

国际商务谈判——原则、方法、艺术



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国际商务谈判——原则、方法、艺术

张 祥 著

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序

和平与发展已经成为当今世界潮流，发展经济已经成为国际社会的主旋律。中国实行改革开放以来，对外经济贸易取得了举世瞩目的成就，中国经济已成为世界经济体系中不可缺少的一个很重要的组成部分。

伴随着对外经济贸易事业的蓬勃发展，各种层次、各种类型的对外商务谈判频繁，人们从大量实践中逐步领悟到国际商务谈判的重要性和复杂性。国际商务谈判是一门理论与实践并重的学科，集政策性、知识性、艺术性于一体。当前，我国全面掌握这门学科的人才相当缺乏，许多谈判人员的理论水平、谈判能力亟待提高。因此，我们应根据我国现实情况和文化背景，总结以往谈判的经验和教训，研究国际商务谈判的内在规律，并提高到理性认识。

最近欣慰地读到了张祥同志花几年时间撰写的这本书。张祥同志1965年毕业于清华大学工程物理系，1979年~1984年就读于美国哥伦比亚大学，并获博士学位。之后，张祥同志在美国工作近二年，现为上海市对外经济贸易委员会副主任，同时兼任上海交通大学管理学院院长、教授。这本书中既有作者对他回国八年来谈判实践的思考和总结，又有他对在国外学习工作中所了解的西方谈判理论的扬弃，并从发展中国的角度，提出了不少新的观点。这本书立论鲜

明，条理清楚，案例丰富，可读性强，有一定的学术水准，不失为一本可供广大经贸工作者和有关专业学生参考、学习、借鉴的读物。

最后，我希望广大对外经济贸易干部在新的形势下，要挤出时间认真学习国际经贸知识，并将这些知识与工作中的体会及经验得失相结合，使之上升到理论高度，提笔写出自己的感受，尽快提高我国对外经济贸易工作者的素质，推动我国对外经济贸易合作健康发展。

王 健
1984年6月

Preface

Peace and development is the mainstream in contemporary world, and developing economy has become the major tune in the international society. Since the implimentation of the economic reform and open-door policy China has achieved worldwide recognized success in foreign economic corperation and trade. Today China's economy is doubtless an indispensible and important part of the world's economic system.

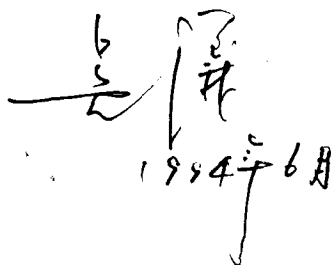
Along with the accelerated development in the field of foreign economic cooperation and trade, international business negotiations with various levels and types have become a routine job. Through more and more practices, people have gradually acknowledged the importance and complexity of international business negotiation. International business negotiation, which incorporates policies, intelligence and arts as a whole, is an academic sector based upon both theories and practices. At present, it is in great shortage of the personels well mastering the knowledge of this academic sector. Therefore, it is in great need to improve theoretical levels and negotiation abilities for

many and more negotiators. It is our urgent task, upon the cultural background and present situation, to review experience and lessons of our international business negotiation in the past and to study the interconnected rules therein, so as to better our rational understandings.

With great pleasure, I have recently read the manuscript of this book written by Dr. Zhang Xiang, who had spent several years in fulfilling this task. Dr. Zhang Xiang graduated from Engineering Physics Department of Tsinghua University in the year of 1965. He also studied from 1979–1984 in Columbia University of the United States and obtained a Ph.D. degree there. Afterwards he worked with a transnational corporation in United States for almost two years. Dr. Zhang Xiang is now vice-chairman of Shanghai Foreign Economic Relations and Trade Commission and in the meantime is the professor and dean of the School of Management of Jiao Tong University Shanghai. This book not only reflects the thoughts and reviews of his eight-year international business negotiation practices since he came back to China, but also developed certain western negotiation theories he learned when he studied and worked abroad, what is more, Dr. Zhang Xiang can base his thoughts on the reality and viewpoints of developing countries and created lots of new ideas. This is a book with clear and apparent basic theories, logic and systematic arrangement, typical and

sufficient cases and strong readability. At certain academic level, this is a book for many professionals and students in the field of international business and trade for reference and study.

Finally, I hope all cadres, in the new situation, should find out time to study the knowledge of international economics and trade and bring such knowledge and work experience together to draw on certain theoretical and rational conceptions and to write down their own experience and thoughts, so as to improve the qualification of our personels in foreign economic cooperation and trade in the shortest possible time and to promote the healthy development of China's foreign economic cooperation and trade.



1984年6月

Wu Yi

Minister of China's Ministry of
Foreign Trade and Economic Cooperation

前 言

曾记得一位伟人说过这样的话：感觉到的东西，人们不一定能理解它；只有理解了的东西，才能更深刻地感觉它。这些年来，由于工作关系，我参与了许多国际商务谈判，有的是我主持的，作为主谈人卷入得较深；有的则是一般性地参与，或在谈判的某些阶段提出一些建议。在参与过程中，接触过不少发达国家或发展中国家的政界和商界的人士，经历过或大或小，或难或易，或长或短的各种谈判，久而久之，在心中积压了一股想对谈判说些什么的强烈感觉。四年来，经过反复思索，并与不少海内外学者和企业家进行了大量的讨论与商榷，今天终于把点点滴滴的感觉，提炼成我的理解，化成这些文字呈献给读者，总算了结了一份心愿。

我曾在美国学习与工作了七年。为此，有幸先后听过两位美国教授讲授的谈判课，确实受益匪浅，许多精警的真知灼见，对我以后的工作帮助很大。然而，对他们关于谈判的意识、原则等一些重要的提法，却一直心存疑虑，不能苟同。于是这几年又陆续翻阅了不少关于谈判的书籍，发现这些书大多数是外国人所写，作者往往从发达国家的社会文化和西方的伦理道德出发来阐述他们心目中的谈判，他们的某些观点不仅不符合我国的国情，而且不符合我国对外经济合作的基本原则，有些书甚至是通过写所谓的谈判计谋与技

巧，来宣扬西方商场利己主义的价值观念。因此我萌发了写这本书的愿望，并且一开始就把基调定在从发展中国家的视角来审视谈判，来总结我们谈判的经验。这一设想，得到了不少领导、同事和朋友们的鼓励。

然而写这样一本书，对于我实在是一种奢望。首先是国际商务谈判这门学问涉及国际商务、法律、金融、工程技术、人文地理和社会心理等众多领域，知识面如此广泛，超出了自己学识和能力的范围；其次是平日公务缠身，难以得闲，于是，晚上在书桌前坐上片刻就成了我这几年的“第二职业”，断断续续写了四年，终于有了今天这样一个书稿。虽然我还不甚满意，但拖得愈久，心里的歉疚就愈多。因为同志们的热情支持与鼓励给了我无形的压力，使我实在没有理由不在长达四年的孕育后将作品娩出。

这本书我主要是为那些从事各类商务活动的人士和从事商务教学研究的师生所写，希望通过与读者的交流，来共同探索一条适合我国国情的国际商务谈判的成功之道。我不想把书写成一部纯理论的学术著作，也不赞成把它写成一部面面俱到的教科书；我只是在书中凝聚了我这些年实践中的一些感受，和我对国际商务谈判活动的分析理解。这些感受和理解，通过一个个真实的谈判实例，表达了我以下这些有关商务谈判的基本观点：

——国际商务谈判是一项理论与实践并重的活动，有其自身的特点和基本要求。正确的谈判意识是谈判成功的灵魂，我通过自己的体验将之归纳为谈判不是“竞技比赛”的意识，谈判要重视人际关系的意识和谈判要放眼未来的意识。国际商务谈判是一项科学性与艺术性有机结合的学科，应有

一定的谈判原则。我在书中提出“增加整体利益、进行公平竞争和善于妥协”三项基本原则,并对此作了较为详尽的阐述。这些内容主要写入第一章,也是我认为最为重要的一章。

——国际商务谈判是一个周而复始,连续不断的过程,它包括准备阶段、接触阶段、实质阶段、协议阶段和执行阶段的统一整体,每个谈判阶段都有可能包含着一些小的谈判过程;在第二章里我强调谈判是一个完整的过程,并不因双方达成协议而终止。

——国际商务谈判中的价格问题是一个十分敏感和关键的问题。商场上信奉的是“一分钱一分货”和“货真价实”,片面强调“价廉物美”往往使事物走向反面。我认为,谈判决不是简单地讨价还价,因为影响价格的因素很多,只有掌握了这些规律并持积极的立场,才能使价格谈得合理、公平。近年来技术贸易发展很快,然而对国际技术贸易的价格谈判熟悉的人们不多,故在第三章里作了专门的介绍。

——国际商务谈判的结果,最终要以合同形式表现出来,合同一定要严密规范。这方面我们要请教法律专家,同时在合同起草中,我们应尽可能争取用英文直接起草。

——国际商务谈判涉及各种风险。风险总是客观存在的,有些可以预见并加以控制。对各种风险存在的原因、发生的条件及可能出现的后果,进行准确的把握,努力挡避不必要的风险,可以增加谈判双方潜在利益。

——国际商务谈判有时难免陷入僵局,全面分析僵局的成因,可以找到突破僵局的正确策略。在突破僵局的策略运用上,我强调了关键在于“对症下药”。

——国际商务谈判成功的重要因素是人。所以对于谈判人员、谈判领导人员和翻译人员都应有较高的素质要求，他们的知识结构应该是互补的。他们应该以高度责任心和全身心地投入，创造性地履行各自的职责。

上面提到的一些内容，是传统谈判类书籍一般不会涉及的；而我在谈判实践中，强烈感受到这些内容对于谈判成功与否是至关重要的。

书中我还以自己的见闻和亲身经历为读者提供了一些案例，供作参考；当然我无意把此书写成案例选编之类的书，我也尽可能避免那些枯燥乏味的空洞说教，因为谈判本身是丰富多彩的。

最后，我要感谢对外贸易经济合作部部长吴仪同志，她很关注本书的写作，并在百忙之中亲自为本书作序；我要感谢我的朋友，现在在美国西东大学任教的尹尊声教授，他对本书中技术贸易的价格谈判内容提出了许多颇有价值的建议；我要感谢上海对外贸易学院国际经济法系主任周汉民教授，他为本书提供了一些法律方面咨询意见；我尤其要感谢复旦大学企业管理系系主任王方华副教授，他帮助我整理了本书大部份资料，并对全书作了润色；我还要感谢许多为这本书提供无私帮助的同事和朋友，没有他们的帮助，我可能至今还不能完稿。

我不知道我是否实现了我的初衷，但我想我是尽了力的。我真诚地企望得到各位读者的指教，以便使书中的谬误、阙漏能及时得到补正。我愿意和大家一起来探索一条适合我国国情的国际商务谈判的成功之道，来促进我国对外经济交流与合作的蓬勃发展。

Foreword

To my memory, a learned man said that people may not understand what they feel, but can feel it deeply when they understand it. As required by my professional position, I have been involved in many international business negotiations these years. Some of them were presided by me and as the leading negotiator, I was engaged deeply; some were presided by others and I was just joining or providing some suggestions when needed. On these occasions I met many prominent figures from political and business circles of both developed countries and developing countries and experienced different negotiations, large-scale or small-scale, difficult or easy, long or short. With all this going on, a strong feeling of saying something about negotiation surged up within me. In the past four years, I have been turning over and over again my feeling in my mind, shared and discussed views with many scholars and businessmen home and abroad. Today I have boiled down my feeling into my understanding, which is embodied in this book, to devote to my readers. I feel relaxed to have realized one of my wishes.

I have studied and worked in the U.S. for seven years. During my stay there, I got the chances to attend the courses of negotiation given by two American professors and benefited really a great deal from them, and much of the knowledge helped a lot in my later career. Nevertheless, there has remained a doubt in my mind on some important views and principles of negotiation put forth by these foreign professors. These years, I have read from time to time books on negotiation and discovered that most of them were written by foreigners, who explained negotiation from the viewpoints of western ethics and social cultures of developed countries which neither conform with China's reality, nor with the principles of foreign economic cooperation of our country. Some books even talked about the so-called skills and tricks of negotiation to advocate the egoistic value of western business circle. Therefore, I conceived an idea of writing a book, setting the keynote, at the very beginning, on the examining of negotiation and the summing-up of our own experience from the angle of developing countries. This idea won encouragement from many of my seniors, colleagues and friends.

But writing such a book was certainly too ambitious to me. First, international business negotiation covers a variety of fields such as international business, law, finance, engineering, anthropography and social psychol-

ogy. This broad coverage goes beyond my knowledge and ability; Secondly, I have been so busy that could hardly afford straight time but short whiles sitting at the desk before going to bed at night, and this has become my "second career" in the past years. It has taken me about four years to write on and off this draft. Although I am still not very satisfied with this long-drawn-out work, I can have no excuse to postpone putting it out, for the warm encouragement and support from my friends were an invisible pressure. The longer I delayed, the more I felt indebted.

· This book is written mainly for the use of businessmen, teachers and students. Through communicating with readers, I hope, together with them, to seek a way of international business negotiation which conforms with the reality of our country. This book is neither a collection of pure theoretical research papers, nor a textbook, but just a summing-up of my years of my practices, my impressions and my analysis of the activities of international business negotiation. They are expressed in the form of the following basic views on international business negotiation illustrated by individual cases.

—— International business negotiation with its own specific characteristics and basic rules has to lay equal emphasis on both theory and practice. A correct concept of negotiation is the soul of a successful negotiation. My

experience has brought me to an understanding that negotiation is not a rivaling game, and importance has to be attached to interpersonal relationship and the opportunities of future cooperation. International business negotiation is a science as well as an art. It has to be handled artfully on a principled stand. Therefore, three basic lines are suggested in this book to be followed, namely to develop overall interest, to play fair, and to make necessary compromise. A detailed explanation of them is given mainly in Chapter 1, the most important one, as I see.

—— International business negotiation is a circulative and continual process, including steps of preparing, coming into contact, taking up substantial issues, reaching agreement and implementing, and each step may have some sub-proceedings. In Chapter 2, I emphasize that negotiation is a complete process and reaching an agreement doesn't mean an end to the process.

—— Pricing is a very sensitive and important issue in international business negotiation. Businessmen believe in "you get what you pay for" and "good product should be supplied and honest price should be offered", undue emphasis on "cheap but good" might bring opposite result. In my opinion, negotiation is not simply bargaining, since price is influenced by various factors, people can only make it fair and reasonable when they have in hand the objective laws on these factors and take a positive

attitude. Recently, technology trade has been growing fast, but few people are familiar with the negotiation of price in international technology trade. Therefore, a special introduction is given in Chapter 3.

—— The result of international business negotiation must be expressed in the end by a contract, which has to be in the standard form and closely-knitted. In this respect it is important to consult lawyers. It is strongly desired that we should be able to draft contracts directly in English.

—— International business negotiation involves many risks. Risks do exist. Some risks can be anticipated and controlled. It would certainly benefit both parties to acquire a good idea of what might cause risks and what the possible results would be, and try to keep away from avoidable risks.

—— International business negotiation sometimes may fall in an impasse. A thorough analysis of the causes can help find out the right way for breaking through. The keypoint is "to apply proper remedies to specific cases".

—— Successful international business negotiation depends on people involved. Highly-qualified negotiators, decision-makers and interpreters are required. They should be complementary in their respective knowledge. It claims entire devotion, full responsibility and creativeness to perform a successful job in this line.