

参 考 答 案

Unit 1

Task 1

1.

- 1) 该案例充分说明了逆向思维的重要性。在该案例中，逆向思维带来了可观的经济效益。
- 2) 无跟袜的诞生与“凤尾裙”异曲同工。因为袜跟容易破，一破就毁了一双袜子，商家运用逆向思维，试制成功无跟袜，创造了非常良好的商机。

2. Suggested Approach

- 1) Eliminate anxiety (消除焦虑、环节紧张情绪);
- 2) Have the right attitude (保持正确的态度，“要求”而不是“哀求”);
- 3) Take full advantage of listening: listen and be smart, rational and calm (善于倾听，理智、冷静、思路清晰);
- 4) Choose a “partner” approach (保持友好、合作的态度);
- 5) Express your intention clearly (清楚表达自己的意图);
- 6) Have a BATNA (Best Alternative to a negotiated agreement) (拥有最佳备选方案)。

Reference for simulation drills: (You: Rob, Boss: Sue)

(Negotiations take many forms. A common one is a one-to-one interpersonal negotiation in the workplace often related to job performance and salary. In this scenario, the employee is a project specialist who has only worked nine months at the company. He has requested a meeting with his boss. His goal is to get a salary increase.)

Rob: Hi, Sue. Thank you for taking the time to meet with you.

Sue: I'm glad to do so. What is our meeting about?

Rob: Well, I have been working here for over nine months, and I want to speak with you about the salary increase.

Sue: Rob, we just gave salary increases four months ago, so I don't know why we deviate from the annual plan.

Rob: I appreciate that, but I would like to share with you what I've been doing and ask for your support in recognizing my efforts. I think you will see that I have earned the raise.

Sue: Okay, I'm listening.

Rob: During my performance review, you indicated my overall performance was excellent, and that my attitude had gone from combative during the first few months to collaborate of which

you aid was very noticeable and appreciated.

Sue: Yes, that is true, but I don't see how this means you have earned a raise.

Rob: Well, I also have been assigned several projects where I was asked to join a team. In each case, including the last two that you personally assigned me to, I was named a team leader.

Sue: Well, Rob, that is not a surprise. You know that I'm aware of your potential as a leader. Performance is really what matters. How did the projects work out?

Rob: In each case, we were able to complete the project on time and under budget, and the formal feedback during the debriefing sessions recognized my leadership as a key to success.

Sue: That is fine, Rob. And at next year's performance review, we'll certainly consider this. Keep up the good work, and I'm sure it will be reflected in your salary raise next year.

(It seems like Rob is losing this negotiation. Sue seemed set on deferring any increase until next year. What can Rob do? What is his BATNA?)

(Negotiation continued)

Rob: I understand that normally we like to award raises based on the performance on an annual basis. However, given my performance and my desire to continue to help the company achieve its goals, I feel that I have earned consideration for a promotion.

Sue: Promotion? I think we are just talking about a salary increase.

Rob: A salary increase based on my promotion to project manager. My track record of delivering projects successfully is recognized by the project stakeholders and team members alike.

Sue: But you have only been here for a short time. And despite the success, I'm not sure going against policy is a good idea. It sets a precedent that corporate will not want to set of giving raises and promotions mid-year.

(Notice how Sue has shifted her statements from a focus on the annual review to a focus on changing policy and whether it would be supported by corporate. She is now considering it.)

(Negotiation continued)

Rob: Another important fact or that I researched is that project managers with similar education and experience in our region of the country make on average, 25% more than I make now.

Sue: Well, we don't have the budget for that kind of increase right now, so I don't think we can consider it.

Rob: Perhaps you could work it out in two steps: the first a 15% raise effective immediately, followed by a formal promotion with a 13% raise at the next review.

Sue: This would be based on your continued performance of course.

Rob: Of course.

Sue: Okay, let me discuss this with our Human Resources Department and let you know tomorrow the specific outcome.

Rob: Thank you, Sue.

Sue: Well Rob, you have earned it, and I'm glad you are a part of our team.

(Rob was successful as he had thought through his side of the negotiation: gathering evidence and researching critical points, like the average salary for a project manager. Sue was not as well prepared, but did counter at times by mentioning the annual review cycle, corporate policy and the need to discuss any agreement with Human Resources. One thing to consider was each side's BATNA or best alternative to a negotiated agreement. Rob's BATNA was to leave the company, seeking another position as a project manager. Sue had noticed and it would be a factor in her thought process. Sue's BATNA would be to allow Rob to leave if she really felt this was good for the company or her own position within the company. She would have been less likely to support Rob at the end of the day. This could be a win-win negotiation as Rob got the promotion and salary increase he wanted, and Sue retained a good employee.)

(Adapted from YouTube: Negotiations scenario: Salary increase)

Task 2

1.

1) 日方采取了很高明的谈判手段即拖延战术中的拖延谈判时间，这个战术最能稳住谈判对手。日方在谈判中没有急于将谈判的事项第一时间放在谈判桌上，而是先带着谈判对手到处去游玩及参加各种宴会，这一手段不仅仅能拖延时间，更重要的是能软化人的心理。对方如果接受了他们的邀请，这已经实现了日方的第一步。直到最后一天日方才谈到重点，其实这正是体现了拖延战术的真正效果。日方紧紧抓住了对方的心理，美国人急于回去，已经没有时间和日方周旋。而另一方面，美国人也会不好意思拒绝对方的要求，毕竟“吃人家嘴软，拿人家手短”。其实美国人已经违背了商务谈判的原则，没有把公私分开，没有把立场与利益分开，私谊是公事的辅佐，而公事决不能成为私利的牺牲品，这关系到一个谈判者的根本素质，谈判人员应该充分了解对方信誉，实力乃至实施谈判者的惯用手法和以往实例。

2) 一个成功的商务谈判者应注重收集谈判对手的身份背景、资信、惯用的谈判手段、谈判对手性格特征以及他们善于谈判的特长，谈判对手所要达成的目标即对方谈判的目的。同时也应该了解市场行情，客观地了解对方以及掌握谈判的竞争者，以及在谈判中出现争议的议题的解决方案，时时关注对方的一举一动，并且及时做出反应。

2. Suggested Approach

1) Learn about the other party's bargaining range.

2) Answer the question on your own.

3) Reference for simulation drills:

Woman: How much does this pair of earrings cost?

Man: Thirty dollars.

Woman: Hmm. That's a little high.

Man: They're made of sterling silver. The stainless steel ones on the right side are much cheaper.

Woman: Is there a discount if I buy two pairs?

Man: I can give you a \$5 discount, so the total price would be \$55.

Woman: How about \$50 for the two pairs?

Man: You are a hard bargainer. But OK, deal.

Task 3

1. 在这里，广东玻璃厂的首席谈判代表在面对美国方面的拒绝时，没有直接地对抗拒绝，而是采用了迂回绕道的技巧，从而化解了谈判中产生的矛盾，取得了谈判的成功。

这次对美国方面的拒绝是在美国方面占有优势的情况下果断地拒绝，但是在谈判中拒绝不能武断，需要有一定的语言艺术，让对方觉得这样拒绝很难不接受，从而才能赢得谈判的主动权。

拒绝还可以通过赞赏的方式来提出。赞赏式拒绝法的实质就是从对手的意见中找出双方均不反对的某些非实质性内容，然后加以赞赏，突出双方的共同点，摆出理解对手的姿态，最后对不同的观点加以坦率的拒绝。这是因为一个人在提出自己的意见后，一旦受到某种程度的肯定和重视，人的心理会形成一种兴奋优势，这种兴奋优势给人带来情感上的亲善体验和理智上的满足体验。这种体验一旦发生，就会促进谈判的顺利进行。

一般来说，拒绝不能使用带教训、嘲弄或挖苦的语气，尽量不用带批判性的词汇，更不要勃然大怒。另外，有的时候拒绝需要果断，这样更能显示出自己的坚定，但是在运用的时候要把握好时机和尺度。

2. Reference for simulation drills

Li: I regret to tell you that a number of cotton piece goods were stained or soiled because of improper packing. We have to file a claim with you.

Rose: That sounds strange. Inside the strong cardboard cartons the goods were wrapped with plastic bags fastened with nylon twine. It was possible caused by rough handling. You know, even the strongest packing can give way under improper handling.

L: I can assure you there were no rough handling when goods were unloaded. The damage might have happened during loading.

R: How much of the contents of the damaged goods is still usable?

L: 80%. And the shipping charges cost us a lot. The goods are in urgent need, however, we have to keep our customers waiting. Shall we return the goods to you or you allow a 20% reduction in price?

R: Let's compromise on a 15% reduction in price on the shipment.

L: Well, we might as well accept your proposal.

Unit 2

Task 1

(该练习为开放式练习，教师可让学生分组训练，挑选一两组同学做示范。该练习旨在训练学生基本的商务谈判能力。)

Suggested Approach:

Skills for negotiation:

1. Grasp the bottom line;
2. Have enough patience;
3. Be able to control the negotiation situation and the feelings of opponents;
4. Have keen sense of smell and decisive decision-making ability.

Task 2

No reference key provided. (该练习列举了中国加入世界贸易组织时中美会谈的一些谈判焦点，教师可引导不同组别的学生选择不同的话题进行国际商务谈判训练，并让小组间互相观摩。)

Task 3

1. Interpretation.

A: 很高兴你们研制出来新产品。我希望能与贵公司成交。

B: Thank you. We are so happy to hear you saying that. What type are you interested in?

A: 我们对 BW1218 这个型号的产品感兴趣。

B: Ok. This is our inquiry sheet with the required types, specifications and quantities in it. Could you quote us the lowest price on CIF Toronto?

A: 谢谢您的询盘。689 美元，这是 FOB 最低价。所有价格都以我方最后确认为准。佣金呢？从其他供货商那里，我们通常能获得 3% 的佣金。

B: If the order is a large one, we will consider giving you a commission. Our prices are quite favorable as you can see in the price list. Anyway, we can discuss it further later.

A: 这些价格是你的实盘吗？

B: Yes. We're willing to make you a firm offer at these prices. We believe the prices are highly competitive.

A: 这个实盘多长时间有效？

B: This offer will remain open for a week.

A: 好的。多久才能交货？

B: We usually make delivery within 3 months on receipt of the L/C.

A: 好的。我认真考虑一下你方的报盘再尽快回复吧。

B: We look forward to your initial order very soon.

2. 在对商品价格进行谈判时，商品的品质、数量、包装、运输、价格、货款结算支付方式、保险及索赔等条款也是需要协商的。

Task 4

Suggested Approach（该练习旨在训练学生进行非商品贸易谈判中的合资合作谈判，教师需提醒学生在谈判中注意包含练习中列出的八个要求。）

Reference for simulation drills: The negotiations between Disney and Lucasfilm

Background information:

The following scenario is the recap of the negotiations between George Lucas and Bob Iger that led Walt Disney Studios to take control of Lucasfilm Limited—the birthplace of the Star Wars Universe. You will notice the negotiations are interest based and both parties constantly try to create mutual value. World-class businessmen understand an M&A transaction (并购交易) done right can be much more than a zero-sum game (零和博弈). Following the acquisition of Pixar in 2006 and Marvel Entertainment in 2009, Bob Iger is thinking about the future of Disney.

Iger's consideration: Disney now has a reservoir of characters we can build franchises around. Both Pixar and Marvel have given us that. We produce movies and TV shows. We have theme parks. We sell toys. Disney is set on a strong trajectory, but I need to work even harder now to ensure the company's creative and competitive future. The entertainment world is less forgiving than ever. They can destroy us online if we're not great. We need to come up with an amazing project to do well. We need another mini Disney. Warner Brothers Pictures is involved with big projects, like Harry Potter, but the Harry Potter franchise won't be so sustainable for the next decade or more. Perhaps Lego is worth considering. It's a recognizable brand—games, movies, and toys that has potential. Then again, Lego is a growing concern, acquiring the company will be difficult. It is constantly generating cash flow. It's the same with DC, gigantic legacy, but not the right economic choice. We'll be opening the Star Tours, the adventure continues attraction in Hollywood Studios in May. George will be there. I can discuss with him a possible merger. He's the sole shareholder of the company and Lucasfilm will make perfect sense as an asset. Even though I have worked with George, I know he strives for creative independence. It will be difficult for him to sell Lucasfilm. He will be concerned about keeping the Star Wars Universe secure, but you never know. He can still participate to some extent. He might even expect to get part of the synergies. Lucasfilm has Star Wars, and revitalizing the characters boosts the mark up a lot. That's a fair concern, but I must make sure whatever we agree upon is fair. And Disney comes up with a larger part of the upside. We're taking all the risk here. There are possibilities. We can discuss.

(On the Phone)

Iger: George, do you want to grab a bite at the Star Tours inauguration?

George: Hi, Bob, Yeah. Catching up sounds great. Let's do it.

(May 2011—Bob Iger and George Lucas meet at the Hollywood Brown Derby, usually closed during morning hours, but open for the occasion, just for the two of them, on Iger's instructions.)

Negotiation round 1:

George: I will have an omelet, thanks.

Iger: And a yogurt parfait for me. You've been overseeing the Star Tours reconfiguring for two years now, right? Are you happy with the attraction?

George: Yeah, it's great. Thanks. You know technology has advanced so much after we first created the attraction in 87, but Disney imagineers just don't seem to know the word "no", and the new ride brings a fantastically convincing experience. I am very fond of working with them.

Iger: Glad to hear. I'm looking forward to cutting the red tape later and I hear there will be a couple of light sabers. We can cross them on stage. See how your years of experience will dwarf my skills.

George: Yeah, can do!

Iger: Hey, listen, would you consider selling Lucasfilm to Disney?

George: To be honest, I am thinking about retiring. I'm 67 years old, and restructuring of Lucasfilm over the past few years has been aimed at making the company less dependent on my leadership and vision, but I still have projects to attend to—the Clone Wars is entering its fourth season, and we have the live-action Star Wars on the drawing table. And I have other ideas about movies I might put into production. For the moment, I would have to say "no". I'm not ready to pursue that now, but when I am, I'd love to talk.

Iger: Okay. That's all I was asking. Call me when you're ready.

(May 2011 through June 2012—Lucas works on his BATNA and reservation point.)

George's consideration: When Disney bought Pixar, they let the management be. They didn't meddle, and that was brilliant! Pixar had all the creative freedom to output great stories. It is possible that I may be able to retain some influence over the Star Wars Universe if I sell Lucasfilm to Disney. That will also greatly depend on who runs the company after I retire.

(February 2012—Lucas contacts Kathleen Kennedy, co-founder of Amblin Entertainment (安培林娱乐公司, 一个独立的电影出品公司) alongside Steven Spielberg (史蒂文·斯皮尔伯格,

制片人), and one of Hollywood's leading producers. They set up a meeting over lunch in New York.)

Negotiation round 2:

George: I suppose you've heard that I'm moving forward fairly aggressively to retire.

Kathleen: Actually, no.

George: Yes, I am. And I am making changes around the management to make Lucasfilm less dependent on me as a head of the company. I intend to maintain the title of CEO and a service co-chairman for another year. But I want someone to co-chair Lucasfilm with me. That person will ultimately become the head of Lucasfilm.

Kathleen: Okay. Let's think about it and take off some potential candidates.

George: No, no, no. I'm thinking about you doing this.

Kathleen: You know, George. I actually might really be interested in that.

George: Look, Kathleen, we must build this company up, so it functions without me. We need to do something to make it attractive.

Kathleen: You are absolutely right. Excuse me for a minute.

George's consideration: If I am about to let go of Lucasfilm, what would Disney get out of it? Lucasfilm is a solid brand and has good standalone value. But if it merges with Disney, that's the least of it. Disney will bring the Star Wars franchise back to life, maybe Indiana Jones (《夺宝奇兵》系列电影的主角), too. And the synergies will be enormous. Disney will generate hundreds of millions in consumer product licensing, and it will go for a global reach with all retail. That's not just Star Wars, the movie franchise, as a single cash-flow source anymore. It'll be a lot bigger and a lot more money will flow through it. And I need to be part of it. Bob must realize that it's not just Lucasfilm I'm signing over, it's Luke, Leia, Han (《星球大战》中的人物), my characters, my legacy. I must be a decision-maker in the new releases, and in the revenues. Besides, I have ideas about the final Star Wars trilogy. My team and I can expand the franchise, and market it. Oh, yes. Lucasfilm will not be sold at stand-alone value and markup. And if I pitch Industrial Light and Magic (工业光魔, 著名的电影特效制作公司, 曾参与《星球大战》制作) and Skywalker Sound (天行者音效, 曾参与《星球大战》制作), my top-class digital effects studios, it would add a ton of value. Disney will, without a doubt, use them to help Pixar Productions and live-action releases like the Marvel movies.

Negotiation round 3:

Kathleen: Okay. Lucasfilm has Star Wars. It's most lucrative commodity.

George: Yes, and I've been having some ideas about Episodes VII, VIII, and IX.

Kathleen: Fantastic. Let's do these movies then.

(Kennedy and Lucas invited Michael Arndt, an Oscar winning screenwriter, and Lawrence Kasdan as an advisor, to write Episode VII. In August, Lucas went to Orlando to persuade Carrie Fisher, Mark Hamill, and Harrison Ford, who play Princess Leia Organa, Luke Skywalker, and Han Solo, to revisit their characters in future movies. June 2012, Lucas contacts Bob Iger, ready to revisit the topic of selling Lucasfilm. Negotiations begin in earnest.)

Negotiation round 4:

George: Bob, this is what I think a sale to Disney will look like. Star Wars and I will always be linked. It doesn't matter if I own the company or not. When I die, everyone will say "Star Wars creator, George Lucas. I propose this will be the best course of action. I hand over the entire company, including Industrial Light and Magic, Skywalker Sound, and the rights to the Indiana Jones franchise. But I retain complete control over Star Wars. My team and I have been growing the franchise for a long time. It's only natural that we know best how to license, market, and produce Star Wars materials. In fact, this is what the business plan looks like, and that's the projected figures. But to get there, we must get the new movies right. I think it would be wise to keep some of this structure intact.

Iger: I see where you're coming from. This is your legacy we're negotiating, and I am happy to offer you some autonomy and to consider your valuation. Regarding autonomy, we've done this before with Marvel and Pixar. These studios retain their autonomy, but in a limited way. Here, we can do something similar. Don't get me wrong. We greatly respect your work, and we want to build on your vision of Star Wars, not replace or erase it! That's out of question. We would love to have you on as an advisor, a consultant. I mean, nobody knows the 17,000 characters and the chronology of over 20,000 years better than you! And that would be good for you. You'd keep an eye out for the characters. But you need to know, if Disney owns Lucasfilm, it will be Disney, not Lucasfilm, that has final say over all things Star Wars. We are certainly willing to keep Lucasfilm intact, management, creative team, with Kathleen at the helm.

George: Okay. We have developed the story treatments for the final Star Wars trilogy. I can relinquish some of the control if Disney agrees to take them and use them as the basis for any future films. And it needs to be added to the acquisition agreement. The projected figures also consider the success of the treatments. Bear that in mind.

Iger: That sounds good, but I need to look at the scripts before we agree on anything final.

George: Look, I know what I'm doing. Buying the stories is part of the deal. You will need to trust me.

Iger: Okay, I understand.

(September 2012: Consistency and patience strengthen the trust.)

Negotiation round 5:

Iger: George, we would need to see some script text before we can continue with the deal. What do you think would be the best way to proceed?

George: Tell you what. How about if we ensure the treatments will only be read by a limited number of people—you, Alan Horn (迪士尼工作室内容首席创意官), and Kevin Mayer (迪士尼前高级执行副总裁兼首席战略官)? That should work, as long as you sign a non-disclosure agreement.

Iger: That's alright. We can sign that.

(A few days later.)

Negotiation round 6:

Iger: George, we read them, they're good and have story-telling value. Your valuation, however, is soft on the risks we will be taking. Think about it. There is a lot of uncertainty about the critical acclaim. These figures, they are very speculative, and you still haven't told us if Carrie Fisher, Harrison Ford, and Mark Hamill will agree to shoot if we acquire Lucasfilm. And, okay, we will release globally, but our core market is the US, and the overall macro-economic growth of the market is something to be cautious about.

(Remarks: On October 30th 2012, after five months of exhausting negotiations, George Lucas and Walt Disney Company president Bob Iger signed the agreement, selling Lucasfilm to Disney for 4.05 billion dollars, equally split between cash and Disney stock. Lucas remains involved with Star Wars in the capacity of a consultant. The amount of stock received makes George Lucas the second-largest shareholder for Disney after the LaureneJobs Trust (劳伦娜·鲍威尔·乔布斯信托公司, 劳伦娜·鲍威尔·乔布斯是苹果公司创办人史蒂夫·乔布斯的妻子), which sold Pixar to the Walt Disney Company in 2006. A deal between the two companies makes sense from a strategic perspective given that Disney is a world-class filmstudio, able to continue the Star Wars franchise, produce great movies that will win critical acclaim and monetize the huge Star Wars fan base all over the world. Star Wars was the biggest bargaining chip in this negotiation. The other issues which is building the value and playing a strategic role. Both sides made concessions, but ended up with a lot of more value than initially on the table. Now, several years after the deal has been completed, we can say with certainty, both parties won from this transaction. The Star Wars movies created by Disney and Lucasfilm are some of the highest-grossing movies of all time and movie critics rate them as excellent. Both parties won as they created a formula that allowed them to work together.)

(Adapted from YouTube: The negotiations between Disney and Lucasfilm)

Task 5

(该练习是一个多方多阶段谈判的训练，涉及 5 个谈判方，学生在训练时应注意该谈判的复杂性，需分阶段进行。教师在学生训练时，应给予指导。)

Suggested Approach: 参考 Task 4 中 Disney and Lucasfilm 之间的多方多阶段谈判案例。

Unit 3

Task 1

1. Translation:

- 1) 国际商务谈判区别于国内商务谈判的最大的特点是国际商务谈判受到广泛的各种各样的环境的影响。
- 2) 其结果是，谈判者的个人感觉与要谈判的利益和事件交织在一起。
- 3) 当你正与陌生人谈判，面临最后的期限，处理在权力和地位方面的差异，或者需要敲定无法执行的合同时，在这样的高压力、高风险的情况下，信任是特别具有欺骗性的。
- 4) 相比较而言，个人利益可以很容易使之符合组织的利益，因为个人价值的自我实现、社会地位和其他人对他的评价是和他为组织所做的贡献和成果密切相关的。
- 5) 双赢的做法在许多艰难的谈判中已被证明是成功和有效的，因为它充分考虑到双方的利益，这大大有助于促进谈判双方的相互理解。
- 6) In modern negotiation, equality and mutual benefit is a very basic principle.
- 7) The core of the principle is to reach a solution beneficial to both parties by way of stressing interests and value not by way of bargaining.
- 8) Once desires for gaining personal interests prevail, the outcome of negotiation would be foreseeable, such as, fulfilling petty interests of individuals and suffering of grand interests of organizations.
- 9) Win-win approach is a collaborative process and the parties usually end up helping each other.
- 10) I'm so glad that you will renew your order to import frozen poultry from us this year.

2. Reference for simulation drills

Cole: Hello, Mr. Tang. Glad to meet you again. How is everything going?

Tang: I'm fine, thank you very much. What can I do for you?

C: I've been sent to discuss quality, quantity and other particulars of the goods with you.

T: So, you must have received the samples and pattern books of our hand-embroidered silk products we sent last week.

C: Yes, we studied them carefully after receipt.

T: Do you have any questions?

C: Oh, yes. We find that the color and quality of your silk scarfs are satisfactory, but the quality

and design of the silk handkerchiefs are not suitable. I'm sorry to say that we don't like them at all.

T: As far as I know, there can't be any problem with quality of our silk handkerchiefs. As you know, silks are one of China's traditional exports. They're highly reputed for their quality. In fact, they're selling well in European markets. As regards patterns, could you please tell me in details?

C: The patterns with animals are not popular with Americans and I'm afraid that they may not be salable.

T: Really? Are you joking? Anyway, it's easy to solve that problem. Here are our latest designs. You can choose what you like.

C: These designs are so lovely that they'll appeal to the most selective consumers. I'd like to order two of them: Silk Handkerchief No. 10:3000 dozens; No 11: 1000 dozens.

T: I'm glad that you add your order.

Task 2

No reference key provided. (该练习旨在考查谈判目标的确定这一知识点。面试中谈论薪酬，是个敏感的话题。说高了，怕把用人单位吓跑，说低了，怕把自己降价处理，并让对方感觉对自己没信心。到底怎么把握分寸呢？这就涉及薪酬目标确定的问题。首先，应做好市场调研，或向用人单位了解其薪酬体系及可以提供的薪酬幅度；然后，衡量自己的水平，确定理想薪酬；最后，明确自己的最低薪酬限度。)

Task 3

Reference for simulation drills:

Hong: Mr. Evan, the medical equipment we discussed yesterday are quite valuable.

Evan: Yes, Mr. Hong, the equipment is of high quality, and very useful. So they're certainly valuable.

H: The design of the equipment is sophisticated, and therefore, the inspection is no easy job. I am worried that there might be some disputes over the results of inspection.

E: You needn't worry about that. There is an arbitration clause in the contract, isn't there?

H: Right. We always attach importance to the arbitration clause of a contract.

E: OK. As the Chinese saying goes "To get prepared against a rainy day", we had better think more of the possible problems which might happen afterwards.

H: You are right. In case of any dispute, we should try to iron out our differences through amicable negotiations. If we fail to reach a settlement, we will then submit the case in dispute for arbitration to an international arbitration organization.

E: Where do you think the arbitration will be held?

H: Would it be agreeable to you to adopt the customary practice that has been used in the

Sino-France trade?

E: I don't know the customary practice in Sino-France trade regarding the place for arbitration. Will you explain it to me in this regard?

H: It is in the country of the defendant. That is to say, if we submit the case for arbitration, the place for arbitration is in China.

E: That's OK. If so, which party will pay the arbitration fee?

H: Well, generally speaking, all the fees for arbitration shall be born by the losing party unless otherwise awarded by the tribunal.

E: And how is the arbitral award made?

H: By the decision of the majority of the arbitrators.

E: And the arbitral award is final and binding on the parties, isn't it?

H: Yes, it is.

E: I have another question. Is an arbitral award made in China enforceable in another country?

H: Yes. China is a signatory to the 1958 New York Convention.

E: Well, personally I should say it's so much better to resolve the dispute through friendly negotiations between the two parties.

H: I agree with you. Arbitration is only the last resort. Now let us go over the stipulations of the arbitration clause of the contract.

E: That's right. I agree.

Task 4

角色扮演：按要求分组，可以交换角色，完成相关任务。教师可以小结，给表现突出的小组打高分。

Task 5

1. 1) F 2) F 3) T

2. Suggested Approach

There are several questions you need to answer:

1) Do you have alternative sources to keep the Manila factory in production—or to reduce the time they are shut down? In other words, what is your fallback position?

2) Do they have a problem of supply (raw materials, labor, financing)? If it is any of those issues, can you or your company step in to bring them back to productivity on a short-or long-term basis?

3) How significant from a business or personal standpoint is the relationship between you/your company and the folks in Atlanta? If these are folks with whom the long-term relationship is important, you should treat the negotiation as an episode within that long-term relationship. If it is your intention to drop them like a hot potato once this issue is resolved, that could influence the approach you take in the negotiation.

4) Rather than penalize them for non-performance, what incentives can you offer them for success?

5) When you meet with them, the most important thing to do is ask questions and listen carefully. If you say, “There are two possibilities, I’ve got all the answers.” you risk getting nowhere. If they contribute to the solution, they’re more likely to feel committed to the delivery of whatever they promise.

6) While the \$6,500/day down-time may be a defensible figure, you should measure it not only against how much it is costing your company as regards the Manila downtime, but also against the cost of going to court. You/Your company has done the homework on how much each day costs (the \$6,500). Have you also done the homework on how much it could cost if you go to court? Will going to court speed up your Atlanta supplier’s productivity of the materials you need? One of the scariest things about going to court is there are no guarantees the “good guys” will win. How much will your lawyer cost? Can you collect your lawyer’s fees and court costs from the Atlantans if you win?

Task 6

（该练习旨在考查谈判方式的选择这一知识点。该练习与 Task 2 相似，都是对薪酬进行谈判。Task 2 侧重谈判目标的确定，而该练习侧重谈判方式的选择。当用人单位对自己所提出的理想薪酬表示过高时，要学会用迂回战术或询问其他福利的方法求高薪，并且要明确自己的最低薪酬限度，谈判中可做适当的调整。在薪酬的谈判中要注意保持灵活的原则，可采用隔离谈判法、利益焦点谈判法、原则谈判法，在尽量提高自己薪酬的同时，又让用人单位觉得物有所值，自己与用人单位达到双赢。切记不可采用让用人单位反感的谈判方式。）

Suggested approach:

The first step, do your homework. Get familiar with the lowest, average and the highest salary for the position. Remember to account for things like location, experience, certification, and education. Negotiation is a conversation about give and take. You have to know what you want while also knowing where the other person’s coming from. A fair way to start the negotiation is by asking for slightly more than your goal, but stay flexible. Understand that if you give a range, the employer will likely lean on towards the lower number. That’s why the bottom of your range should still be something you’re comfortable accepting. If an employer can’t meet the salary you want outright, don’t just walk away. Consider what’s most meaningful to you and what else they have to offer. Is there room for higher salary, vacation time, health care benefits? Do they give signing bonuses? Do they offer equity? Do you care about these things more than salary? Always see what else they can put on the table. That’s how you negotiate. But whatever the outcome is in your situation, be grateful and show it. You never know what opportunities might come in the future.

Reference for simulation drills:

(Sean aced his interview. Now he's preparing to enter the negotiation phase. When Sean's phone buzzed, he held the phone for a short while and picked up in 3.2 seconds. It's typical to let the phone ring a few times before answering. He's eager, but he also needs to stay calm for whatever the recruiter has to say.)

Sean: Hi, Jill.

Jill: Hi, Sean. We really enjoyed meeting with you. The salary you're asking for is a little higher than average. What experience and skills do you feel support that?

Sean: I've been leading one of the fastest growing open-source projects. And some of our contributors are developers for some of the biggest tech companies, so I've been able to see how industry leaders operate.

Jill: That's impressive. I feel you'd be a great addition to our team. We're willing to meet you in the middle and offer \$95,000.

Sean: I appreciate the offer. I could take on this role for that amount, assuming the package includes a signing bonus and two additional weeks of vacation.

Jill: I think we can make that happen. I'll send you the details.

Sean: Great, thanks. I'll keep an eye out.

(Adapted from YouTube: How to negotiate salary: asking for more money after a job offer)

Unit 4

Task 1

此题目的目的是让学生将谈判沟通的要素和类型的基本知识运用在任务 1 案例上，灵活地提出各种解决方案，分配角色并将谈判场景展现出来。

Task 2

此题设计情景甲方是联通代表，乙方是苹果公司，学习者可以分组轮流扮演甲乙方，使自己真正进入谈判的情景之中，尤其注意在抛出问题时的谈判语言，针对“好问题”与“坏问题”的应对，教师可以做适当引导，达到实训的目的。

Task 3: Case Study

本题是本章的综合训练，将各个任务融合在一起，既需要学习者根据本章所需内容回答问题，又需要将所学内容运用到模拟实训中，将该案例的场景以不同的方式演绎出来，教师需要适当引导，以达到综合训练的目的。

Task 4

此题通过谈判情景的模拟，锻炼学生的语言沟通能力、身体语言的表现力等。

Unit 5

Task 1

Translate the following tactics into English. (该题可在教师指导下完成，每种技巧的翻译方法不止一种。)

| | | | |
|----------|---|-------------------|-------------|
| 虚张声势 | 红白脸 | 权力有限 | 主动示弱 |
| 沉默是金 | 积少成多 | 滚木策略 | 针锋相对 |
| 以退为进 | 拖延战 | 休会策略 | 蚕食战 |
| Bluffing | Good cop/Bad cop (Tag-team negotiators) | Limited authority | Poor me |
| Silence | Bit-by-bit | Log-rolling | Tit-for-tat |
| Flinch | Hot potato | Walk out | Nibblers |

Task 2

Scenario Simulation

In the case study of task 1: Strategic Considerations, if you were the seller, now you regret and want to break the deal. Consider the strategic considerations, how do you act and present the scenario? (该练习通过让学生学习后，独立思考，从影响谈判策略的因素角度出发，找出卖主可以毁约的策略并演绎出来，模拟真实的谈判场景。)

Task 3

1. Role-play: in the case study of Task 3: Tactics for Each English Strategy, please act as Federal Electric, Auger-Aiso, Pressure Inc, and Chinese government, present the scenario that Federal Electric chose to drop out of the negotiation race. (该练习通过角色扮演的方式，锻炼学生团队合作的能力，经过团队的思考，找出 Federal Electric 可能失败的原因，及其他公司成功进入下一阶段谈判所采取的策略和技巧。)

2. Case Study

1. 谈判中，日方和我方分别运用了哪些策略和谈判技巧，请完成下表。（该练习考查学生对谈判策略和技巧的实际运用能力和综合分析问题的能力。答案并非唯一，有理即可。）

| | 日方 | 中方 |
|------|---------------------|------------------------------|
| 谈判策略 | 合作策略 | 竞争策略 |
| 谈判技巧 | 先声夺人、减兵增灶、红白脸、权力有限等 | 休会、故布疑阵、针锋相对、欲擒故纵、最后通牒（蚕食战）等 |

2. 你认为此次谈判最终能否成功，为什么？
 (学生视水平情况，也可以用英文进行分组辩论，答案有理即可。)
3. 中方在此次的谈判过程中体现出了什么样的中国智慧？
 (答案并非唯一，有理即可。)

Unit 6

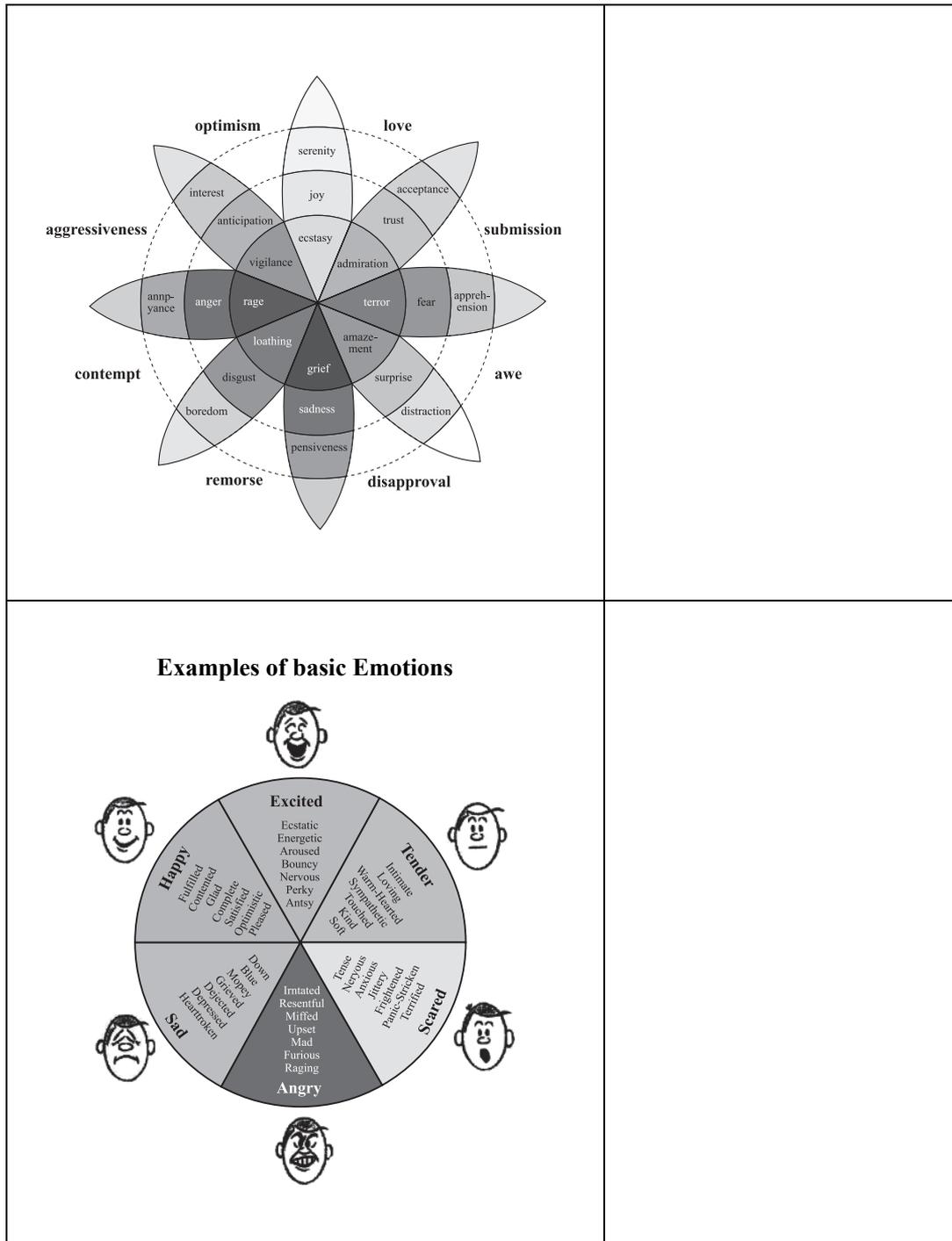
Task 1

1. Think about what the following sentences imply and translate them into Chinese. (以下这些句子与情感、情绪或处世态度相关，富含哲理，值得品味。)

- 1) I cannot be your friend and your flatterer too. 朋友不能阿谀奉承。
- 2) If you make yourself an ass, don't complain if people ride you. 人善被人欺，马善被人骑。
- 3) If you run after two hares, you will catch neither. 脚踏两船，必定落空。
- 4) If you venture nothing, you will have nothing. 不入虎穴，焉得虎子。(不冒风险，一事无成。)
- 5) Industry is the parent of success. 勤奋是成功之母。(成功源于勤奋；勤勉为成功之本。)
- 6) It is easy to open a shop but hard to keep it always open. 创业容易守业难。
- 7) It is hard to please all. 众口难调。
- 8) It is the first step that costs troublesome. 万事开头难。
- 9) It is too late to grieve when the chance is past. 坐失良机，后悔已迟。
- 10) It takes three generations to make a gentleman. 十年树木，百年树人。
- 11) Knowledge makes humble, ignorance makes proud. 博学使人谦逊，无知使人骄傲。
- 12) Learn to walk before you run. 先学走，再学跑。(脚踏实地，循序渐进。)
- 13) Life is not all roses. 人生并不是康庄大道。(人生并不是十全十美；人生并非处处鸟语花香；人生并非一帆风顺。)
- 14) It is easier to get money than to keep it. 挣钱容易攒钱难。
- 15) It is easy to be wise after the event. 事后诸葛亮好当。(事后聪明很容易；放马后炮很容易。等于 It's easy to be smart after the fact.)

2. Fill in the table with some emotional words you can think out and tell the class their roles. (情感词有很多，提供的图表只是部分参考。学习者可以列举一些基本的即可，其作用也是视情况不同而有所变化，主要是通过此题的探讨让学习者在这方面具有更多的意识。)

| Words Concerning Emotions | |
|--------------------------------|-------|
| Emotions | Roles |
| A part of a series on Emotions | |



3. Here are some words of emotional experiences. Choose some of them and discuss in pairs what experiences you may have in some cases. (学习者在讨论后，教师可以引导他们做谈判游戏，比如分别扮演“喜、怒、哀、乐”的角色，然后谈谈情绪、态度转变对谈

判结果可能的影响和情感体验，寓教于乐。)

4. Good negotiating skills are essential to the smooth running of your business. Negotiators should be aware of the role of emotions, moods, and conflicts in negotiations. The atmosphere of the negotiations determines the outcome. Work in small groups and draw up a plan according to the given situation, trying to create a good, friendly and positive atmosphere for your foreign guests. (此题设计情境甲方人员是销售方和接待方，乙方人员为客人和采购方。学习者可以分组轮流扮作甲方和乙方，使自己真正进入谈判前的接待方案准备之中，特别要考虑到营造适当的谈判环境和氛围。各组可以进行交流，教师引导评出优秀方案，从而达到商务谈判实训的目的。)

| Situation | |
|---|---|
| Party A's Personnel | Party B's Personnel |
| You are sales managers of International Department, Shanghai Trading Company. | Ms. Jane Smith is purchasing manager of Global Business Company, London. She comes to China with her two assistants, hoping to establish trade and cooperative relations. |

Task 2

1. There are various strategies in initiating negotiations. Try to think out some strategies that are often employed in a negotiation and fill them in the table. (此题让学生通过学习后，独立思考，并把一些常见的开局谈判策略写出来，中英文均可。)

| Strategies that are often employed |
|------------------------------------|
| 1) |
| 2) |
| 3) |
| 4) |
| |

2. Discuss in pairs the roles of those strategies that you have thought out. (此题是让学生两人一组，分享自己写出来的开局谈判策略并就其在谈判中的作用进行讨论。根据学生的水平和意愿，既可以用英文，也可以用中文或者两种语言混合展开讨论。)

| Strategies that you have thought out | |
|--------------------------------------|------------------------|
| Student A's Strategies | Student B's Strategies |
| 1)..... | 1)..... |
| 2)..... | 2)..... |
| 3)..... | 3)..... |

| | |
|------------------|------------------|
| 4)..... | 4)..... |
|------------------|------------------|

3. Analyse the following cases and tell the class what strategies are used.

Case 1

【案例解析】

What was accomplished in this management situation was to move the talks from a confrontation and contest to a win-win arrangement.

Negotiation on the higher win-win level did the job. Together they created values and satisfactions that were not there before, values that both sides welcomed. The company gained by enlarging the scope of work in exchange for a raise that was less than the 10 percent requested.

The manager also gained something that was even more valuable, an employee who knew she could work with her boss in a creative both-win way.

根据对此案例的分析，可以看出当事方在平等、合作的气氛中，采用了协商式的开局策略，从而使双方在愉快友好的气氛中不断将谈判磋商引向深入。案例中，受雇方提出了加薪 10% 的要求，虽然管理方觉得她的工作能力值得加薪 10%，但是考虑到加薪人员比例很少，而且提薪幅度较大，于是探讨了几种可能性的方案。

管理方了解到该雇员每天晚上在回家的路上都会遭遇交通拥堵，于是双方同意她提早半小时上班，但同时也提前半小时下班。这人性化的小小变动既解决了她路上堵车的烦恼，对公司也没有任何影响。另外，就雇员的工作进行了调整，尽管扩大了职责范围，但工作更加有趣，使其乐意接受。该工作薪酬先提高 6%，试用期 3 个月后如果履职良好，还可以再增加 2% 的薪资。这次提薪协商结果可谓一石四鸟：

- 1) 雇员乐意为公司承担更多的工作。
- 2) 雇员得到了较为理想的提薪。
- 3) 公司却没有太大的支出。
- 4) 双方都满意，达到了互利共赢的效果。

Case 2

【案例解析】

本案例中该厂谋略成功的关键在于其策略不是盲目的、消极的。首先，该厂产品确实好，而几家客商求货心切，在货比货之后让客商折服；其次，是谈判团队巧于审势布阵。先与小客商谈，并非疏远大客商，而是牵制大客商，促其产生失去货源的危机感，最终使定货数量和价格有了大幅增加，出色地实现了谈判目标。

根据案例分析，谈判团队运用了保留式开局策略。保留式开局策略是指在谈判开

始时，对谈判对手提出的关键性问题不做彻底的、确切的答复，而是有所保留，从而给自己留下弹性的上升空间，并给对手造成神秘感和迫切感，以吸引对手积极步入谈判。注意在谈判中采取保留式开局策略时不要违反商务谈判的道德原则，即以诚信为本，向对方传递的信息可以是模糊信息，但绝不能是虚假信息。否则，将会使自己失去信用，陷于非常难堪的局面之中，最终给企业带来不可挽回的损失。

4. Divide the class into several groups. Each group should choose one or two negotiating strategies and get yourselves ready for a negotiation. You can refer to the following situation under the guidance of the teacher. (教师应该指导不同的小组进入谈判角色，可以假设其中一个组为优势方或弱势方。比如，A 组的产品供不应求或供大于求；B 组有众多公司迫切想与之合作或 B 组刚刚进入该领域，在急切寻求合作方。然后各小组成员根据实际情景研究拟采用的策略与对手展开谈判。开局谈判结束后，教师可以进行点评，并建议获胜团队，让同学们在开心中获得谈判能力的提升。)

| Groups Situation | Group A's Strategy | Group B's Strategy |
|---|--------------------|--------------------|
| Group A, seller, represents Premier Metals Inc. in California, USA. Group B, buyer, represents the Purchasing Department of Hongxin Trading Company in Chengdu, China. | 1) | 1) |

Task 3

Role-play: work with your partners to design an Initiating Negotiation by “Asking Their Preference” and perform it. (该练习通过角色扮演的方式，让学生通过询问对方的偏好来打开谈判局面，将所学内容学以致用。)

Unit 7

Task 1

1. Analyze the following cases and answer the questions followed.

Case 1

Huayi used the strategy of Japanese offer. There were two main factors affecting the price: the packing expenses and the delivery period. Huayi offered a lower price \$165 per dozen to successfully attract the attention of the German company. Then, they increased the price by changing paperback into hardcover. The reasonable reason given by Huayi was that the

products with hardcover would be sold much better than the paperback ones in Germany nail market. Later, Huayi increased the price again because of the delivery period. The German company needed the products in a hurry, which gave an excuse to Huayi to put up the price.

Case 2

Ueberroth used the high-profile crane building strategy and open outcry. He first let all the sustentation sponsors outcry themselves. Then he granted the sponsorship to Fuji and punished Kodak company as a warning to others. The applying of the strategies finally made the financing problem solved and the Los Angeles Olympic Games became the first profitable Olympics in the history. 尤伯罗思采用了高姿态的公开叫价策略。他首先让有意向的赞助商们公开报价，然后根据报价和态度，让富士公司中标，并完全拒绝了以历史悠久自居的柯达公司落败。以此杀鸡儆猴，给所有的赞助商们一个下马威。这使得赞助商们不得不认真报价，也使得报价的价格相应提高，从而解决了举办奥运会的资金问题，洛杉矶奥运会得以成为历史上第一个盈利的奥运会。

2. Practice the strategies of offer. Divide the class into several groups. Complete the following form and draft an offer plan for Company A.

报价策略策划表

| | |
|------|--|
| 报价依据 | <ol style="list-style-type: none"> 就市场而言，根据国际石油价格行情和 PET 生产技术，PET 产品价格今后走势是稳中有升。目前 PET 在中国的市场行情为 12 000 元/吨，市场供求基本平衡 我方情况：我公司产品质量略优于同行。我公司产品成本较低。谈判的成败关系到我公司能否进入海南市场 B 公司情况：所在省份目前尚无生产 PET 的厂家，B 公司 PET 产品完全从外地采购。B 公司目前经营业绩下滑，迫切需要降低原料成本 |
| 报价方式 | 西欧式报价 |
| 报价时机 | 商务磋商的首次报价 |
| 报价起点 | 12 000 元/吨 |
| 报价陈述 | 12 000 元/吨为市场行情，根据国际石油价格行情和 PET 生产技术，PET 产品价格今后走势是稳中有升。我公司 PET 产品质量优于同行，售价本高于市场价，但为与贵公司达成长期合作关系，我方愿以市场价出售 |
| 其他说明 | 最满意价格目标：11 800 元/吨，运费 B 公司自理 最保守价格目标：11 500 元/吨 其他目标：打入海南市场 |

Task 2

1. Divide the class into several groups. Read the case and try to accomplish the exercises followed.

1) There is a bargaining assessment model. Try to complete it on the basis of the case from the perspective of the Chinese Company SX.

中国 SX 价格谈判评估模型

单位：美元

| 一级冶金焦 | 情况描述 | 因素权重分析 | | | | 加权平均 权重 × 估价 |
|------------|----------------------------------|--------|------------|------|------------|--------------------|
| | | 有利因素 | | 威胁因素 | | |
| | | 权重 | 估价 | 权重 | 估价 | |
| 产品成本 | 离岸价：495 美元/吨 成本低于同行业平均水平 | 0.12 | 570 | | | 68.4 |
| 市场行情 | 离岸价：550 美元/吨；供求平衡； 中长期价格有下降趋势 | | | 0.10 | 545 | 54.5 |
| 竞争态势 | 6 家竞争者 | | | 0.14 | 540 | 75.6 |
| 买方战略 意图 | 买方不是以最低价格为目的 | 0.15 | 575 | | | 86.25 |
| 交货期限 | 较紧，但卖方可以达到 | 0.13 | 570 | | | 74.1 |
| 产品内在 因素 | 本公司是业内先进企业，能够提 供较好的品质保证 | 0.12 | 570 | | | 68.4 |
| 交易性质 | 长期的多品种交易 | | | 0.14 | 540 | 75.6 |
| 交付方式 | 支付条件较为苛刻 | | | 0.10 | 540 | 54 |
| 总和 | | 0.52 | | 0.48 | | 556.85 C |
| 算术平均价格 | | | 571.3 A | | 541.3 B | |

2) Analyze the data in the assessment model and try to set up the price target system.

(1) 分析数据

以有利条件分析得出的算术平均价格 A 为 571.3 美元/吨。这个价格忽略了不利因素，因而势必显得偏高。

以不利因素分析得出的算术平均价格 B 为 541.3 美元/吨。这个价格虽然考虑了不利因素，但是由于谈判人员的利益归属等心理原因，该价格估算往往对困难估计不足。

综合全部关键因素得出的加权平均价格 C 为 556.85 美元/吨，这个估价综合考虑了各

种有利和不利因素，因而有可能最为接近最后成交价格。

（2）确立价格谈判的目标体系

最满意价格目标：中国主要港口离岸价，565 美元/吨。

最希望成交的中间目标：中国主要港口离岸价，556 美元/吨。

最保守价格底线：中国主要港口离岸价，520 美元/吨。

2. Play roles

A and B are having the negotiation consultation on a set of hi-tech equipment. Use as many bargaining strategies as possible. Then tell the class what strategies you have used.

Task 3

1. Work in pairs and try to make concessions during the bargaining.

2. Analyze the following case.

Case analysis

In fact, in terms of the pace and extent of bargaining, the first opinion of concession makes the speed of concession too fast and extended too much, otherwise the second opinion is too slow and too small. The Chinese side should bargain step by step: at the first step, they should offer \$115 thousand (an increase of 15 thousand dollars). At the second step, they can increase the price to \$127 thousand dollars (an increase of 12 thousand dollars). At the third step, they can increase it to \$135 thousand (an increase of 8 thousand dollars). So the bargaining will end at the price of \$140 thousand. That is to say, the Chinese side increased the price gradually with less and less extent.

Unit 8

Task 1

In the following, there are some classic cases. Learn them by heart.

此处案例均为谈判的经典案例。案例中，或偶然出现僵局，或人为制造僵局。学生通过阅读和学习这类经典案例，进一步认识僵局，并了解僵局的原因，从而为化解僵局奠定基础。

Task 2

1. In the following, there are some cases. Read the cases and complete the exercises followed.

1) 评估谈判双方在谈判中所处的地位。

中方地位：中方公司资金和外汇额度有限，希望引进部分关键设备，准备在国内以

低价格定制其余附加设备。

德方地位：德国艾肯自动化生产线公司的生产设备、工艺先进，而且价格实惠，最适合中方公司需要。而其余各国供应商的产品不是报价过高，就是工艺过于复杂，或者设备维护费用昂贵。

2) 分析谈判中买卖双方僵持不下的具体原因。

一方面，谈判双方就全套设备同时引进还是部分引进的问题产生分歧。另一方面，中方首席谈判代表认为德国人历来固执己见，趾高气扬，态度令人无法忍受，并且拍案而起，拂袖而去。

3) 中方在打破僵局方面运用了哪些策略？

(1) 中方更换首席谈判代表，取得德方谅解。(2) 提出两种方案让德方选择。(3) 改善关联交易条件，缓解焦点问题所形成的僵局。

2. Divide the class into several groups and analyze the following cases in groups.

Case:

The two sides learnt about each other's culture in advance. Therefore, the American customers borrowed Chinese indirect expression to answer the question of eating lunch politely. However, they still kept the American style of thinking in mind, hoping that the Chinese would invite them to lunch. Deeming the Americans answered in a direct way, the Chinese staff did not ask them for lunch. The culture gap made the deadlock. The suggestion would be that the negotiators should ask and answer directly, then explain the reasons and describe the ideas if it is necessary.

Task 3

1. There are many negotiation strategies that can be used in making deadlocks. Match the strategies to its description below.

bullying—an aggressive demand for a concession to be made

appeal to a higher authority—saying that only your boss can offer the concession that is being asked for

2. Read the following extracts from negotiations and decide the strategy used in each case. Then, practice the conversations with your partners.

Extract 1: appeal to a higher authority

Extract 2: bullying

Unit 9

Task 1

1. There are many negotiation strategies that can be used to bring to sign a contract. Match the strategies to its description below.

the deadline—applying pressure by saying that you have to leave at a certain fixed time.

scarcity—saying that this is your only chance to buy the product or service.

the last-minute claim—a demand which is made after it appears that agreement has been reached

2. Read the following extracts from negotiations and decide the strategy used in each case.

Conversation 1: Scarcity

Conversation 2: A Last-minute Claim

Conversation 3: The Deadline

Task 2

1. Translate the following terms and sentences into Chinese. And try to learn them by heart.

- 1) 进出境检验检疫局
- 2) 已装船清洁提单
- 3) 进出境检验检疫局出具的质量和数量证明
- 4) 商业发票
- 5) 装箱单
- 6) 保险单
- 7) 检验：中国天津进出境检验检疫局出具的质量和重量证书作为交货的质量和数量依据。
- 8) 溢短装
- 9) 不可抗力
- 10) 违约责任

2. Translate the following Chinese items into English.

| | | | |
|---|---------------------------|--|-------------------------|
| <p>销售合同</p> <p>SALES CONTRACT</p> <p style="text-align: right;">NO.: 2010026 DATE: Feb. 28, 2010 SIGNED IN: NANJING CHINA</p> | | | |
| <p>SELLER: DESUN TRADING CO. LTD. HUARONG MANSION RM2901 NO.85 GUANJIAQIAO, NANJING 210005, CHINA TEL: 0086-25-4715004 FAX: 0086-25-4711363</p> | | | |
| <p>BUYER: NEO GENERAL TRADING CO. P.O. BOX 99552, RIYADH 22766, KSA TEL: 00966-1-4659220 FAX: 00966-1-465921</p> | | | |
| <p>This contract is made by and agreed between the BUYER and SELLER, in accordance with the terms and conditions stipulated below.</p> | | | |
| <p>1. 品名及规格 Commodity & Specification</p> | <p>2. 数量 Quantity</p> | <p>3. 单价及价格条款 Unit Price & Trade Terms</p> | <p>4. 金额 Amount</p> |
| <p>ABOUT 1,700 CARTONS CANNED MUSRHOOMS PIECES & STEMS 24 TINS X 425 GRAMS NET WEIGHT (D.W. 227 GRAMS) AT USD7.80 PER CARTON. RAISED BRAND.</p> | <p>1,700 CARTONS</p> | <p>USD7.80</p> | <p>USD13,260.00</p> |
| <p>With: More or less of shipment allowed at the sellers' option</p> | | | |

| | | | |
|--|--|------------------------|--------------|
| Total: | 1,700 CARTONS | | USD13,260.00 |
| 5. 总值 Total Value | USD THIRTEEN THOUSAND TWO HUNDERD AND SIXTY ONLY | | |
| 6. 包装 Packing | EXPRTED BROWN CARTON | | |
| 7. 唛头（运输标志） Shipping Marks | ROSE BRAND 178/2010 RIYADH | | |
| 8. 装运期及运输方式 Time of Shipment & Means of Transportation | Not Later Than Apr.30, 2010 BY VESSEL | | |
| 9. 装运港及目的地 Port of Loading & Destination | From: SHANGHAI PORT, CHINA To: DAMMAM PORT, SAUDI ARABIA | | |
| 10. 保险 Insurance | TO BE COVERED BY THE BUYER. | | |
| 11. 付款条款 Terms of Payment | The Buyers shall open through a bank acceptable to the Seller an Irrevocable Letter of Credit payable at sight of reach the seller 30 days before the month of shipment, valid for negotiation in China until the 15th day after the date of shipment. | | |
| 12. 备注 Remarks | | | |
| 买方 The Buyer | | 卖方 The Seller | |
| NEO GENERAL TRADING CO. | | DESUN TRADING CO., LTD | |
| (签名) (SGNATURE) | | (签名) (SIGNATURE) | |

Task 3

按要求进行分组实训活动。

Unit 10

Task 1

1. Read the following sentences and translate them into Chinese.

- 1) 因 111 号订单项下货物重量短少, 他们已向保险公司提出索赔。
- 2) 我们不能接受你们提出的索赔要求。
- 3) 贵公司要赔偿我方合同全部金额的百分之五。
- 4) 延期索赔是对卖方没有按时装运货物而提出的索赔。
- 5) 一旦发生争议、纠纷, 或提出与本协议相关的索赔, 或违反、或提前终止本协议、或致使本协议失效, 应进行协商调解。
- 6) 仲裁裁决对提出仲裁的双方是终局的, 是有约束力的。缔约各方应当承认, 并在各自国家遵守执行。
- 7) 任何有关产品质量的投诉, 必须在货物到达后的十五天内提出。
- 8) 贵方运到的最后一船产品不符合原来标准, 特此奉告。
- 9) 具体索赔要求, 将随同公证行的检验报告一起提交我方。
- 10) 我们保留货物等候你们处置。

Task 2

1. Analyze the follow case and talk about how to settle claims properly.

In this case, the contract between the seller and buyer was on CIF terms, so it was right for the buyer to take delivery of the goods. According to CIF terms, the seller's responsibilities ended when he loaded the goods on board of the ship and paid the freight and insurance premium; the risk separation was the side of the ship; the risks were transferred to the buyer or other parties concerned after the seller put the goods on board. Since the documents presented by the seller were right and proper, the seller could directly get paid from the Issuing Bank of the L/C.

Task 3

1. Read the following paragraphs and fill in the blanks with proper words.

| | | | |
|----------------|---------|-----------|----------------|
| responsibility | claim | delivered | unsatisfactory |
| shipment | excuse | cheaper | investigated |
| handle | parties | | |

2. Role-play activity: work in pairs and practice Role A and Role B to make a dialogue and see how to handle properly the following business dispute.

此题设计情境 A 为买方, B 为卖方。学习者可以分组轮流扮作 A 方和 B 方, 使自己在特定情境中通过谈判找到解决商务纠纷的方法。各组可以进行交流, 教师引导评出优

秀方案，从而达到商务谈判实训的目的。

Task 4

1. Divide the class into several groups and conduct a simulated negotiation based on the following dispute.

In this case the buyer could claim damages with the insurance company, but he had to take delivery of goods. The actual reason for the buyer's refusal to accept the goods in this case was that the prices of goods were going down. This is unjustified.

此题是让学生在分析案例后，模拟买卖双方就产生的纠纷进行谈判，最终通过仲裁的形式解决纠纷的全过程。

Unit 11

Task 1

1. Read the following articles and finish the practices.

Article 1

1) (1) C (2) E, F (3) C, D (4) F, H, I

2) 此练习题中，可以让不同学生在班上做出手势，让其他同学猜测这个手势属于哪个、哪些国家的习惯等，让学生在愉快的气氛中获取知识、巩固知识。

Article 2

1) What is "elbow bump"?

The elbow bump is an informal greeting where two people touch, bump, or tap elbows. It has gained in popularity because it respects the privacy customs of nearly all cultures, and has excellent hygienic qualities.

2) Why do some people touch/bump/tap elbows instead of a handshake or kiss?

Some people touch/bump/tap elbows because it is regarded as a type of greeting in which the two participants/people touch/bump/tap elbows briefly, used especially during the spread of a virus as it is considered more hygienic than a handshake or kiss.

Task 2

1. Work in pairs

通过让学生模拟打电话、接电话的过程，学习和掌握一般商务人员接打电话的技巧和方式。

Task 3

1. Decide the following cases are true or false, and state your reasons.

1) False. Always introduce the more important person first. Address your client and say "Mr.

Beta, I'd like you to meet our Vice President of Development, Ms.Alpha.” Use people's formal business titles—it helps to make them feel important.

2) False. Both men and women should stand for handshaking.

3) False. Introduce yourself: “Hello, my name is John Doe. I don't believe we've met”.

4) False. Business etiquette has become gender neutral. Women don't have to hesitate to offer their hands first.

5) False. Business card is usually used to introduce each other. It should be exchanged at the beginning of the talk.

2. Divide the class into groups, and discuss the case study in class.

此题是通过案例的学习，让学生们更好地理解中美之间的一些文化差异以及这些差异所引起的种种问题；通过眼神交流这一点的情景模拟，可以让同学们在遇到实际问题时知道如何应对以此避免可能出现的误解、尴尬。

Task 4

1. Divide the class into groups, and role-play the following situation.

此题的目的是让学生在情景模拟中，着重练习商务迎送过程中谈判双方介绍、握手、名片递接等礼仪。学生可以轮流扮演不同角色，使自己真正进入到迎接客人的实践当中。每组练习结束后，老师可以针对性地给予点评，让学生不断地汲取知识，巩固知识。

Task 5

通过模拟练习，让学生掌握商务谈判及签约时的座次安排。每组学生可以根据所学设计座次安排方案，结束后，教师可以进行点评，就同学们实训中出现的问题及疑惑进行讲解，以加深他们的印象，拓展谈判能力。

Unit 12

Task 1

1. Read the following case and finish the practices.

将班级分为不同小组，根据案例，模拟谈判的进行，将谈判进行到底看能否有所收获。让学习者在谈判模拟实践中感受文化差异对谈判的影响。

2) How do cultural differences affect a business negotiation?

来自不同国家、不同地区的谈判人员在语言沟通、思维方式、决策过程和谈判风格等方面有着显著差异，这种文化上的差异会导致谈判陷入僵局甚至失败。

Task 2

1. Practice the following case and learn the differences in cross-cultural negotiation. Think about what lessons the Chinese team should learn? How do they cope with this tough

situation?

1. The members from the Chinese negotiating team talked about Islam unconsciously in the communication, which caused the displeasure from the rival party. From this case, the Chinese negotiating members should learn well the custom and habit of the other party in advance to avoid such event happening again. (分小组模拟案例内容, 近距离体会跨文化谈判过程中如何应对文化差异对商务谈判的影响。)

2. Group the class and discuss the cultural differences between China and the United States. Then design a negotiation situation and talk about how to reach a win-win agreement despite of cultural differences during the Sino-US negotiation.

There are cultural differences in value, time, money, family etc. between China and the United States, which affect the processing of Sino-US negotiation. (将学生分为不同小组, 根据题目要求, 每组设计一个谈判方案。教师给予指导并点评, 最后选出最佳方案。)

Task 3

1. Divide the class into groups, role-play the following situation. Provided you go to European countries to promote the products as a Chinese sales representative, how do you behave while meeting people from different countries?

美国人哈利的欧洲之行之所以失败, 主要是因为他不了解谈判对手的禁忌。(可以让学生分别扮演案例中的不同角色, 了解欧洲各国不同谈判对手的文化背景以及相关禁忌。)

Task 4

1. Read the following case and finish the practice.

Provided you are a Chinese exporter discussing with an Arab importer on silk goods. Imitate the situation showed in the above case and learn the different negotiating styles in different countries.

可以分角色扮演案例中的不同人物并模拟谈判的进行, 领略不同文化中谈判对手的谈判风格差异。

2. Case study

(1)

1) 人际关系。

2) 讲究礼仪, 注重人际关系; 等级观念强, 不轻信人; 态度认真, 办事有耐心; 准备充分, 计划性强; 注重长远利益。

3) 忌讳: 在谈判中随意增加人数; 忌讳代表团中用律师和其他职业顾问; 不喜欢别人报价高; 不愿意接受当面和公开的批评; 不愿意对任何事物说“不”。

(2)

1) 美国。

2) 讲究客观性；时间观念强；强调竞争和平等。

3) 美国人谈判风格特点：如讲究实际，注重利益；热情坦率，性格外向；重合同，法律观念强；注重时间效率等等。