

普通高校“十二五”规划教材
国际经济与贸易系列

国际商务谈判

刘莉 主编
苏振东 副主编



清华大学出版社

国家精品课程
普通高等教育
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内 容 简 介

本书包括 11 个方面的内容:国际商务谈判概述;国际商务谈判文化与礼仪;谈判的准备阶段;价格的谈判;询价;价格的谈判;报盘和还盘;订货;付款条件的谈判;包装的谈判;保险的谈判;装运的谈判和谈判策略。通过学习本书,学生能够初步掌握国际商务谈判的基本理论、实务知识和基本操作技能。

本书可作为普通高等院校相关专业课程的教材,也可作为相关工作人员的参考和培训用书。

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图书在版编目(CIP)数据

国际商务谈判/刘莉主编. —北京:清华大学出版社,2014

(普通高校“十二五”规划教材·国际经济与贸易系列)

ISBN 978-7-302-34694-4

I. ①国… II. ①刘… III. ①国际商务—商务谈判—高等学校—教材 IV. ①F740.41

中国版本图书馆 CIP 数据核字(2013)第 290844 号

责任编辑:张 伟

封面设计:汉风唐韵

责任校对:王荣静

责任印制:宋 林

出版发行:清华大学出版社

网 址: <http://www.tup.com.cn>, <http://www.wqbook.com>

地 址:北京清华大学学研大厦 A 座 邮 编:100084

社 总 机:010-62770175 邮 购:010-62786544

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质量反馈:010-62772015, zhiliang@tup.tsinghua.edu.cn

课件下载: <http://www.tup.com.cn>, 010-62770177-4506

印 刷 者:北京富博印刷有限公司

装 订 者:北京市密云县京文制本装订厂

经 销:全国新华书店

开 本:185mm×230mm 印 张:9

字 数:174 千字

版 次:2014 年 1 月第 1 版

印 次:2014 年 1 月第 1 次印刷

印 数:1~4000

定 价:19.00 元

产品编号:047295-01

前 言

本书依照教育部认真贯彻《国务院关于大力推进职业教育改革与发展的决定》要求,根据商务部最新制定的国际商务专业教学大纲的要求,针对学生的学习目标和职业操作能力的培养目标,对谈判流程进行详细的讲解,力求内容新颖,通俗易懂,强调实务的可操作性,便于学生学习,达到学以致用、活学活用,在实际国际商务谈判业务中将所学的理论知识和操作技能有机地结合起来。

本书以国际商务谈判为主线,以合同为中心,以国际谈判各个阶段为依据,详细地介绍了国际贸易实务知识。每章开头都有学习目标、学习重点,每章结束时有关谈判案例及技能实训,实现了理论与技能相结合,具有较强的针对性、实用性、规范性和操作性。

通过本课程的学习,学生将在以下两个方面取得明显的收获。

(1) 了解国际商务谈判基本流程,形成对商务谈判流程的基本认识,从而建立对国际商务谈判基本知识框架的把握。

(2) 结合课后练习,更重视理论与实践的结合,进一步培养和提高提出问题、分析问题和解决问题的能力。

免费提供电子课件和习题答案,可以作为高校金融学和国际贸易专业本科生的专业教材,也可作为研究生和专科生的选用教材。

编者

2013年8月

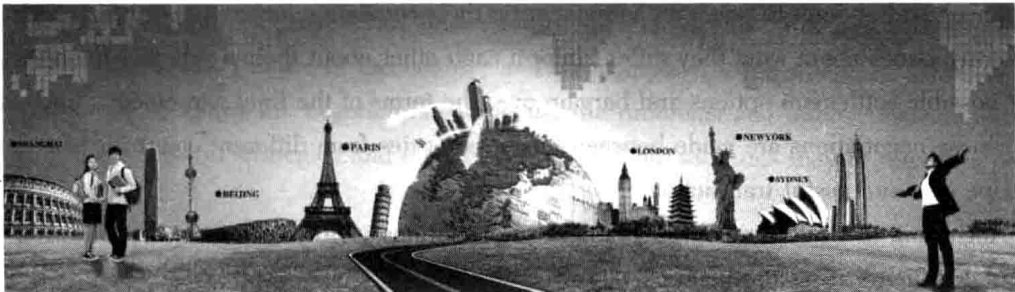
目 录

| | | |
|------------------|---|----|
| Chapter 1 | Fundamentals of International Business Negotiations | 1 |
| 第 1 章 | 国际商务谈判概述 | |
| 1.1 | Concepts and Principles of Business Negotiation | 1 |
| 1.2 | The Stages of Negotiations | 2 |
| Chapter 2 | Business Culture and Etiquette in Negotiations | 14 |
| 第 2 章 | 国际商务谈判文化与礼仪 | |
| Chapter 3 | Preparing for Negotiation | 28 |
| 第 3 章 | 谈判的准备阶段 | |
| Chapter 4 | Negotiations on Price (I) Inquiries | 39 |
| 第 4 章 | 价格的谈判: 询价 | |
| Chapter 5 | Negotiations on Price (II) Offers and Counter-offers | 50 |
| 第 5 章 | 价格的谈判: 报盘和还盘 | |
| Chapter 6 | Placing an Order | 63 |
| 第 6 章 | 订货 | |
| Chapter 7 | Negotiations on Payment Terms | 74 |
| 第 7 章 | 付款条件的谈判 | |
| Chapter 8 | Negotiations on Packing | 86 |
| 第 8 章 | 包装的谈判 | 86 |
| Chapter 9 | Negotiations on Insurance | 98 |
| 第 9 章 | 保险的谈判 | |

| | |
|--|-----|
| Chapter 10 Negotiations on Shipment | 111 |
| 第 10 章 装运的谈判 | |
| Chapter 11 Negotiation Strategies | 123 |
| 第 11 章 谈判策略 | |
| 参考文献 | 136 |

Chapter 1 Fundamentals of International Business Negotiations

第1章 国际商务谈判概述



Lead-in

Negotiation as a significant social activity is a means of dealing with human relationships and resolving conflicts. It is also regarded as a product of social competition. With the international trade becoming more and more widespread, business negotiation skills have been fundamental for every college student.

Learning Objectives

In this chapter, you will be able to:

- Learn the concepts and principles of business negotiations.
- Know the stages of negotiations.

1.1 Concepts and Principles of Business Negotiation

People negotiate all the time, at work, at home, and as consumers. Since the development of human languages, there have been negotiations made amongst humans. As a significant social activity, negotiation is a means of dealing with human relationships and resolving conflicts and has never stopped.

In this book, the term negotiation refers to win-win situations such as those that occur

when parties are trying to find a mutually acceptable solution to a complex conflict. Negotiation is a very complex social process. Many factors that shape a negotiation result do not occur during the negotiation. They occur before the parties start to negotiate, or shape the context around the negotiation.

A negotiation is one of the most common approaches used to make decisions and manage disputes. It is also the major building block for many other alternative dispute resolution procedures¹. It is a problem-solving process in which two or more people voluntarily discuss their differences and attempt to reach an agreement on their common concerns, requiring participants to identify issues about what they differ, inform each other about their needs and interests, generate possible settlement options and bargain over the terms of the final agreement.² International business negotiations are made between business parties from different countries or regions in the hope of a successful transaction.

According to Dr. Nierenberg, “perfect” negotiations vividly manifests the following “fundamental principles” of negotiations.

Firstly, “negotiation” is an element of human behavior. It depends on communication, that is, it occurs between individuals. Whenever people exchange ideas with the intention of changing relationships, and whenever they hope to reach an agreement, they are negotiating. Secondly, “negotiations” take place only over issues that are “negotiable”. Thirdly, “negotiations” take place only between people who have the same interest. Fourthly, “negotiations” take place only when negotiators are interested not only in taking but also in giving, and finally, “negotiations” take place only when negotiating parties trust each other.

1.2 The Stages of Negotiations

The process of international business negotiations can be divided into three different stages, the pre-negotiation stage, the negotiation stage and the post-negotiation stage. A stage refers to a specific part of the process and includes all actions and communications by any party pertaining to negotiations made during that part.

1. The Pre-negotiation Stage

The pre-negotiation stage begins with the first contact between parties in which an interest in doing business with each other is shown. During this stage, some negotiations take place. The dynamism of the process can be observed at this early stage where parties begin to understand each other's needs and evaluate the benefits of entering into the process of negotiations.³

The parties gather as much relevant information as possible about each other—the operating environment, the involvement of other third parties, influences, competitors and the infrastructure.⁴

During this stage, the parties can openly talk about objectives and expectations. They can also have informal meetings to examine each other's situation. Trust and confidence gained from these relationships increase the chances of agreement. After this step, parties begin to formulate their strategy for face-to-face negotiations, including comparing the alternatives available, deciding on possible points of concession, foreseeing predictable events. Finally, it is necessary to understand the infrastructure of the country and the company.

For the initial strategy, the negotiators should list the problems and issues, especially the conflicting issues and form strategies and choices for all possible solutions they or the other party could suggest.

2. The Face-to-face Negotiation Stage

At this stage, two parties come together to find a solution to a joint problem. Both parties have different angles and interests, therefore, each of them should have an open mind and prepare for several alternatives. As the process continues, the parties should evaluate the alternatives presented by the other party and select those that are compatible with their own expectations.⁵

3. The Post-negotiation Stage

At this stage, all the terms have been agreed upon. The contract is being drawn up and is ready to be signed. Because of differences in values and customs among different countries, in cases involving Western companies and emerging-country parties, the language used and the recording of issues previously agreed upon take a large amount of time.⁶

Notes

(1) It is also the major building block for many other alternative dispute resolution procedures.

谈判也是解决其他许多争端程序中的一个重要解决办法。

(2) It is a problem-solving process in which two or more people voluntarily discuss their differences and attempt to reach a joint decision on their common concerns, requiring participants to identify issues about what they differ, inform each other about their needs and interests, generate possible settlement options and bargain over the terms of the final agreement.

这是一个解决问题的过程。在此过程中,双方或更多方自愿讨论之间的分歧,试图就共同关注的问题做出共同决定。这就要求有关各方辨别出彼此的不同,将彼此的利益需求告知对方,提出可行的解决方法,在讨价还价中达成最终共识。

(3) The dynamism of the process can be observed at this early stage where parties begin to understand each other's needs and evaluate the benefits of entering into the process of negotiations.

这个初始阶段的进展会比较积极,因为双方会开始了解对方的需求,估测己方参加谈判的好处。

(4) The parties gather as much relevant information as possible about each other—the operating environment, the involvement of other third parties, influences, competitors and the infrastructure.

双方会尽可能地搜集有关对方的信息,如运营环境、第三方的参与、影响因素、竞争对手和基础设施等。

(5) As the process continues, the parties should evaluate the alternatives presented by the other party and select those that are compatible with their own expectations.

随着谈判的推进,谈判方应评估对方提出的备选方案,从中选出与己方预期一致的方案来。

(6) Because of difference in values and customs among different countries, in cases involving Western companies and emerging-country parties, the language used and the recording of issues previously agreed upon take a large amount of time.

由于不同的国家有不同的价值观和风俗,在一些涉及西方企业与新兴国家市场合作的谈判中,双方会用相当长的时间就措辞及已达成共识的文字记载进行确认。

Case Study

What is Your Walk-away Price?

In any business negotiation you must start by determining your “walk-away” price—the top price you are willing to pay when the final price is discussed. The walk-away price should not include the full potential value of the synergies of the deal. Why? The synergies are possible additional positive outcomes that may happen—but they are not part of the deal and thus should not influence your negotiation or walk-away price. In addition, for a walk-away price to be real—and it is a critical part of any negotiation—you must be ready to walk away.

For example, when Carlos Gutierrez, CEO of Kellogg Company, the cereal giant, was negotiating the purchase of Keebler, the cookie company, he was most eager to close the deal.

Keebler had a direct-to-buyer delivery system that enabled it to carry products to stores in its own trucks, by passing the retailers' warehouses altogether, which Gutierrez viewed as an enormous synergistic benefit of acquiring Keebler. However, his staff had calculated that at maximum Keebler was worth \$42 a share—less than Keebler negotiators would accept. In similar situations, the staff who established the walk-away price consisted of a decision-making group of highly trusted senior managers given veto power over the final number. They were not concerned with synergies, but with the goal of establishing a balanced, objective estimation of the facts.

In the final bargaining session Gutierrez told Keebler's management that \$42 was his walk-away price—and left to watch a Mets baseball game and forget the deal. Two days later, after Gutierrez made it clear that he had made his final offer, Keebler accepted the \$42 BATNA offer, the best alternative to a negotiated agreement.

The next time you begin a negotiation, ask yourself—or better yet, ask other trusted individuals: What is your walk-away price? Write it down and stick to it.

(Geoffrey Cullinan, Jean-Marc Le Roux, Rolf-Magnus Weddigen. When to Walk Away from a Deal[J]. Harvard Business Review, 2004(4): 96-104.)

Negotiation Examples

1

(A potential¹ foreign investor, who is new to the Chinese market, is making inquiries about² the possibility of setting up joint ventures in China.)

A = Foreigner B = Chinese

A: Mr. Zhao, I'd like to have your expert advice³. You see, I've been contemplating⁴ making an investment in China. What kinds of foreign operations are allowed in your country?

B: Well, I can't say I'm an expert in this field. But I certainly can tell you something about foreign direct investments in China. Foreign investments are welcome in priority industries⁵. Tax incentives and other preferential treatments⁶ are available at local and industrial levels.

A: So the government policy is to encourage foreign investments, isn't it? Are there any screening criteria⁷?

B: Yes, there are.

A: In which industries are foreign participation and involvement encouraged or permitted or even prohibited?

B: Foreign participation and ownership are encouraged in priority sectors in terms of industry, and in export-oriented and technologically advanced projects⁸. Restrictions are placed on the foreign involvements in certain industries, such as retailing and media. To help investors, the Chinese government has adopted many new measures recently to create a more favorable investment environment⁹.

A: And what are the possible business structures or entities¹⁰ by which foreigners can operate in China?

B: Well, China allows various forms of foreign investments, including Sino-foreign joint ventures and wholly foreign-owned enterprises¹¹. The forms of foreign investments in China are barter trade, compensation trade, processing arrangements¹², joint ventures, including equity joint ventures, cooperative joint ventures, and wholly foreign-owned enterprises. Foreign companies may also set up representative offices for liaison purposes¹³.

A: I'm interested in the business structure of Sino-foreign joint ventures. You have mentioned two types of joint ventures: cooperative joint ventures and equity joint ventures¹⁴. So what is the difference between them?

B: First, in an equity joint venture, profit distributions and management responsibilities are determined by the proportion of total registered capital contributed by each party¹⁵.

A: So profits are distributed according to each partner's investment ratio.

B: That's right. The cooperative joint venture, which is also referred to as a contractual joint venture, however, is an investment vehicle in which profits and other responsibilities are assigned to each party according to the joint venture contract.

A: In other words, profit distributions among partners in a cooperative joint venture need not be in strict proportion to their registered capital contribution¹⁶.

B: Exactly. Thank you for your interest in us. The projects you've just proposed are interesting. But we don't have time to go into details today. Can we meet again tomorrow?

Notes

(1) potential: 潜在的

(2) making inquiries about: 咨询、询问、查询

(3) expert advice: 专家的意见, 行家的建议

(4) contemplate: 考虑、思考

(5) priority industries: 重点产业

(6) tax incentives and other preferential treatments: 税收减免和其他优惠待遇

(7) screening criteria: 审批标准

(8) in priority sectors in terms of industry, and in export-oriented and technologically advanced projects; 在优先发展的产业部门, 出口导向型和技术先进的项目

(9) adopt many new measures recently to create a more favorable investment environment; 近来采取措施创造良好的投资环境

(10) possible business structures or entities; 可能的企业组织形式或实体

(11) Sino-foreign joint ventures and wholly foreign-owned enterprises; 中外合资企业和外商独资企业

(12) barter trade, compensation trade, processing arrangements; 易货贸易、补偿贸易、加工贸易

(13) representative offices for liaison purposes; 旨在开展联络的代表处

(14) cooperative joint venture and equity joint venture; 合作企业和股权合资企业

(15) Profit distributions and management responsibilities are determined by the proportion of total registered capital contributed by each party.

合资企业的利润分配和管理分工是由投资各方在注册资本中所占的比例决定的。

(16) need not be in strict proportion to their registered capital contribution; 不必严格按照投资各方出资的多少

2

A: Mr. Li, I know it is critical¹ to expand into new markets or enter into new fields² of business activities. But what sort of information should I look for?

B: First, you need to find out whether there is any demand for your products and what competition³ you will meet. Then you have to know about the local conditions and preferences⁴, that is, the government regulations, business customs and practices, and cultural background⁵.

A: That's true. Among different customers in markets, there is a wide variety of taste, customs, behaviors and expectations⁶. Then how can we acquire⁷ all the necessary information about a new market and a new customer⁸?

B: It can be obtained through various channels⁹. You can have access to Internet¹⁰ to search for valuable information.

A: Are there any official organizations¹¹ which can provide me with information about new markets and potential customers?

B: Yes. Banks, Chamber of Commerce and Commercial Counselors' Offices¹² can be helpful in building business relationships. They can also give you advice about the size of markets, their location and price sensitivity as well as import controls in specific areas¹³.

A: Can I get some information from the newspapers and magazines?

B: Yes, you might also get information from some trade and publications and magazines. They have financial data about the volume and value of specific products exported to and imported from any single country in the world. They will help you compare specifications, functions, quality and packaging of products¹⁴.

A: We plan to go global¹⁵. Then how should we enter overseas markets in the first place?

B: You may use an intermediary¹⁶, such as an export agent, to deal with buyers in the overseas market.

A: Can we have direct exports?

B: Yes, you can handle your own exports by setting up overseas sales offices. You can also sell the rights to use a manufacturing process, trademark or patent for a fee or royalty¹⁷.

A: Can we work together with a local firm to develop a particular market?

B: Sure. You can establish a joint venture¹⁸ in China with a local firm. You can also buy a local company, or set up your own manufacturing subsidiaries¹⁹.

Notes

(1) critical: 重要的, 关键的

(2) expand into new markets or enter into new fields: 开发新市场、进入新领域

(3) competition: 竞争

(4) local conditions and preferences: 当地的市场状况以及喜好

(5) the government regulations, business customs and practices, and cultural background: 政府的规章制度、经商习惯、商业实际和文化背景

(6) there is a wide variety of taste, customs, behaviors and expectations: 在顾客的品位、风俗习惯、购买行为以及顾客的期望值方面有很多差异

(7) acquire: 获得

(8) customer: 顾客

(9) obtained through various channels: 通过各种渠道收集

(10) have access to Internet: 上网

(11) official organizations: 官方组织

(12) Chamber of Commerce and Commercial Counselors' Office: 商会、商务咨询处

(13) advice about the size of markets, their location and price sensitivity as well as import controls in specific areas: 市场的大小、方位、价格的敏感度以及进口限制等许多有用的信息

(14) compare specifications, functions, quality and packaging of products: 对产品的规

格、用途、质量、包装和外观做比较

(15) We plan to go global: 我公司打算向国外扩展

(16) intermediary: 代理商

(17) sell the rights to use a manufacturing process, trademark or patent for a fee or royalty: 出售生产技术、商标、专利

(18) joint ventures: 合资企业

(19) set up your own manufacturing subsidiaries: 设立分公司

Word Bank

business scope/frame 经营范围

trade by commodities 商品贸易

visible trade 有形贸易

invisible trade 无形贸易

barter trade 易货贸易

bilateral trade 双边贸易

triangle trade 三角贸易

multilateral trade 多边贸易

counter trade 对销贸易; 抵偿贸易

compensation trade 补偿贸易

processing trade 来料加工贸易

assembling trade 来料装配贸易

leasing trade 租赁贸易

to establish/enter into/set up a business relationship 建立业务关系

to continue a business relationship 继续业务关系

to present a business relationship 保持业务关系

to improve a business relationship 改善业务关系

to promote a business relationship 促进业务关系

to speed up a business relationship 加快业务关系的发展

to enlarge/widen a business relationship 扩大业务关系

to restore/resume a business relationship 恢复业务关系

to interrupt a business relationship 中断业务关系

to cement a business relationship 巩固业务关系

Useful Sentences

(1) Business negotiations are a delicate matter.

商务谈判是一件十分微妙的事情。

(2) Tom has good interpersonal and communication skills, and is able to negotiate with business partners.

汤姆的人际沟通能力强,能进行商务谈判。

(3) Cooperative manners are an important part of international business negotiations.

合作礼仪是国际商务谈判的重要组成部分。

(4) I have an important business negotiation with a company in Shanghai.

我与上海一家公司有一个重要的商务谈判。

(5) To work in our company, you need to have good business negotiation and communication abilities.

作为我们公司的员工,你需要有良好的商务谈判能力及沟通能力。

(6) The success of international business relationships depends on effective business negotiations.

国际商务关系的成功建立取决于有效的商务谈判。

(7) As for the leader of our group, he is hardworking and responsible with good ability of sales management and business negotiations.

至于我们团队的负责人,他勤奋负责,具有较强的销售管理能力、商务谈判能力。

(8) The cultural differences often cause misunderstanding and arguments that lead to a total failure in business negotiations.

文化差异导致的误解和争执,竟会导致商务谈判失败。

(9) Therefore, having a basic knowledge of business and trade terminology in English is helpful in actual business negotiations.

因此懂得一些商务和贸易的英语术语对实际的商务谈判是非常有用的。

(10) They can both negotiate and communicate well with oversea customers independently. They can independently negotiate and communicate with overseas customers very well.

(11) They would not believe the first quotation of the other party in the commercial negotiations.

在商务谈判中,他们一般不会相信对方的第一次报价。

(12) As the manager, he conducts TAC (Total Acquisition Cost) analysis and leads the commercial negotiations with potential suppliers.

作为经理,他进行整体采购成本分析,领导与潜在供应商进行的商务谈判。

(13) A commercial negotiation is a science, also an art. It is nearly ubiquitous in the economic life.

商务谈判是一门科学,又是一门艺术,在经济生活中几乎无处不在。

(14) Now I will tell you some simple negotiation rites, teach you some techniques with successful alignments.

现在我来告诉大家一些简单的谈判礼仪,教大家一些走向成功的技巧。

(15) A good negotiator should grasp communication and presentation skills, problem-solving techniques, being able to deal with unexpected negotiation situations.

一个优秀的谈判者应该掌握良好的沟通和表述能力以及解决问题的技巧,能够应对意料之外的谈判局面。

Tactics for Success

Use Time to Your Advantage

(1) Have patience. Because most concessions and settlements occur in the last 20% of the available time, remain level-headed and wait for the right moment to act. As a general rule, patience pays.

(2) Be persistent. Your counterpart is most likely not going to concede to your needs and desires at the beginning of the negotiation. If your first request does not work, try a different frame, or provide additional information that might persuade your counterpart to make a concession. Don't give up on your first try. Patience and persistence pay off in negotiations.

(3) Move quickly when possible. There will be times when one or both parties will benefit if negotiations are resolved quickly. If this is the case, sell your counterpart on the benefits to him of a speedy resolution.

(4) Realize that deadlines can be moved, changed or eliminated. As your deadline comes near, do not panic. You can change it! Have you ever wondered why so many people run to the post office to file their tax returns at the last minute on April 15 when they could easily file an extension, gaining another four months or more to send in their forms?

(5) Know your counterpart's timeline. In most negotiations, you are better off if you know your counterpart's deadline and she does not know yours. As you come near her deadline, your counterpart's stress level will increase, and she will be more likely to make concessions.

(6) Make time work for you. As a rule, you will not achieve the best outcome quickly. Although there are some exceptions, you will usually be better off moving slowly and with perseverance, even if it means changing your deadline.