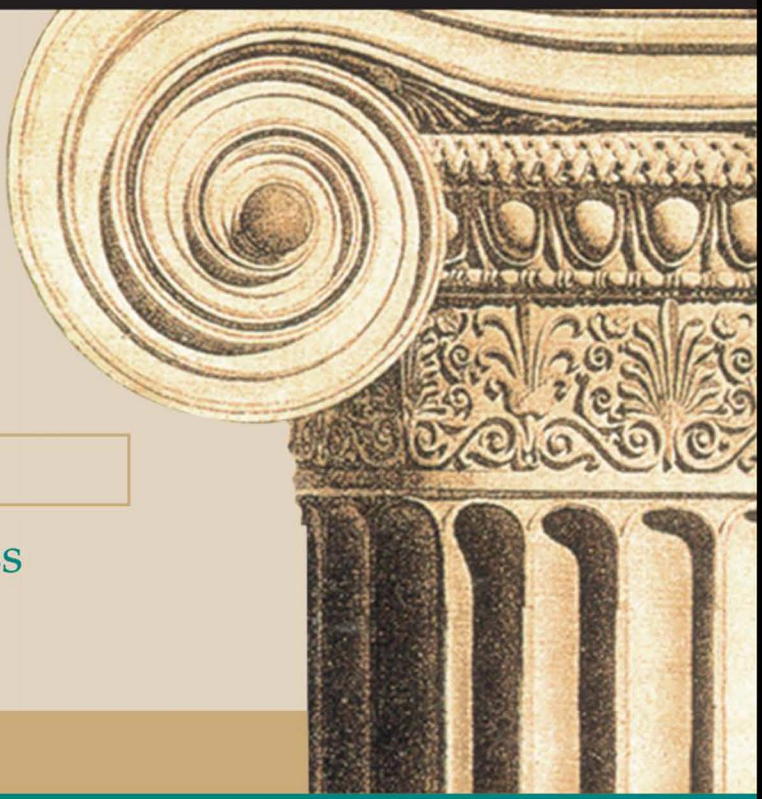
国际经济与贸易专业双语系列教材



International Business Negotiation

国际商务谈判

（英文版）

周杏英 编著

对外经济贸易大学出版社
University of International Business and Economics Press

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前　言

党的二十大报告提出，要推进高水平对外开放，维护多元稳定的国际经济格局和经贸关系，加快建设贸易强国。随着中国与世界各国的经济往来日益增加，国际商务谈判活动非常频繁，涉外企业对复合型谈判人才的需求量很大。为适应这种需求，国内各高校纷纷开设国际商务谈判课程，重视培养学生的国际商务谈判能力，本书正是为适应这一需求而编写。

本书侧重实用性和可操作性，内容分三大部分，包括谈判策略与技巧、国际贸易中各个环节的谈判以及各国的谈判风格。基于情景教学和案例教学的理念，各单元穿插形式多样的学习任务，如角色扮演、案例分析、讨论题、判断题和选择题等。在练习的设计和编写方面充分考虑到大部分学生缺乏商务谈判经验这一实际情况，尽量给出详细的说明和指引，帮助学生理解所需完成的谈判任务，运用所学的知识和技巧更好地进入模拟谈判情景，进行模拟商务谈判。使学生在真实的模拟环境中扮演不同角色，提高学习兴趣，提升谈判能力。

编者长期从事国际商务谈判课程的教学和外经贸企业的员工培训，经常接触不同外经贸企业员工并参加各种类型的商务谈判，掌握了丰富的一手材料，在此基础上精心编写了本教材。编写过程中参考了国内外出版的一些教材，在此谨对所参考的教材和专著的版权所有者表示衷心的感谢。

该书可用作商务英语和经济管理类专业本科生教材，也可作为涉外商务工作人士的培训教材。

编　者

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Part I

Managing the Negotiation Process

Business negotiation is the process of communication between parties involved over some issues for the purpose of reaching an agreement. It is a kind of information exchange with one party telling the other party what they want and what they can offer for their counterpart, look for ways to help their counterpart meet its needs, so that both parties will have a mutual understanding which may lead to a common ground. By making compromises and concessions, parties involved in the negotiation will reach an agreement if the negotiation is successful. Therefore, business negotiation is a discussion that revolves around some issues in a way that both parties find them acceptable. It is a process for negotiators to communicate, discuss, adjust their views, settle differences and finally reach a mutually acceptable settlement to satisfy each other's needs and maintain each other's self interest.

Business negotiation can be formal or informal. It may last for a very long time or may only last for a few minutes. Negotiations with complicated items may have several rounds of negotiation which may last for months or even years, while negotiations with one or two simple issues will be conducted within a very short time.

Negotiations are part of the daily life of businesspeople. Nowadays many multinational companies train their employees how to negotiate in order to equip them with useful negotiation skills to deal with problems and resolve conflicts well at the workplace and with their customers. Negotiation skills can help businesspeople to work efficiently in a team and reinforce their relationship with their partners. They can also help businesspeople to develop ideas and solutions, achieve their objectives and reach agreements.

Negotiation is a kind of process of giving and taking in which parties involved in the negotiation adjust their original offer and modify their expectations. It is usually conducted in four stages which include (1) preparation, (2) opening, (3) bargaining, and (4) closing.

Stage 1 Preparing for the Negotiation

Good preparation is essential in negotiation. Generally speaking, it is important to include the following in the preparation of the negotiation: (1) getting to know your party and your counter-party well, (2) setting your bargaining objectives, and (3) developing a strategy.

(1) Getting to Know Your Party and Your Counter-party Well

An important first step in negotiations is knowing yourself. To get well prepared for your business negotiation, you need to have a good understanding of your target objectives and form an effective team for the negotiation. The roles of the team members depend on the project and may include experts in commercial, technological, financial, legal, marketing and human resources areas. Furthermore, team members should be fully aware of their specific roles.

Assessing relative strengths and weaknesses of your counter-party is vital in the preparation of the negotiation. You may have to get the information about your counter-party which majorly includes the nature of the company, its history, recent development and future expansion, financial and credit status, its major products and markets, etc. You need to sort out and analyze the information and data in order to understand the interests, values, and perceptions of the other side so that you can generate options that the other side could reasonably accept. Moreover, it is important to get to know the negotiators of the counter-party, their personalities and their negotiating styles. If your counterpart comes from a foreign country, you should be fully aware of the cultural differences between the two countries.

Besides getting to know your party and your counter-party well, it is also important to have a good idea of your position in the competition. If you are the seller, are there a lot of buyers of your product in the market? If so, you are at a stronger position in the business transaction. If there are only a few buyers, yet a lot of suppliers who can also offer similar products to the market, then you will be placed at a weaker position in this business transaction.

(2) Setting Your Bargaining Objectives

It is crucial to think carefully before the actual negotiation about what you are trying to achieve. When preparing, you could hope for the best and prepare for the worse and identify a range of objectives which usually include 1) a top line, 2) a bottom line and 3) your target objective. A top line objective refers to the best achievable outcome your party is looking for which may be very difficult to obtain because the maximization of your party's profits may lead to the minimization of your counterpart's profits. A bottom line objective is the lowest, yet still acceptable outcome. It is vital to have a good discussion and reach an agreement among your team members about your bottom line before having the negotiation with your counterpart. A target objective is what you realistically expect to settle for.

In many negotiating situations, bargaining usually takes place between the top line objectives, whereas, agreement usually takes place between the bottom line objectives. Do keep in your mind that business people do business for profits, not for fun. Consequently, if the bottom line positions of the parties involved in the negotiation can not be met, an agreement can not normally be reached. What you should do is to establish a realistic bargaining objective, an objective which you realistically expect to settle for in advance and have a clear goal in mind before the negotiation.

Your pre-negotiation objectives are made only based on what you have available before actually getting involved in the negotiation and they may change during the process of the negotiation when you have a better understanding of the needs and interests of your counterpart.

(3) Working Out Your Strategy and Negotiating Style

Planning your overall strategy is an important part of preparing to negotiate. Before planning your overall strategy, you need to have a good understanding of the two major negotiating approaches and the five major negotiating styles.

Integrative Approach

Integrative approach, also called win-win approach, is the process of identifying a shared goal and developing a process to achieve it. It is a negotiation strategy in which the parties involved collaborate to find a "win-win" solution to their problem by focusing on developing mutually beneficial agreements based on the interests of the parties. Negotiators using this approach are willing to reveal their true objectives and make a true effort to understand what the other side really wants to achieve. They attempt to create the conditions for a free and open discussion of all related issues and concerns.

Successful integrative negotiation requires several preconditions: 1) The parties must be able to understand each other's true needs and objectives. 2) They must be able to create a free flow of information and an open exchange of ideas. 3) They should attempt to focus on their similarities, emphasizing their commonalities rather than differences. 4) They should engage in a search for solutions that meet the goals of both sides.

There are usually four major steps in the integrative negotiation process. The first step is to identify and define the problem in a way that is mutually acceptable to both sides. Then you should understand the problem fully. Furthermore, it is important to bring interests and needs to the surface. Lastly, you need to generate alternative solutions to the problem, and choose a specific solution from among those alternatives.

The integrative approach has both its advantages and disadvantages. Its major advantages are that common interests are valued and sought. Limited resources do exist, but they can usually be expanded through cooperation and creativity. Interdependence is recognized and enhanced. The goal is a mutually agreeable solution that is fair and efficient to all parties. However, integrative approach has its disadvantages. It may compromise and accommodate in

ways not in his/her best interests, and increases vulnerability to deception and manipulation. It makes it hard to establish definite aspiration levels and bottom lines, and requires strong confidence on one's perceptions regarding the interests and needs of the other side.

Distributive Approach

Distributive approach, also called win-lose approach, is a competitive negotiating strategy used when there is a fixed "pie"and you and your counterpart are trying to divide something up. Since there is not enough to go around, and the pie can not be expanded, so the more you get, the less the other side gets. That is why distributive negotiation is also sometimes called "win-lose" because of the assumption that one party's gain results in the other party's loss. Therefore, the goal in distributive bargaining is not to assure both sides win, but rather that you win as much as you can, and the other side loses, or at least get less than it had wanted.

Distributive approach has the following features. Your party's goals are conflicting with those of your counter-party, and the issue discussed is usually centered around money. Resources are fixed and limited. Your party attempts to get the most out of the deal. Distributive negotiation is mainly found in a one-shot deal.

During a distributive negotiation, you should work out your best first offer and try to know more about your counterpart. You should not leak any information to your counterpart and should not give extreme offers.

Distributive bargaining approach is quite useful when you want to maximize the value obtained in a single deal, when the relationship with the other party is not important, and when you are at the claiming value stage of negotiations. Common tactics in distributive bargaining include trying to gain an advantage by insisting on negotiating on your own home ground, having more negotiators than the other side, using tricks and deception to try to get the other side to concede more, making threats or issuing ultimatums, trying to force the other side to give in by overpowering them or outsmarting them, and not by discussing the problem as an equal.

It is important to bear in mind that many negotiations actually involve both integrative and distributive bargaining. You should do as much as you can to expand the pie. Once the pie is as big as you can make it, you should claim as much of the value you can for yourself.

The following five approaches are used by a lot of negotiators from time to time in business negotiations according to different situations.

Collaborating

Negotiators using the collaborating style in business negotiations are to maintain interpersonal relationships and ensure that both parties can achieve their target objectives. This is the style in which you are concerned about not only your own needs and interests but also your counter-party's needs and interests as well. This is a cooperative style which requires both parties to have trust and collaboration and to take a win–win stance. Collaborating style is

useful to deal with complex problems effectively and to utilize the skills, information, and other resources possessed by different parties. It is appropriate for dealing with the strategic issues pertaining to an organization of objectives and policies, long range planning, etc. Collaborative style is inappropriate when your counter-party is unconcerned about outcomes.

Compromising

Negotiators find a win–win solution to the problems in the negotiation impossible, therefore, both parties sacrifice to each other for a mutually acceptable decision for respecting to the goals and the relationships of the parties involved which partially satisfies both parties. Persuasion and manipulation dominate this style. It is partial win-win & partial lose-lose. Compromising style is useful when the goals of the parties involved are mutually exclusive or both parties are equally powerful and have reached an impasse in their negotiation process. It is also useful when consensus can not be reached, the parties need a temporary solution to a complex problem, or other styles have been used and found to be ineffective in dealing with the issues effectively. Compromising style is inappropriate for dealing with complex problems needing a problem-solving approach. It is also inappropriate if your party is more powerful than the counter-party and believes that your position is right.

The difference between the collaborating style and the compromising style is that negotiators using the collaborating style try to make the pie bigger in order to reach an agreement that will maximize joint gains while negotiators using the compromising style will usually meet each other half way in terms of their respective needs and interests.

Accommodating

You may use accommodating style when considering maintaining the interpersonal relationship is very important. This is a low concern for the needs and interest of your party and a high concern for the needs and interest of the counter-party with a lose-win outcome. Accommodating style is useful when your party is not familiar with the issues involved, or your counter-party is right, and the issue is much more important to your counter-party. It may be used as a strategy when your party is willing to give up something with the hope of getting some benefit from the other party or when your side is dealing from a position of weakness or believes that preserving a relationship is important.

Dominating

This style is to take the necessary steps to ensure that your goals are met, whatever the cost to the relationship. This is a power–oriented style in which you use whatever power seems appropriate to defend a position which you believe is correct or simply attempt to win. The dominating style is appropriate when quick and decisive action is vital or an important issue requires unpopular action or the other party would take advantage of cooperative behaviour. It is inappropriate when the issues are complex and there is enough time to make a good decision or both parties are equally powerful, using this style by one or both parties may lead to

stalemate or the issues are not important to the party.

Avoiding

The central theme of the avoiding style is evasiveness, which results in a high degree of frustration for all parties involved. Goals are usually not met, nor is the interpersonal relationship maintained. This style might take the form of diplomatically diverting an issue, postponing an issue until a better time, or simply withdrawing from a threatening situation. It is low concern for the self and others with a lose-lose outcome. Avoiding style may be used when the potential dysfunctional effect of confronting the other party outweighs the benefits of the resolution of conflict. It may be useful to deal with some trivial or minor issues or when a cooling-off period is needed before a complex problem can be effectively dealt with. It is inappropriate when the issues are important to a party, or it is the responsibility of the party to make decisions. It is also inappropriate when the parties involved are unwilling to wait, or when prompt action is required.

It is important to bear in mind that negotiators develop their styles for reasons that make sense to them. It is also important to understand that no single negotiating style is appropriate in all circumstances. No one style is better than another in every situation. Negotiators often change their styles in order to adapt to the demands of new situations.

Stage 2 Opening

The opening stage is rather influential, because it will set the tone for all that follows. Opening the negotiation, setting the agenda, and building understanding are the three important elements for getting started.

(1) Opening the Negotiation

The progress of a negotiation is influenced greatly by the opening statement of the two parties. Information about a party's attitudes, aspirations, intentions and perceptions of the other party and the issues in dispute are usually conveyed. The climate of the negotiation, either a positive and constructive atmosphere or a hostile, tough, distrustful and uncompromising atmosphere can also be shaped within a very short time. Each party gets the signals from what the other party presents and explores the other party's intentions, attitude and sincerity.

(2) Setting the Agenda

It may not be appropriate for informal negotiations to have a rigidly imposed agenda, because in an informal negotiation, there may only be one fairly simple point under discussion. However, all negotiations need to have a sense of direction—a clear picture of objectives and the best way to achieve them.

The agenda for a formal negotiation is usually prepared by the home party or discussed by

both parties in advance. It usually communicates important information such as topics for discussion, presenter for each topic and time allotment for each topic. Usually the host party is supposed to provide an agenda to all the participants to provide key points of the negotiation and the details.

(3) Building Understanding

Building understanding is vital in business negotiation. Your main aim at this stage of the negotiation should be to understand each other clearly. You can't negotiate effectively unless you understand your own interests and your own no-deal options. Furthermore, you need to understand what the other party wants to get from the negotiation and what they can offer for you, for agreement requires understanding and addressing your counter-party's problem as a means to solve your own. Trying to understand in depth what the other side really wants out of the deal by trying to put yourself in the other party's shoes is really important. You also need to be certain that your counterpart understands your interests. Only by establishing mutual understanding can it be possible to establish a common ground. The phase of building understanding includes getting information, testing arguments and positions, and using timing and adjournments. In a negotiation, the more information you can get from the other side the better.

At this stage of building mutual understanding, effective presenting and active listening are really important since negotiating generally involves expressing your needs and understanding the needs of your counterpart. In the process of presenting your position, it is essential to address critical issues which your counterpart is interested in and to establish a two-way communication by encouraging interruptions and questions and by checking for understanding and agreement. Meanwhile, knowing as much as you can about the party you are negotiating with is crucial. On the one hand, you show respect to your counter-party by giving him/her your full attention. On the other hand, understanding what your counter-party is talking about can help you see the negotiations from your counter-party's point of view and thus respond positively. The process of active listening involves restating or summarizing the content of your counterpart's message. These responses ensure immediate feedback on whether the message has been interpreted correctly. Moreover, the quality of the information provided by your counter-party depends largely on the type of questions asked. Use various types of questions such as open questions, closed questions, leading questions, probing questions and reflective questions to get to know what your counterpart wants from you and what they can offer for you. You need to make sure that you understand what they are saying so you can get what you want from the negotiation and make a good response. Make good use of both your verbal and nonverbal language to ensure your good listening in the negotiation and be fully aware of the cultural differences in those nonverbal gestures.

In addition to asking questions, listen to the answers. Let your counterpart explains his/her position and needs to you. The more you can figure out how to accommodate those needs, the

more likely you are to reach a satisfactory conclusion. Realize that in order to get something, you will have to give something as well. If the person you are negotiating with does not see a worthwhile deal, then he has no reason to listen to your demands.

Stage 3 Bargaining

The bargaining stage is a very important stage in business negotiation ranging from the end of the opening stage to the beginning of the closing stage when the contract is signed. Substantive issues are negotiated at this stage and may include getting and making concessions, breaking deadlocks, and moving towards an agreement.

It is unlikely that an agreement can be reached without some concessions from both parties. Before making your concessions, you should consider the following questions seriously. How much should I give up? What will I get in return? There are a number of approaches you can use to deal with these problems. One approach is to make conditional offers. By attaching conditions to your concessions, you get something for something rather than something for nothing. So whenever possible look for something in return for every move you think of making. Meanwhile, bear in your mind that bargaining is finding a common place of agreement and thus is all about compromise and concessions. So if you want something from your counter-party, be prepared to offer something in exchange that is comparable. By realizing that it is a process of both give and take, you will be better tuned to your counterpart. Hesitating before you make a concession can help project the image to the other side that you are giving him/her something reluctantly.

In business negotiations, there are quite a lot of factors which might cause a negotiation to a deadlock. For example, both parties have widely divergent objectives, competitors elsewhere offer a better deal, problems seem too difficult to solve, one party mistakes firmness for rigidity and will not make concessions, or as a deliberate tactic during a negotiation to force the other party to reconsider its position and make concessions, or personalities/negotiating styles clash. A variety of tactics can be used for breaking deadlocks. Among them, suggesting a break when negotiation comes to a deadlock can be more useful so that both parties may have a chance to calm down and to reflect. During the break, review your needs and assess where you are in the negotiation. If you have just been surprised with new information, either research it or reschedule until you can be fully up to speed on the item. If you are clearly too far apart from your counterpart and he/she is unwilling to budge, assess whether to walk away now or see what further steps you can take, if any. Moreover, taking a direct appeal to your counter-party to reconsider the shared objectives and the common ground and trying to

discover the barriers to effective negotiating will be extremely workable in dealing with deadlocks in the process of negotiation. Besides, calling in an outside party to act as a conciliator, a mediator or an arbitrator can also be a good tactic for breaking deadlocks in negotiation. It is important to be positive throughout a negotiation if you want to reach an agreement. You should be fully aware that agreement should not be reached until both parties think that they have obtained as many concessions from the other party that they can reasonably expect to win and both parties are satisfied with the terms and conditions on offer.

Some of the following tactics may be useful to help you reach solutions that really work for both parties at the bargaining stage.

(1) Handling Offer and Counteroffer Effectively

In the bargaining process, handling offer and counteroffer may be included. The process of making an offer – counteroffer – counter-counteroffer is considered as haggling.

Generally speaking, the seller is supposed to make the offer to the buyer first. If you are the seller, you may offer the buyer a higher price than you would actually be willing to sell. But you need to find out what your counterpart is really looking for and make a reasonable and realistic offer.

If the buyer is not satisfied with the offer, he/she will then make a counteroffer. If you are the buyer, you may make a counteroffer, even if you are generally happy with the seller's first offer. The seller is usually willing to concede more than he shows on his first offer, so you can take advantage of that. You may walk away if you are not happy with the offer.

(2) Be Calm and Relaxed

No matter how desperate you may be for the business transaction, you should be calm and relaxed, otherwise the party you are negotiating with may take good advantage of the situation. Even if you are really desperate, show your counter-party that you know what you want and you are sure you can get it.

(3) Try to Establish a Common Ground and Resolve Differences Effectively

Maximizing commonalities and minimizing differences in the negotiation can be constructive. Remember that the idea to negotiate is not to win but to come to a mutually satisfying solution to the problem.

(4) Separate the People from the Problem

During the process of bargaining, it is vital to emphasize on the problems which need to be resolved and avoid getting personal. Only by doing so can you remain rational in your judgement. Distinguishing the negotiators from the subjects under negotiation, considering problems from your counterpart's point of view and presenting more objective information can be workable. Be empathetic by putting yourself in your counterpart's shoes and avoid blaming

your counterpart for your problem. Do not overreact to emotional outbursts. One specific technique that can work is to arrange the seating so that both parties are sitting together facing the screen where the problem is presented. Thus, you and your counterpart may have the feeling that both parties are facing the problem together rather than being "us" against "them".

(5) Focus on Interests, Not Positions

Interests refers to what you really want, while positions refers to where you stand on an issue and what you demand from the other side in an argument or a negotiation. When bargaining, besides asking your counterpart what they want, it is also important to ask why they want it. It is equally important to ask the same questions about your own views. You will be more successful if you focus on understanding your interests and the interests of your counter-party. It will be beneficial to write down the various interests of each party and place the interests in their estimated order of importance so as to stimulate ideas and possible solutions to meet these interests. It will be more helpful to show your counterpart that their interests are part of the overall problem you are trying to deal with. Be flexible and open-minded when developing specific options to meet the interests of both parties.

(6) Using Authority Limits

The essence of authority limits is that the negotiator lacks the authority to conclude a final agreement or claims that he/she lacks that authority. In fact, there are three possibilities: 1) the negotiator really does lack the authority and will have to bring the proposed agreement back to the individual or group with the final authority, 2) the negotiator states that their authority is limited when in fact they could conclude the proposed agreement, or 3) the negotiator technically lacks the authority but knows that in all probability the "higher authority" will approve their recommendations.

There are many uses for the authority limit tactic. One of the most common uses is to obtain a delay without directly asking for one. In this way, the absent authority provides an opportunity for the negotiator to go back, think through the positions of each side, and evaluate the proposed agreement.

The authority limit tactic can be used in a number of other ways as well. For example, occasionally the negotiator will go back and check with the authority even though the negotiator knows that he/she can close the deal based on what the party has agreed to so far. The negotiator might have been trying to show the other party that he/she really went to bat for the other party with the higher-ups. Alternatively he/she might be trying to indicate that it was hard to get approval and that the other party really can't hope for any more concessions in this negotiation.

Another use of the tactic is to obtain a "no" from the authority even when the negotiator

could have said no themselves. The purpose here might be to reinforce and cement the refusal to make concessions. It might also be an attempt to make the negotiator appear to be the good guy and the organization or the higher-ups the bad guys.

You should always be concerned about the authority of the other party. Try to determine as early as possible their level of authority, or at least what they state to be their level of authority. If their authority is limited, you can try to involve the decision maker. If this is not possible or you feel that it is tactically inappropriate, continue the negotiation with an acute awareness that the person you are dealing with either does not have the final authority. One way to deal with this may be to use the person on the other side of the table as messenger, getting points agreed to by the person with the authority step by step.

(7) Pursue Fairness

If you and your counter-party view the negotiation process as fair, both of you are more likely to take it seriously and accept its result. Therefore, finding and selecting criteria that both sides can accept as being fair is vital. You can deliberately engage the other side in a search for fair criteria, asking them "what is fair?". Engaging the other side in the search for fairness is itself an act of fairness and will help to engender trust. You may use external standards such as price guides, industrial standards, company policy and even social norms. It is important to be fully aware that social rules may vary significantly across cultures, even within the same country. Negotiation in different countries can vary in norm. Where cultures are different, a discussion of fair play may be useful. Another good way of ensuring criteria are fair is by using an impartial third party.

(8) Good Guy and Bad Guy

When negotiating, one of your team members acts in an aggressive and pushy way, making unreasonable demands and requiring compliance, and the other team member then acts in a friendly way. The good guy may apologize for the bad guy, or plead for compliance because the bad guy is being horrible to the good guy, too. This is a core element of many persuasion methods. The bad guy acts to cause discomfort and tension, after which the good guy offers escape and closure. What the good guy says often gives the other side an excuse to comply, allowing them to rationalize their action and retain dignity. You can even do it as one person: be unpleasant and then apologize (you are under such stress) and ask nicely for what you want. For example, a senior manager makes a presentation in an unpleasant and aggressive way, demanding that tough goals are met. A liked line manager meets with her people afterwards and says that if the goals are not met then she will be punished.

(9) Split the Difference

Offering to split the difference, to agree on a price that is half-way between what you