

Power Balance: Increasing Leverage in Negotiations with Federal and State Governments—Lessons Learned from the Native American Experience. By Steven J. Haberfeld. Norman, Oklahoma: University of Oklahoma Press, 2022. 227 pages. \$65.00 cloth; \$29.95 paper; \$24.95 ebook.

To protect and further their interests, most Native American tribes must engage in negotiations with all manner of entities including local, state, and federal government agencies, nongovernmental organizations, and private groups. There is a substantial collection of academic research and literature that considers the history and context in which these negotiations take place (e.g., treaties, laws, regulations, case law, traumatic experiences) and what these negotiations might look like (e.g., government-to-government consultation), but literature on the nuts and bolts of how to participate in these engagements is lacking, especially from the Native American perspective. It is this gap that Steven J. Haberfeld's book, *Power Balance: Increasing Leverage in Negotiations with Federal and State Governments—Lessons Learned from the Native American Experience* is looking to fill.

As Haberfeld notes early on, the “book is designed to increase people’s understanding and skills in the discipline of negotiation” (xi). To do this, Haberfeld “lay[s] out an approach that breaks down the discipline of negotiation into its constituent parts and provides a step-by-step methodology for practitioners to follow” (xi). While Haberfeld notes that his book could also be useful for government officials, as the title of the book implies, it is squarely focused on helping tribal representatives further their interests in negotiations. The result is a book that is light on theory and heavy on practical insights, many of which come from Haberfeld’s extensive experience working for the Indian Dispute Resolution Service, which is often referred to throughout the book.

After discussing some of the aspects of traditional tribal conflict resolution and negotiation techniques, Haberfeld introduces interest-based negotiation (IBN) which is a technique commonly used within the broader field of conflict resolution. Haberfeld contends that IBN shares a lot in common with traditional tribal negotiation techniques and the overarching methodology he recommends blends the two. He spends the first part of the book outlining this approach and how to implement it in the real world. There is a lot of useful detail here that explains everything from what to consider while planning a negotiation and agenda to setting up procedural and final agreements. At times, though, there is so much detail that one can get lost on what part of the process is being described. To mitigate that, Haberfeld provides a very useful summary of the process at the end of chapter 4, but the addition of a similar summary earlier in the book to serve as a roadmap with page numbers would have been useful. In a similar manner, this summary in a one-page format as well as

examples of successful agreement documents would have been useful additions to the extra resources included in the various appendices.

The negotiating technique that Haberfeld outlines only has utility insofar as there is a negotiating partner on the other side of the table. It is this issue—how to bring agencies to the table—that is the second component of the book. In a chapter titled “Leveraging Power,” using a number of examples, Haberfeld outlines multiple techniques tribes can employ to bring agencies to the negotiating table with, and this is important, a posture that is receptive to negotiation. This includes tribal negotiators relying on existing rights such as extant treaties and legal requirements (e.g., consultation under the National Historic Preservation Act), working with politicians, and arguing their case in the public sphere. Again, there are multiple examples included throughout the discussion on power, but two things are notably absent. First, Haberfeld notes that tribes generally lack the resources to build and sustain relationships with the political class, at least when compared to corporate lobbying groups. While that may be true, there are tribes that have been able to successfully further their interests within the political sphere and it would have been good to include an example of that in this chapter. Second, and related to the first point, Haberfeld does not mention allying with other tribes to pool resources to push their mutual political interests—and this is surprising. Groups such as the Columbia River Inter-Tribal Fish Commission have found significant success in employing that approach, and it would have been useful to discuss this option in the text.

Ultimately, Haberfeld does provide an extensive and useful example in the form of a case study at the end of the book that ties together the discussion on leveraging power to bring government agencies to the table and the details of engaging in such a negotiation. Specifically, the case study shows how the Timbisha Shoshone Tribe was able to leverage legal, political, and public mechanisms to bring the National Park Service to the table to successfully secure a land base within the Death Valley National Park. With this case study and the multitude of real-world examples sprinkled throughout the book, Haberfeld’s experience in resolving tribal issues through negotiation is evident. That said, his occasional references to that extensive experience are the only basis for some of the limited theoretical discussion that does occur. As a result, the reader must put a high level of trust in Haberfeld’s personal experience to accept some of the theoretical frameworks he presents. For instance, early in the book, Haberfeld outlines a typology of different approaches that people use to resolve conflict. Haberfeld does not explain the basis for this typology or how it was formulated, so the reader must assume this is based on his experiences and is accurate. Similarly, in another section of the book, Haberfeld invokes Abraham Maslow’s hierarchy of needs to help explain what parties involved in a negotiation may be trying to satisfy. The scholarship around Maslow’s seven levels of needs is extensive, so left intact it would not necessitate an extensive regurgitation of its theoretical basis in the book; but Haberfeld adds an eighth level—“spiritual values, beliefs, and disciplines” (46). While this makes some intuitive sense, Haberfeld does not provide an explanation of why this additional level was added, so one must trust that his experience is sufficient to justify this modification.

The true test of a practical book such as this is whether it provides enough detail to allow the reader to confidently implement the recommended approach. Although there are a few organizational changes and additions that could make it an even better quick-reference guide, the book strikes a good balance between providing enough detail and examples without being overwhelming or too prescriptive. While government administrators will find some useful information in this book, it will be especially helpful for tribal representatives who have little or no experience engaging in negotiations with government entities as well as experienced tribal negotiation practitioners interested in burnishing their skills or looking for new ideas to increase their leverage in negotiations.

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