谈判经常导致协议无果而终或者费尽周折才达成协议(如贸易战、军事冲突、罢工以及婚姻破裂等现象均属此类)。

不同的当事人存在相互交叉但彼此冲突的利益,这就使达成协议的问题变成了一种“博弈”,即结果取决于全部当事人的选择。只要所有的当事人没有任何理由撤销一项协议,这个博弈就被称

做是“非合作型”；因为符合各方相互的利益，所以协议就具备了自我约束力，不需要局外的一方予以强制。合作型的博弈同样假设这样的协议可以达成，但它所关心的是当事人如何合理地分配由协议产生的收益问题。

任何有关谈判的理论均聚焦于谈判结果的两个性质：即效率和分配。前者所关心的是谈判结果能不能做到帕累托最优。如上所述，之所以可能产生帕累托最优，要么是因为当事人未能达成协议，要么是因为他们在达成协议之前费尽周折。费尽周折达成协议的例子有：长期罢工导致产品下降之后达成工资协议；战争导致人员伤亡之后达成和解协议。另一方面，分配的性质所关心的问题是合作的成果究竟如何在当事人之间进行分配（或者换言之，交易的收益如何分配）。谈判理论将确定各种力量对谈判结果所发挥的作用，它同时还讨论是什么决定当事人的谈判力量这个问题。



Reading Material

The Importance to Study International Business Negotiation

We often refer to trade between countries, or the other times huge transactions among today's multinational companies. However, countries and companies do not talk to one another as people do. Indeed, a fundamental activity of international commerce and multinational business transactions is the millions of face-to-face interactions between businesspeople from different countries that take place everyday. Great economic, political, and cultural gaps are bridged routinely by executives equipped with the necessary cross-cultural skills and patience with the ultimate result of constructive cross-border

der relationships established.

Despite the fundamental importance of international business negotiations, and despite the high levels of skills of some international managers, there is still much to learn about the phenomenon.

We often hear the term "the art of negotiation"—of course, there is even a very popular book by that title. Given the current healthy state and growing interest in negotiation (in general) in the social sciences, perhaps we can now think of that topic as a subject of scientific inquiry. However, little work has been done to date regarding international business negotiations. We do know from the extant literature that problems in international negotiations are often predictable, and variations in bargaining behaviors across cultures are often systematic. This gives reason for optimism. In recent years, there have appeared dozens of valuable papers and books on international business negotiations which represent the kinds of careful research and creative thinking that should be encouraged toward the goal of providing a scientifically based set of knowledge upon which international managers can depend.

Three Key Elements in Negotiation

Among the complex variables in negotiation, three predominant elements can be identified: interest, communication and culture.

Interest serves as the driving force for negotiators to come to the table^① and persist in their respective positions. Negotiators have in mind clear expectations and bottom lines^② initiated from their own positions. Negotiators will compromise over the outcome, but common interest dictates the success. Falling far below expectations particularly below bottom lines means a disagreement.

Negotiation involves an encoding (from the part of the commu-

nicator) and decoding (from the part of the audience) process, in which communication serves as the vehicle. The efficiency of negotiation hinges much on^③ the understanding of the objectives on each side. One important obstacle in the way^④ of effective communication is noise. Noise in this particular context is defined as any external barriers that may tarnish, interrupt and distort the genuine meaning conveyed in the course of communication, for example, the cranking of machines in a neighborhood plant, an expected phone ring in the negotiation room, the poor illumination that prevents a clear view of the other party's facial expression and other body gestures. The constant roar of competition for people's attention in the public arena is a typical noise. Another type of obstacle is called internal barrier which exist in the communicator and the audience alike. As Lippmann noted, each person lives in the protective shelter of a cocoon of his or her own spinning. This cocoon insulates the individual from the incessant communication babble that is steadily increasing intensity. They take the form of^⑤ gender, age, race barriers, language or vocabulary barriers, as well as social, political and economic barriers. Of peculiar importance are people's worldview and self-perception. On the one hand, people have impressions about everything that touches their consciousness. On the other hand, everyone lives in a world of his or her own symbols. The only feeling that anyone can have about an event he or she does not experience or a person he or she does not know is by his or her own mental image of the event or person, developed from fragmentary, second source.

The third, and no doubt the most essential one, is culture. Culture serves both as an infrastructure and platform for negotiation. Indeed, the objective and behaviors in communication are also shaped by the different cultures each party was raised upon and in-