

International  
Business Negotiation



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# 国际商务谈判

( 英语 )

■ 窦 然 主 编  
苏丽文 副主编  
罗树民

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# 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。

这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,通过这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,这套教材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**

**2006年2月**

# 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范例。压力是,这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此书的几分底气。

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。全书用这种有节奏地将读者引入各种国际商务谈判情景的方式,以期达到持续激发读者学习兴趣、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!

本书由十二章组成,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),解萌(第十一章),郭小婷(第十二章)。窦然担任本书主编,负责总纂;苏丽文负责语言统稿,并与罗树民担任副主编。

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 had to handle.

As far as 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 "Negotari", 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 than two 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 less 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 the acceptance of his or her ideas. 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 reciprocal basis. 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 desirable 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. The Chinese saying, “Play to the score.” 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 need through negotiation that enable them to negotiate over a matter of common concern. In business negotiation, what the negotiators care are the cost and efficiency involved. The success of a business negotiation is judged by the satisfying financial interest gained from the negotiation. Therefore, financial interests serve the purpose of the negotiation. In another word, a business

negotiation without any financial interests and efficiency is of no value.

## **(2) The core of business negotiation is price**

Now that the purpose of a negotiation is to gain financial interests, the measure used to show how much interest each negotiator can get is the price. And other terms, including the product quality, quantity, delivery and payment, are closely tied to it. Take a taxi company in Nanjing for example. The company placed an order of 100 Santana 3,000 sedans. The unit price for this order may differ from that of a monthly purchase of 50 sedans or an annual purchase of 600. Let's have a look at another example. The reason why air express is more expensive than ocean shipping is because the quotation includes the cost incurred to save time in addition to high air freight. As price is indicative of the profits from the sale with small margin but quick turnover, promptness and security, that makes it the focus and major issue of business negotiation.

But it should be noted that even though the price is the focus negotiators still need to leave room for concession over price. Apart from it, there are some other directly or indirectly related terms. Instead of bargaining over the price, negotiators may try to get corresponding "compensations" from other terms. The ability to focus on haggling over the price, to circumvent it if necessary and eventually fall back is a must for every business negotiator.

## **(3) Its principle is equality and mutual benefit**

The basis of any business negotiation must be equality. It is the only way to mutual benefit. In a negotiation, if one side takes the upper hand, the agreement established is most unlikely to be followed. Only the principle of equality and mutual benefit can lead to "win-win" or "multi-win". In chapter 2, "Game Principles in International Business Negotiation", more cases are presented to illustrate this point in more detail.

## **(4) Items of contract should keep strictly accurate and rigorous**

A business negotiation comes to a conclusion when two sides sign an agreement or a contract. The terms and conditions stimulated in the contract represent the rights and obligations of each side. These terms and conditions are expected to be worded with great accuracy, caution and prudence, which are the prerequisite for the guarantee of each side's interests. A negotiator who has reached a favorable settlement may walk into the trap of a tricky written contract

set by the other side, especially when they are not careful enough in drafting the contract, failing to ensure the completeness, vigorousness, correctness or accuracy, equitability and legitimacy of the contract. Once such a “mishap” occurs, the interests nearly in their hands may get devalued, or they may be totally divested of these interests—unfortunately, the negotiation may turn out to be fruitless and their efforts produce nothing in the end. Such cases are rather common in practice. Chapter 9, The Formation of Contracts, illustrates this aspect of negotiation with both positive and negative cases. Therefore, in business negotiation, negotiators should take the written contract seriously as well as the oral commitment, with more emphasis on the accuracy and rigorousness of the former, so as to avoid being deceived or losing money but without any evidence to defend themselves.

### 1.1.3 Definition and characteristics of international business negotiation

International business negotiation refers to the business negotiation that takes place between the interest groups from different countries or regions. It is an important activity frequently involved in foreign trade and other economic exchange, serving a critical approach and method for these interest groups or individuals to confer together to reach an agreement or settle the issues of their interest conflicts.

In addition to the general characteristics of typical business negotiations, international business negotiation demonstrates the following features:

#### (1) Language barrier

In face-to-face communication, or in written correspondence, one of the first obstacles encountered in international business negotiation is language barrier unless your counterpart also speaks your mother tongue and writes in your native language. English is most commonly-used language in international trade and business activities while most international trade practices and terms are expressed in English. If the other parties are not from the English-speaking countries, other languages, such as French, Spanish, Russian and Arabic may be used in negotiation. People with multi-lingual skills are viewed as a master key to international business negotiation. However, such talents are rare. A person who

often participates in international business negotiation must at least master one foreign language—for example, English. At very formal and important international business negotiations, all parties occasionally have their own interpreters, and most often hire temporary ones who know the language of the counterparts well—say, immigrants and international students. This can produce an effective communication and reduce the cost of negotiation.

## **(2) Cultural differences**

The differences in culture, customs, religion and belief among countries are greater than those of different areas in a country. These differences manifest themselves more obviously in international business negotiation. If negotiators fail to understand these differences due to different cultural backgrounds, they are more likely to encounter unnecessary misunderstandings, which may even endanger the normal negotiation. For example, when an Indian businessman is shaking his head to show his satisfaction with the features of the product you have just presented, you may be quite puzzled that he has not identified with your quality product; or after you quote a high price to the other side, the Swiss negotiators, waiting in your usual way for bargaining over it, but your counterparts may not be used to this kind of bargaining. They may think that perhaps you lack common knowledge of the prices on the international market, or perhaps you do not have real interest in this transaction. As a result, they will leave you alone. On the other hand, the diverse religious beliefs and social ideologies also have a great impact on the international business negotiation. An experienced business person must know how to circumvent the cultural barriers, try to find out common interests to get along, and deal with these differences with tolerance. If necessary, you may even cater to and compliment the opposing cultures so as to reduce the conflict or barriers produced by cultural differences, or turn these differences into an accelerator for negotiation.

## **(3) International laws and domestic laws are both in force**

The final outcome of an international business negotiation is the cross-border transfer of the object and the payment, involving not only domestic laws, but also related international business laws and international practices concerning international trade, international payment settlement /international transportation and international insurance. For example, if you are in import and export trade



negotiation, you need to master the terms used in international trade and fully understand its implications, and have enough knowledge of the laws in your opponent's country and the regulations and laws imposed by international economic organizations. Additionally, it takes time for you to learn and gain experience from the practice. Finally, an sensitive international business negotiator should be well informed of the new regulations and laws imposed home or abroad, with regard to the negotiation contents, so as to adjust the negotiating strategies accordingly.

#### **(4) International political factors must be taken into account**

Within the scope of business negotiation as it is, international business negotiation is part of the political and economic relations between the countries and regions concerned. Therefore, it will often be related to the political and diplomatic relationship between these two countries or between them and the others. Assume that a company asks you to cooperate with them to start a big utility engineering project on a site under territorial dispute with its neighboring country, which may increase the risk of not only being unable to finish the project, but also inducing diplomatic confrontation. Here is another example: an importer from the Middle East asks a Chinese textile enterprise to manufacture a batch of T-shirts with words of racial or religious discrimination on them. In this case, Chinese negotiators must refuse such an offer, no matter how profitable the deal is. It is thus clear that negotiators engaged in international business negotiation must be highly sensitive to international politics.

#### **(5) The difficulty and the cost are greater than that of domestic business negotiations**

Seemingly, as a consequence of the above mentioned features—that is, as far as languages, social conventions, values, legal environments and political factors are concerned, international business negotiations involve more elements and tend to be more complex than domestic ones. It is more difficult to conduct as well. Additionally, the expenditures on travel, conferences, study tours and entertainments are also higher. For example, to close a deal of an object worth a huge amount of money, we need to visit our counterpart's country and check the goods and so on; occasionally we have to go there again and again for rounds of negotiations to ensure that they have satisfying credit rating, reliable technical