



创新系列·国际贸易

# 商务谈判 (双语版)

*Business Negotiation*

◆ 罗立彬 主编

马 跃 副主编



電子工業出版社

PUBLISHING HOUSE OF ELECTRONICS INDUSTRY

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北京·BEIJING

## 内 容 简 介

本教材以商务谈判课程的基本框架为依托,系统介绍了商务谈判的理论与操作问题,分为四部分:一是商务谈判概述;二是商务谈判过程;三是商务谈判专题;四是国际商务谈判。

本教材在体例设计上参照国外教材的体例,加入多种案例和专栏,充分考虑学生学习和教师教学的需要。同时在传统大纲要求的基础上,加入国际国内最新的研究成果,做到与时俱进,理论与实践操作并重,既介绍了商务谈判的理论与原则,又涵盖了谈判过程中涉及的心理、技巧等操作技能。

本教材既可作为大专院校国际贸易专业的本科教材,也可作为对商务谈判感兴趣的各界人士的参考用书。

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# 前 言

商务谈判是现代市场经济中不可或缺的部分，它通过交换信息来强化人们对双方需求的认知，促成市场交易。好的商务谈判可以大大提高市场交易的效率，高效的谈判专家可以使谈判双方的需求得到满足，从而促成“双赢”的局面。因此，无论从宏观经济运行，还是微观企业运作，再到企业从业人员的职业发展角度，商务谈判活动都具备重要的意义。

本教材的编者在编写此教材时，努力使其形成以下特点：第一，兼顾学生与教师的需要，在体例设计上，参照国外教材的体例，加入多种案例和专栏，充分考虑学生学习和教师教学的需要；第二，在商务谈判传统大纲要求的基础上，加入国际国内最新的研究成果，做到与时俱进；第三，理论与实践操作并重，既介绍商务谈判的理论与原则，也涵盖了谈判过程中涉及的心理、技巧等操作技能；第三，采用主体用英文，配以中文导读的形式，更加适合双语教学。

本教材分为四大部分，即概述、商务谈判过程、商务谈判专题以及国际商务谈判。第1章为商务概述，介绍谈判和商务谈判的概念、功能、核心要素与分类。第2章到第5章为商务谈判过程，是本教材的第二部分。第2章是商务谈判的准备，介绍谈判背景的调研、谈判团队的组建以及谈判的规划；第3章是商务谈判开局，介绍谈判开局的目标以及谈判气氛的培养；第4章是商务谈判磋商，介绍商务谈判过程中发盘、还盘以及各种谈判情景下的让步技巧；第5章为商务谈判的结束，介绍选择结束谈判时机的技巧，以及商务合同的注意事项。第6章至第8章是商务谈判的专题，是本教材的第三部分，介绍商务谈判过程中几个重要的问题。第6章为商务谈判心理，介绍心理因素在商务谈判过程中的作用及其把握；第7章为谈判力、说服技巧以及谈判伦理，介绍谈判力的来源，如何利用谈判力来说服对方及其过程中涉及的伦理道德问题；第8章为商务谈判过程中的沟通，介绍商务谈判中的听、说以及提问等沟通技巧。第9章为本教材的第四部分，即国际商务谈判，介绍文化在商务谈判中的重要作用以及各国谈判风格。

本教材是由两位教师合作完成的，由罗立彬担任主编，马跃担任副主编。其中第1、6、7、8、9章为罗立彬编写，第2、3、4、5章由马跃和罗立彬合作撰写，最后全书由罗立彬进行统稿。本教材的编写和出版受到北京市优秀人才培养资助（20071E0500800178）。

本书由中英文双语撰写，编者本身能力有限，因此书中不准确、不恰当的地方甚至错误在所难免，请读者批评指正。

罗立彬

2013.5.28

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# Chapter 1

## An Introduction to Negotiations (谈判概述)

### Learning Objectives:

*After the study of this chapter, students should know how to answer the following questions:*

- *What is a negotiation?*
- *What are the foundations of a negotiation?*
- *What make a complete negotiation?*
- *How to categorize negotiations?*
- *What is a business negotiation?*
- *What are the principles that lead to a win-win negotiation?*

### Introductory Case Study: How to divide an apple pie

*Two brothers are squabbling over an apple pie, each insisting that he should have the larger slice. Neither would agree to an even split. The father then suggested that one boy cut the pie any way he liked, and the other boy could choose the piece he wanted. The boys accepted the suggestion, and each of them felt that he had gotten the square deal.*

### 1.1 Negotiation: Definitions, Foundations and Key Factors (谈判：定义、基础和主要要素)

The icebreaking case introduces a very basic, complex and significant social activity — negotiation. People need negotiations. Unless one is Robinson, who lives in a deserted island and finds nobody else to communicate with, he is negotiating all the time, consciously or under-consciously. Because we are living in a social network made up of human

### 本章目标：

在完成本章学习后，学生应该可以回答如下问题：

- 什么是谈判？
- 谈判的基础是什么？
- 哪些要素构成一次谈判？
- 如何为谈判分类？
- 什么是商务谈判？
- 哪些原则可以帮助谈判者促成双赢局面？

beings, with whom we will have to communicate and establish relationships, during which we should take into considerations different interests of different people. You may still remember when you bargained with the peddler in the street market, or when you discussed with your wife or husband about which make of automobile you should buy, or when you asked your boss for a raise. In all those cases, you are negotiating. Negotiation is not something that only happens across a table in a very formal meeting room, it happens everywhere. In this section, we are going to learn some basic definitions related to negotiation.

### 1.1.1 Definitions (谈判的定义)

Defining negotiation is both easy and difficult. It is easy because negotiation is a social activity that takes place all the time in our daily lives. It is also difficult, however, because negotiation is a very inclusive activity with so many implications that hardly allows a precise explanation with a few lines.

Therefore, some scholars in the field object to giving a precise definition to negotiation, claiming that over-defining some concepts before a really deep study into it will inevitably confine the development and improvement of the subject. They say that negotiation is a combination of art and science. It's not like the routine managerial jobs that can be well done repeatedly in a same way with the guidance of certain law, but requires the negotiators' initiative and creativeness. All negotiation theories are learned and used on the basis of practices.

Nevertheless, we still find various definitions given by scholars and negotiation specialists. Some specialists define negotiation as an interpersonal exchange. American negotiation specialist, Dr. G.I. Nierenberg defines negotiation as an action of exchanging ideas in order to change the relationships between the two parties and obtain consensus. In *Negotiation*

只要是生活在社会当中，人们就需要谈判，因为社会中的人需要沟通与关系，而在此过程中，人们也需要考虑不同人群的不同利益。

一些学者认为谈判既是科学也是艺术，需要谈判者发挥创造性，所以谈判理论都是实践基础上的学习与运用；但依然有学者为谈判下了多种定义。如美国谈判专家尼尔伯格博士将谈判定义为旨在改变双方关系并达到共识的一种观点交换行为，而罗格费舍与威廉尤里则将谈判定义为为达成特定共识而进行的交换的艺术，还有的学者将谈判视为一种技能或技巧。美国谈判专家 C.W.巴罗将其定义为旨在说服另一方接受你的观点的观点交换技

*Skills* coauthored by Roger Fisher and William Ury, negotiation is defined as an act of exchange to reach certain agreement. Other scholars consider negotiation as a technique or a skill. American negotiation specialist C.W. Barlow defines it as a technique of idea exchange, which is designed to persuade the other party into accepting your ideas. Its ultimate objective is to reach a mutual beneficial agreement. Barlow insists that the core of negotiation is to exchange ideas and persuade the other party. In that case, negotiators should not simply express their ideas, but do it with excellent exchange skills. Chinese scholars claim that negotiation is the process during which people try to meet their own needs and maintain their own interests. This definition stresses the continuous nature of negotiating behavior.

Summing up the above-mentioned definitions, we can see the following attributes of a negotiation:

First, negotiation is based on human being's needs. Nierenberg says that people negotiate whenever they exchange ideas with the intention of changing relationships and seeking consensus. Here, changing relationships and seeking consensus are both human needs. Human beings have various needs, from material needs to psychic needs. Needs push people into negotiation, and stronger needs make stronger negotiation motivation.

Second, negotiation is a social activity taking place between at least two parties. One person or one side cannot negotiate.

Third, negotiation seeks to establish or improve the social relationship among people. All human activities occur with certain social background. The objective of negotiation is to gain certain benefit, which requires the establishment and improvement of the original social relations. And the social relations among people are established through negotiation.

能, 最终目标是达到双赢的共识, 巴罗强调谈判的核心是交换观点与说服对方。一些中国学者则认为谈判是试图满足自身需要和利益的过程, 强调谈判行为的连续性。

总结一下, 谈判具备如下特点:

第一, 谈判基于人类的需要, 需要将人们带入谈判, 而需要越强烈, 就会产生越强烈的谈判动机。

第二, 谈判是发生在至少两个谈判方之间的社会活动。

第三, 谈判旨在建立或改进人们之间的社会关系。

Fourth, negotiation is a process of coordination. Any agreement is a result of coordination. Very few negotiations can lead to an agreement immediately. In most cases, questions, demands and conflicts keep arising throughout the whole process of negotiation until they are straightened out one by one and the ultimate agreement is reached.

第四，谈判是一种协调过程，所有共识都是协调的结果。

To sum up, we define negotiation as a process of coordination to meet certain needs of the negotiating parties.

综上所述，我们为谈判下的定义是在两方或多方之间进行的旨在满足某种需要的协调过程。

*Questions: What is a negotiation? What are the attributes of a negotiation?*

### 1.1.2 Foundations of Negotiation（谈判的基础）

We've mentioned that negotiation is based on human needs. In this section, we'll elaborate on this point.

Human needs are the foundation of negotiation activity. When needs arise, people would actively seek ways and approaches to meet these needs. However, negotiation is not their first choice. People would firstly try to find some solutions that can be carried out easily and consume fewer resources, which may include power, order and under-the-table approaches. Only when there is room or possibilities of making exchange with their needs in certain ways would people resort to negotiation.

人类的需要是谈判活动的基础，但谈判并非是使需要得到满足的唯一方法。

Therefore, negotiation takes place with the presence of the following three foundations: (1) human needs; (2) negotiability; (3) negotiation inclination.

谈判的基础有三个：需要、可谈判性、谈判倾向。

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#### Case 1.1 : Negotiation about apartment

*Catherine and Jenny share one apartment. Catherine likes reading, and needs a quiet environment; Jenny enjoys listening to the radio. Conflicts often arise between the two roommates over the issue. They've tried to change apartments, but found no good ones. So they begin to negotiate. After several rounds of negotiation, they make a deal: each of them would buy a set of earphone for themselves.*

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Human needs here refer to the needs for negotiation that don't pivot on people's subjective will. When these needs arise, people will be driven to seek mutual understanding and link their different needs to some mutual interests.

In case 1.1, Catherine and Jenny have different needs. Catherine needs to be quiet, while Jenny needs to listen to the radio. They have to find a way to create two very different environments in one apartment. In this case, negotiation is one of the possible solutions. But there are other possible solutions, too. For example, if Catherine had certain power or privilege to make decisions that Jenny had to agree with, she wouldn't bother to negotiate.

Negotiability refers to the exchangeability of human needs and the room or possibilities of making compromises. If one or several parties can perceive a single better solution than making compromises or exchanges, there would not be negotiation in the real sense.

In case 1.1, there are possibilities to meet both needs, but only under the condition that they sacrifice their own needs to some degree. If the two people both refuse to make any compromise, there is no room for successful negotiation. On the other hand, they find no alternatives to negotiation, because they cannot change apartments. If either of them can find better place to live, they won't negotiate. Because changing apartments would be the easier solution.

Negotiation inclination refers to people's willingness to exchange their needs and people's expectations of the compromises made by the other side in the exchange. Negotiation inclination would simply be single-sided if it is not recognized. However, such single-sided inclination is not the end of negotiation; it is possibly perceived or recognized at certain point. When that happens, it turns into double-sided inclination.

Since there seems to be no better solutions, both Catherine

所谓需要, 是指不以人的主观意志为转移的谈判需要。当人们的需要发生不一致时, 人们就会寻求相互理解, 将他们的不同需要与某些共同利益相联系。

可谈判性, 是指不同人类需要的可交换性以及达成妥协的可能性。

谈判倾向, 指人们交换其需要的意愿以及对于对方所做妥协的期望。

and Jenny are willing to negotiate over the issue. Jenny may want Catherine to read in classrooms, and Catherine may require that Jenny turn off the radio. In either case, neither of them finds a gesture that is good enough to show the real negotiation inclination. Only when they agree to prepare an earphone for themselves do they find the real negotiation inclination.

*Question: What are the foundations of a negotiation?*

### 1.1.3 Key Factors in a Negotiation (谈判的主要要素)

A negotiation occurs only with the presence of the following key factors: (1) negotiators; (2) subjects; (3) aims; (4) results.

Negotiators refer to the people taking part in the negotiation. Negotiations always occur between individuals. Even some apparently inter-organizational negotiations are actually taking place between specific people working for those organizations.

Subjects of a negotiation refer to the topics or questions under negotiation. Instead of being drafted groundlessly or according to single-sided will, the topics or questions that make the subject of negotiation are always proposals, ideas etc. that are commonly concerned by all the parties.

A negotiation is different from a casual chat in that it has a clear-cut aim. A chat, in most cases, is carried out in a light and pleasant atmosphere, because it doesn't involve interest conflicts and economic relations. However, negotiation is conducted with the presence of interest conflicts and competition. Although some negotiations are apparently pleasant, friendly and frank, deep down there are communications of wisdom, power, and responses.

Last but not least, a negotiation leads to a result. Whether it is an agreement or a blast, the result signifies the close of a negotiation. A negotiation without a result is called incomplete negotiation, which is often a deadlock. An incomplete

谈判的主要构成要素有：谈判者、谈判主题、目标与结果。

谈判者是指参加谈判的人；谈判主题是谈判涉及的问题，通常是双方共同关心的提议或观点；谈判与谈话的不同就在于谈判要有目标；谈判最终会导致一个结果，没有结果的谈判是不完整的。



negotiation will have great negative impact on work efficiency. Therefore, it is of great significance to reduce the possibility of incomplete negotiation.

### *Case Study: Goodbye Doha, Hello Bali*

*TRADE and growth go hand in hand. When the economic crisis first hit in 2008, world trade and growth collapsed together. In 2009 both recovered, and did reasonably well until this year, when both slipped again. Cutting tariffs and red tape would boost trade, and support the faltering recovery. This should spur efforts to replace the failed Doha trade talks with a new effort to do a multilateral deal.*

*The aims of the Doha round, launched by the World Trade Organisation (WTO) in 2001, were laudable. It deliberately put poor countries first, placing particular priority on improving the access of their farmers to rich-country markets. It was ambitious too, covering not only trade in manufactured goods, agriculture and services, but also a host of things more indirectly related to trade (antitrust, intellectual property and foreign-investment rules, for example). According to the Peterson Institute, a think-tank, the potential gains were around \$280 billion a year. Its failure is a tragedy.*

*The villains are powerful lobbies, notably in agriculture, such as America's cotton and sugar industries and Japan's rice farmers and fishermen. But there were also two structural problems with Doha. One was the number of countries. At the end of the first world-trade talks in 1947, 23 countries were involved. When Doha started, 155 were. Second, the idea was to achieve a grand bargain in which agriculture, manufacturing and services would all be liberalised. But reaching agreement on some areas was so difficult that the WTO's mantra— "Nothing is agreed until everything is agreed"—proved fatal.*

### *Less ambition, more achievement*

*After many missed chances to conclude a deal, an*

*“absolute deadline” was set for December 31st 2011. That too, was missed. Since then, protectionism has been intensifying. In the past two weeks Argentina has lodged complaints against America over lemons and beef and against Spain over biofuels. Altogether, tit-for-tat actions mean that new restrictions cover 4% of global trade, more than Africa’s exports. On the plus side, disputes over these are being adjudicated by the WTO system.*

*With Doha paralyzed, regional alternatives to a multilateral deal are springing up. They are not all bad, but regional deals tend to benefit insiders at the expense of outsiders, so that global gains will be achieved only if they can be fitted together. And the small deals often enshrine rules—such as electrical and emissions standards—which vary from region to region, so they make global deals harder to forge.*

*Instead of allowing the Doha round to be replaced with a patchwork of regional deals, the WTO’s boss, Pascal Lamy, should close it and resurrect the best bits in a “Global Recovery Round”. He should drop the all-or-nothing “single undertaking” rule that helped kill Doha. Instead, talks would be broken up into small chunks and allowed to progress independently of one another. Negotiations would be open, so that any member could leave or join. Some deals, therefore, would not include everyone. But another of the WTO’s guiding principles—the “most-favoured-nation” clause—must apply. This rule means that any deal between a smaller group must be applied to all WTO members, even if they do not reciprocate. WTO-brokered regionalism would thus lower trade barriers for all.*

*The Global Recovery Round should focus on manufacturing and services. Manufacturing represents around 55% of total trade. There is much to be gained: tariffs on cars, buses and bicycles are still high. Even low-tariff countries maintain a selection of high ones. In America ski boots attract*