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INTERNATIONAL BUSINESS CLASSICS

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国际商务谈判

英文版

克劳德·塞利奇 (Claude Cellich) 著
苏比哈什·C·贾殷 (Subhash C. Jain)
檀文茹 改编

PRACTICAL SOLUTIONS TO GLOBAL BUSINESS NEGOTIATIONS



 中国人民大学出版社



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出版说明

随着经济全球化的深入发展，国际贸易、投资和商务活动日益频繁，企业不可避免地要应对来自全球范围的更加激烈的竞争。与许多跨国公司相比，我国企业在国际化环境下成功运作的经验不足，国际化经营水平还比较低。更重要的是，我国国际商务专门人才极度短缺。

适应经济发展的要求，加速国际商务专门人才的培养和培训，已成为我国高等院校面临的紧迫任务。2010年，经国务院学位委员会批准，在部分高校设立国际商务硕士专业学位；2012年，教育部颁布了《普通高等学校本科专业目录（2012年）》，将国际商务专业从目录外专业调整为基本专业。

顺应这一教育发展趋势，中国人民大学出版社在成功出版“工商管理经典译丛”的基础上，精心策划并适时推出了“国际商务经典译丛”（翻译版）和“国际商务经典教材”（英文版）两套丛书。丛书所选书目，都是国际知名教授所著的经典教材，经过长期教学实践检验，多次再版且畅销不衰，被许多国家的著名大学和专业经管院校采用，包括查尔斯·希尔的《国际商务》、托马斯·普格尔的《国际贸易》和《国际金融》、沃伦·基根的《全球营销》等。

在引进和出版这两套丛书的过程中，我们力图基于目前国际商务专业的核心课程，兼顾企业国际化经营的实际需要。我们希望，通过政府相关部门的大力支持，通过教育机构、高等院校对企业需求和学科发展的关注，通过学生在学习过程中的积极努力和反馈，以及通过像中国人民大学出版社这样一批职业出版人的不懈追求，最终促进我国管理教育国际化的发展、我国企业国际竞争力的提升以及具有全球视野的国际商务专门人才的成长。

愿我们出版的这两套丛书，能对读者在系统学习国际商务基本理论知识、改善自身国际商务实践、全面提升自己的英语表达和跨文化沟通能力等方面有所助益。

中国人民大学出版社

改编者的话

由日内瓦国际大学副校长克劳德·塞利奇领衔编著的《国际商务谈判》是一本非常有特色的国际商务谈判教材。该书的两位作者给读者提供了一本非常实用的国际商务谈判的参考书，很好地反映了国际商务谈判研究和教学的新动向和新理念。自出版以来，深受读者的喜爱。

该书不仅介绍了商务谈判的基本知识和技巧，还注重实际可操作性。它不仅提供了可供国际商务谈判者参考的非常实用的方法，而且特别强调文化和沟通在国际商务谈判中的作用，并提供了大量实用的案例。每个案例均以不同的文化背景切入谈判主题，强调了谈判的国际环境。给学习者提供一个身临其境的环境，有助于其对国际商务谈判有更好的认知，并能从中体会具体的谈判细节，以便熟悉比较复杂的与各种不同文化的商务谈判。

全书主要分为5篇：导言、谈判环境、谈判过程、谈判工具和其他主题。包括14章和7个案例。内容涉及国际商务谈判中文化的作用，谈判风格的选择，谈判的准备，价格谈判，谈判中沟通的作用，网上谈判，谈判力，谈判中的性别差异，让步的技巧，以及与不同国家和地区谈判的案例等。通过开展案例分析，学习者能够更好地掌握案例中所涉及的知识和技能。全书每章末都设有一个小结，这有助于读者领会每章的要点，掌握其精髓。

为了便于中国读者学习，改编者在保留原书风格和内容的基础上，对各章和案例中比较复杂和难懂的句子加注了中文，可以帮助读者更好地理解原文，掌握其中的知识点、谈判策略和方法，提高适用性。

本书不仅可以作为我国高校经济与管理类本科生和研究生国际商务谈判课程的教材，也可供从事商务谈判的专业人士参考与借鉴，还可以用作跨国企业国际商务谈判的培训参考书。

檀文茹

中国人民大学商学院

Preface

Today's globalization requires professionals to deal with their counterparts in countries with different economic, cultural, legal, and political environments. You may need to resolve a dispute with a supplier, finalize a counterproposal for a state-owned enterprise, or lead a multicultural team. Thus in a globalized market, few subjects are as critical as negotiating across cultural boundaries. When negotiators are from diverse cultures, they often rely on quite different assumptions about social interactions, economic interests, and political realities. Consequently, culturally sensitive negotiating skills are necessary for managing in an international setting.

Practical Solutions to Global Business Negotiations has been prepared for all those who negotiate globally: managers, lawyers, government officials, and diplomats. The book provides an insightful, readable, highly organized tour de force of both the conceptual and practical essentials of international business negotiation.

Negotiation is a lifelong activity. In business, you can do much better by negotiating successfully. Those not skilled in negotiation will get less than they deserve, perhaps significantly less. Surprisingly, it is often easier to sharpen your negotiating skills by simply trying. To do this, you must acquire proven negotiation strategies and tactics as well as the latest techniques of dealing with the challenges and opportunities of today's complex global alliances and quickly forming partnerships. At the same time, you must know how to navigate across national, organizational, and professional cultures at the negotiating table.

The book provides a clear framework to guide global negotiators around diverse cultural boundaries to close deals, to create value, to resolve disputes, and to reach lasting agreements in a constantly changing competitive context. In other words, this book will help managers and professionals acquire knowledge and develop indispensable skills in today's global business environment.

The book emphasizes the hardheaded sense of reality at its core. It makes negotiators feel how it will likely be at the international negotiating

实际事务中，可能需要解决与供货商的争议，也可能需要代表国有企业讨价还价，或者领导一支跨文化的团队。

本书针对国际商务谈判本质的阐释既具概念性又有实用性，提供了有洞察力的、易读易懂的和明晰的解释。

谈判达成的协议的效力以及持久关系的发展将决定胜负。若与跨国公司签订不利于己的协议，会带来接连不断的麻烦，还可能影响到自身的盈利能力，并产生无休止的争议。相反，双赢的协议则会助你达到甚至超出预期目标，同时能够给对方以极大的满足感。

table. It tells you how to avoid mistakes and how to optimize your goals. It helps you strengthen the skills that are keys to success in conducting business in a multicultural environment. The strength of your agreements and the development of lasting relationships can be the difference between success and failure. Poor agreements with overseas companies result in frequent and endless disputes affecting the profitability of the outcome. Mutually beneficial agreements help you reach and exceed your objectives and give the other party greater satisfaction at the same time. This is true whether you are (a) determining the price and terms of the deal, (b) closing with a key customer, (c) persuading others to work with and not against you, (d) setting or meeting budgets, (e) finalizing and managing complex contracts, (f) working on a project with someone important to you, or (g) breaking or avoiding a serious impasse.

While brief, our acknowledgments express our deep gratitude to all who have helped us to design and shape this book over the last several years. Many concepts are grounded on the work of others and are intended as a tribute to those found in the bibliography—a dedicated group of authors recognized for their research on cross-national negotiations. Some of them may agree or disagree with this book, and that reaction is to be expected.

Closer to home, we wish to acknowledge the support of colleagues Eric Willumsen and John Santantoniou at the International University in Geneva and Chris Earley at the University of Connecticut. We are thankful to our students at the International University in Geneva and at the University of Connecticut who read drafts and provided excellent feedback. The staff at the International University in Geneva and the University of Connecticut—particularly Shayna Mesko, student assistant in the International Programs office—have been extraordinarily gracious in supporting the project and providing help in numerous ways.

We owe a special word of thanks to the talented staff at Business Expert Press for their role in shaping the book. Our editor, David Parker, furnished excellent advice on the structure of the book, and his suggestions in an author-friendly manner were very encouraging.

Finally, we are thankful to our wives, with love for their graceful support and inspiration in countless ways.

Claude Cellich, Geneva, Switzerland

Subhash C. Jain, Storrs, Connecticut, United States

January 2012

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PART 1

Introduction

CHAPTER 1

Overview of Global Business Negotiations

In business you don't get what you deserve, you get what you negotiate.

—Chester L. Karras

Business requires undertaking a variety of transactions. These transactions involve negotiations with one or more parties on their mutual roles and obligations. Thus, negotiation is defined as a process by which two or more parties reach agreement on matters of common interest. All negotiations involve *parties* (i.e., persons with a common interest to deal with one another), *issues* (i.e., one or more matters to be resolved), *alternatives* (i.e., choices available to negotiators for each issue to be resolved), *positions* (i.e., defined response of the negotiator on a particular issue: what you want and why you want it), and *interest* (i.e., a negotiator's underlying needs). These should be identified and stated clearly at the outset.

In the post-World War II period, one of the most important developments has been the internationalization of business. Today companies of all sizes increasingly compete in global markets to seek growth and to maintain their competitive edge. This forces managers to negotiate business deals in multicultural environments.

While negotiations are difficult in any business setting, they are especially so in global business because of (a) cultural differences between parties involved, (b) business environments in which parties operate differently, and (c) gender issues in global business negotiations. For these reasons, business negotiations across borders can be problematic and sometimes require an extraordinary effort.¹ Proper training can go a long way in preparing managers for negotiations across national borders. This book provides know-how and expertise for deal making in multicultural environments.

商务活动是一系列交易活动和业务的集合。例如与一方或多方进行谈判，而各方有各自的立场与角色。因此谈判可以定义成一个过程，通过这一过程，两个及两个以上的谈判方在涉及共同利益的事务上达成一致意见。

本书将为需要在多文化环境中达成交易的人士提供一些实用的知识和技巧。

如果谈判各方同属一国，他们就是在相同文化背景和机构设置的前提下达成交易的。而如果谈判者属于不同文化背景，那么他们将具有不同的处理问题的习惯和思维方式，这些都与他们所在文化中的社会影响、经济利益、法律要求以及政治现实密不可分。

The book is meant for those individuals who must negotiate deals, resolve disputes, or make decisions outside their home markets. Often managers take international negotiations for granted. They assume that, if correct policies are followed, negotiations can be carried out without any problems. Experience shows, however, that negotiations across national boundaries are difficult and require a painstaking process. Even with favorable policies and institutions, negotiations in a foreign environment may fail because individuals deal with people from a different cultural background within the context of a different legal system and different business practices. When negotiators belong to the same nations, their deal making takes place within the same cultural and institutional setup. However, when negotiators belong to different cultures, they have different approaches and assumptions relative to social interactions, economic interests, legal requirements, and political realities.

This book provides business executives, lawyers, government officials, and students of international business with practical insights into international business negotiations. For those who have no previous training in negotiations, this book introduces them to the fundamental concepts of global deal making. For those with formal training in negotiation, this book builds on what they already know about negotiation in the global environment.

Negotiation is interdependent: what one person does affects another party. It is imperative, therefore, that a negotiator, in addition to perfecting his or her own negotiating skills, focus on how to interact, persuade, and communicate with the other party. A successful negotiator works with others to achieve his or her own objectives. Some people negotiate well, while others do not. Successful negotiators are not born; rather, they have taken the pains to develop negotiating skills through training and experience.

Negotiation Architecture

The architecture of global negotiations consists of three aspects: negotiation environment, negotiation setting, and negotiation process. The negotiation environment refers to the business climate that surrounds the negotiations and is beyond the control of negotiators. The negotiation setting refers to such aspects as the relative power of the negotiators and

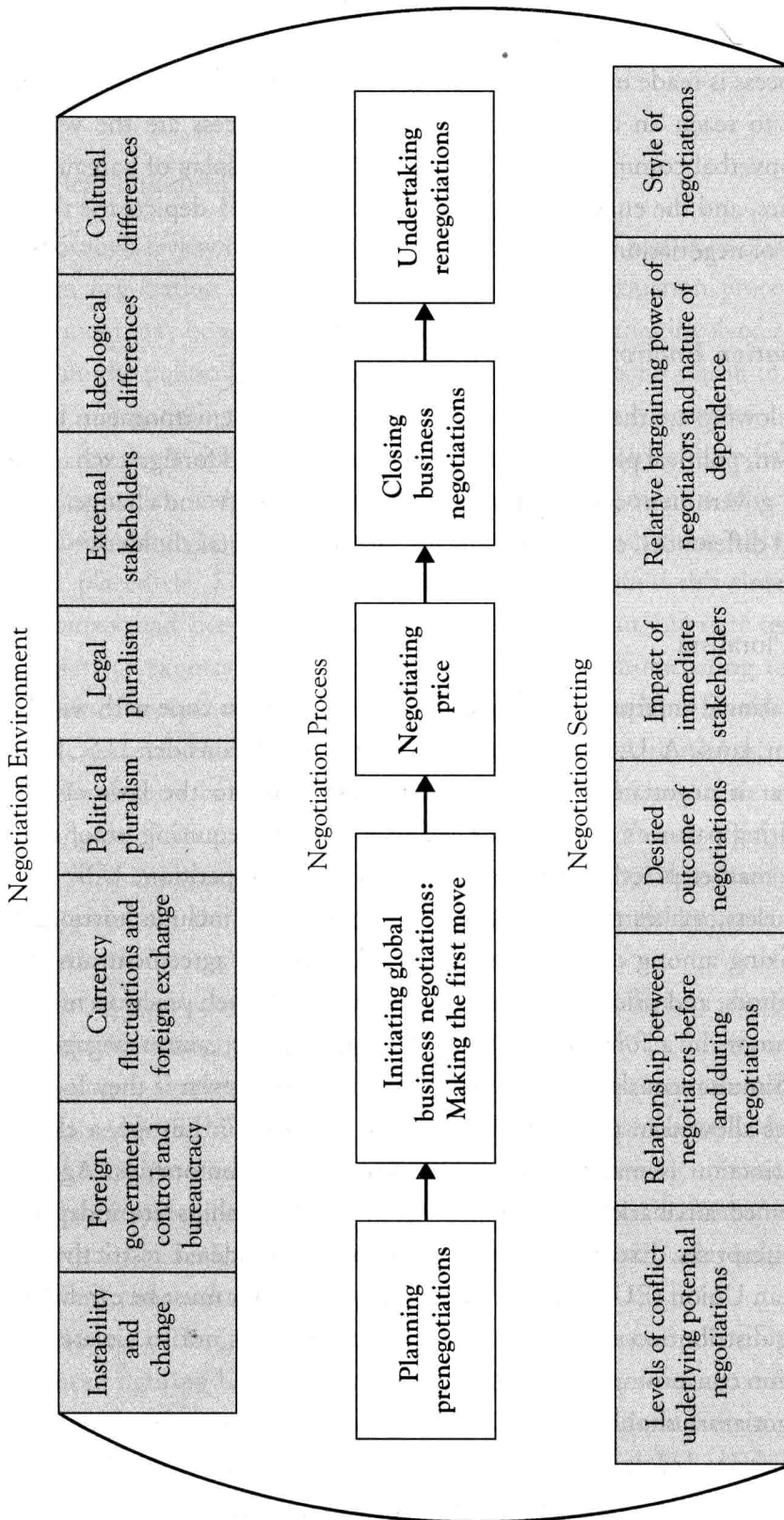


Figure 1.1. Negotiation architecture.

the nature of their interdependence. Usually, negotiators have influence and some measure of control over the negotiation setting. The negotiating process is made up of events and interactions that take place between parties to reach an agreement. Included in the process are the verbal and nonverbal communication among parties, the display of bargaining strategies, and the endeavors to strike a deal. Figure 1.1 depicts the three aspects of negotiation architecture.

Negotiation Environment

The following are the components of the negotiation environment: legal pluralism, political pluralism, currency fluctuations and foreign exchange, foreign government control and bureaucracy, instability and change, ideological differences, cultural differences, and external stakeholders.²

Legal Pluralism

Multinational enterprise in its global negotiations must cope with widely different laws. A U.S. corporation not only must consider U.S. laws wherever it negotiates but also must be responsive to the laws of the negotiating partner's country. For example, without requiring proof that certain market practices have adversely affected competition, U.S. law, nevertheless, makes them violations. These practices include horizontal price fixing among competitors, market division by agreement among competitors, and price discrimination. Even though such practices might be common in a foreign country, U.S. corporations cannot engage in them. Simultaneously, local laws must be adhered to even if they forbid practices allowed in the United States. For example, in Europe, a clear-cut distinction is made between agencies and distributorships. Agents are deemed auxiliaries of their principal; distributorships are independent enterprises. Exclusive distributorships are considered restrictive in European Union (EU) countries. The foreign marketer must be careful in making distribution negotiations in, say, France, so as not to violate the regulation concerning distributorships' contracts.

Negotiators should be fully briefed about relevant legal aspects of the countries involved before coming to agreement. This will ensure that the final agreement does not contain any provision that cannot be

以下列出的是谈判外部环境的构成要素：多元的法律，多元的政治，汇率波动，外国政府管制和官僚主义作风，不稳定性和变动，意识形态差异，文化差异，以及外部利益相关者。

例如，如果某些市场行为对竞争产生负面影响，那么即使没有确凿证据，美国法律也会认为这些行为是违法的。

例如，在欧洲，代理商和经销商之间有明确的界线区分。代理商被认为是从属于其委托人的，而经销商是独立的企业实体。独家经销在欧盟各国是被限制的。

implemented because it is legally prohibited. The best source for such a briefing is a law firm that has in-house capability of legal matters of the counterpart's country.

了解这些信息的最好渠道是律师事务所，因为它们具有处理涉及谈判对手所在国法律事务的能力。

Political Pluralism

A thorough review of the political environment of the party's country with whom negotiation is planned must precede the negotiation process. An agreement may be negotiated that is legal in the countries involved and yet may not be politically prudent to implement. There is no reason to spend effort in negotiating such a deal. Consider the following examples.

A few years ago, Air India, a state-owned company and India's flagship air carrier, had to upgrade its fleet. After several months of debating proposals made by Boeing and European airline consortium Airbus, Air India placed the \$7 billion order with Boeing. Around this time, U.S. diplomats had been complaining that, while Indian Internet technology service exports had surged, most of India's manufacturing imports continued to come from non-U.S. sources. Some Indians feared a U.S. protectionist backlash if the airline order was placed with Airbus.

Washington had repeatedly called on New Delhi to ensure a "level playing field" for American industry. According to a French official, Boeing's selection was politically driven, with factors other than commercial ones swinging the order in Boeing's favor—although Indian officials denied this.³

华盛顿一直要求新德里给美国企业一个公平的竞争环境。

As another example, the federal government officially discourages cigarette smoking in the United States. But if people in other countries are going to smoke, why shouldn't they puff away on American tobacco?

Armed with this logic, the Bush administration pressured Indonesia, South Korea, and Taiwan (China) to dismantle their government-sanctioned tobacco monopolies. This opened lucrative markets and created such growth for U.S. cigarette makers that skyrocketing Asian sales helped offset the decline at home.

However, Thailand, with a government tobacco monopoly of its own, has been fighting U.S. pressure to open up, and U.S. tobacco companies approached the Bush administration to take up trade sanctions against the Thai authorities. That raises many questions about U.S. trade policy, including these: Should Washington use its muscle to promote a product