



国际商务谈判

INTERNATIONAL 原则、方法、艺术
BUSINESS

(修订版)

NEGOTIATION·PRINCIPLES,
METHODS
AND
ARTS



张祥 著

WRITTEN BY ZHANG XIANG



社会科学文献出版社
SOCIAL SCIENCES ACADEMIC PRESS (CHINA)

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序

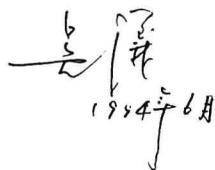
和平与发展已经成为当今世界潮流，发展经济已经成为国际社会的主旋律。中国实行改革开放以来，对外经济贸易取得了举世瞩目的成就，中国经济已成为世界经济体系中不可缺少的一个很重要的组成部分。

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 ~ 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

两年，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，并从发展中国家的角度，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。



1984年6月

Preface

Peace and development are the main themes in the contemporary world, and economic development has become the major tune in the international society. Since the implementation of the economic reform and open – door policy China has achieved worldwide recognized success in international economic cooperation and trade. Today, China's economy is doubtless an indispensable and important part of the world economic system.

Along with the accelerated development in the field of international economic cooperation and trade, international business negotiations of various levels and types have become routine. Through practice, people have gradually realized the importance and complexity of international business negotiations. The study of international business negotiations, which incorporate policies, intelligence and arts into a whole, is an academic field based on both theories and practice. At present, there is severe shortage of well-versed in this area. 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 the Engineering Physics Department of Tsinghua University in 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 professor and dean of the School of Management of Shanghai Jiao Tong University. This book not only reflects the thoughts and summary 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, Based on his thoughts about the reality and the viewpoints of developing countries Dr. Zhang Xiang offered many new ideas. This is a book with clear and basic ideas, rigorous logic and systematically arranged, rich case studies and strong readability. On the academic level, this is a book of reference for many professionals and students in the field of international business and trade.

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 corperation and trade in the shortest possible time and to promote the healthy development of China's foreign economic corperation andtrade.

Wu Yi

Ex-Chinese Minister of Foreign Trade and
Economic Corperation

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；有的则是一般性的参与，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，在心中积压了一种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，许多精辟的真知灼见，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需要的不是“竞技比赛”的意识，谈判要重视人际关系的意识和放眼未来的意识。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，是包括准备阶段、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，谈判绝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，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。他们应该以高度的责任心全身心地投入，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，我要感谢原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分资料，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。

我不知道是否实现了我的初衷，但我想我是尽了力的。我真诚地期望得到各位读者的指教，以便使书中的谬误、遗漏能及时得到补正。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，以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 once 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 over the years. Some of them were presided by me, and when I was the lead negotiator, I was more deeply involved; some were presided by others and I was just a participant or provided suggestions when needed. On these occasions I met many prominent figures from political and business circles in both developed countries and developing countries and witnessed different kinds of negotiations, large – scale and small, difficult and easy, long and short. With all this going on, a strong feeling of saying something about negotiations surged within me. In the past four years, I have been turning over and over again my feelings 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 had the chance to attend the courses on negotiation given by two American professors and benefited a great deal from them, and much of the knowledge helped me greatly in my later career. Nevertheless, some doubt remains in my mind on some important views and principles of negotiation put forth by these professors. Over the years, I have read from time to time books on negotiations and discovered that most of them are written by foreigners, who explained negotiation from the viewpoints of western ethics and social cultures of developed countries, which conform neither with China's reality nor with the principles of international economic cooperation of our country. Some books even talked about the so - called "skills and tricks" of negotiations 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 negotiations cover a variety of fields such as international business, law, finance, engineering, anthropography and social psychology. This broad coverage goes beyond my knowledge and ability; Secondly, I have been so busy that I could hardly find more time than the few brief moments at my desk before going to bed each night,

and this has become my “second career” in recent years. It has taken me about four years, writing on and off, to finish this draft. Although I am still not very satisfied with this long – drawn – out work, I have no excuse to postpone putting it out there, for the warm encouragement and support from my friends have been an invisible pressure on me to do that. The longer the delay, the more in debt I felt.

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

——International business negotiations, with their own specific characteristics and basic rules, have to lay equal emphasis on both theory and practice. A correct philosophy of negotiation is the soul of a successful negotiation. My experience has brought me to the understanding that negotiations are not a competitive race, and importance has to be attached to interpersonal relationship and the opportunities for future co-operation. The study of international business negotiations is a science as well as an art. It has to be handled artfully on a principled stand. Therefore, three basic lines to be followed are suggested in this book, namely, to develop overall interest, to play fair, and to make

necessary compromises. A detailed explanation of them is given mainly in Chapter 1, the most important one, as I see it.

——International business negotiations are a recurrent and continuous process, including steps such as preparing, coming into contact, taking up substantial issues, reaching agreements and implementing them, and each step may have some subproceedings. In Chapter 2, I emphasize that a negotiation is a complete process and reaching an agreement doesn't mean an end to it.

——Pricing is a very sensitive and important issue in international business negotiations. Businessmen believe in “you get what you pay for” and “good product should be supplied and honest price should be offered”, but undue emphasis on “cheap and good” might bring opposite result. In my opinion, negotiating 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 negotiations over price in international technology trade. Therefore, a special introduction is given in Chapter 3.

——The result of international business negotiations must be expressed in the end by a contract, which has to be in a standard form and classified. 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 negotiations involve many risks. 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 might happen, and try to minimize risks.

——International business negotiations sometimes fall into an impasse. A thorough analysis of the causes can help find the right way for breaking through them. The key point is “to apply proper remedies to specific cases” .

——Success of international business negotiations depends on the 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.

Generally, the above – mentioned contents might not be touched upon in traditional books on negotiations but my experience tells me they are vital to successful negotiations.

In this book, some real cases are provided for reference, which are based on my own experience and knowledge. Certainly, I did not intend to make this book a collection of cases, nor an empty theory, as negotiations themselves are interesting and colourful.

Finally, I wish to give my acknowledgement to Madam Wu Yi, Ex-Minister of Foreign Trade and Economic Cooperation of China who has shown great concern for this book, and who took time to write the preface; I am grateful to my friend Dr. Yin Zungsheng, professor of Seton Hall University of U. S. A. , who offered some good suggestions on price negotiations of technology trade and to Professor Zhou Hanmin, Dean of International Economic Law Department, Shanghai Institute of