

The role of affirmative action in higher education for indigenous people: the case of Yakutsk (Russia) and Tromsø (Norway)

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ABSTRACT

This thesis is dedicated to the issue of affirmative action in higher education for indigenous people. It includes two case studies that cover the research topic in two areas Yakutsk in Far-East Russia (The North-Eastern Federal University) and Tromsø (The Arctic University of Norway) in Northern Norway. The motivation for the study and for the choice of the cases comes from my personal experience. I personally was declined admission in favor of an indigenous representative in one case, and also I was granted a scholarship on the quota-program in another case.

Indigenous people in Norway and in Russia are granted by special scholarships and quota programs for admission to the Universities, where a number of seats are preserved for them. This study examines the intentions, regulations, scope and the results of these mechanisms. It also discusses definition of indigenous people, the role of affirmative action for the state, the meaning of higher education for indigenous people, and, in general, the need for affirmative action in higher education for indigenous people.

The main finding of this thesis is the mismatch of the intents and implementations of affirmative action. Affirmative action was aimed to equalize opportunities of indigenous people to majority people, which justify regulations of affirmative action that may seem to be discriminatory at the first glance. However, practices of affirmative action in higher education in case of Norway and Russia are not large scale and did not bring as notable results as I would have expect from the intents of it.

Key words: affirmative action, higher education, Sami people, Yakut people, the Arctic University of Norway, the North-Eastern Federal University

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CHAPTER 1

Introduction

1.1 TOPIC PRESENTATION

This topic derives from a personal experience back home in Yakutsk:

To get a free high education is not easy, especially in the humanitarian sector, where many applicants compete to get one of a very few places in Yakutsk. The limited number of seats that are financed by the government and the rest of the places are commercial where students have to pay the school fee. When I graduated from high school and tried to get into the political science faculty I was left out, even though I had scores good enough to get in. Due to the limited slots, another person with scores lower than mine (representative of small-numbered indigenous people in Russia) was prioritized over myself (“ordinary” indigenous representative in Russia) by affirmative action regulations from the North-Eastern Federal University in Yakutsk. Later I found out that this person dropped out of school during the first semester. In addition I happen to know that this person was raised in a city, did not speak the language of his people, and did not live in a remote area of traditional small-numbered indigenous communities, which made me conclude that he was not a part of community and a holder of any traditional knowledge.

This experience made me wonder about intentions and reasons for affirmative action towards indigenous people and also about the origin of affirmative action’s policies and criteria for definition of indigenous people.

There are two key concepts in the thesis that need to be explicitly introduced: indigenous peoples and affirmative action.

Indigenous peoples are defined in many ways depending on the state and institutions. I will refer first to the United Nations position regarding defining indigenous peoples, which Norway also supports. Considering the diversity of indigenous peoples, an official definition of “indigenous” has not been adopted by any UN wide body. Instead the system has developed a modern understanding of this term based mainly on the four following criteria: self-identification; historical continuity with pre-colonial and/or pre-settler societies; distinct culture; and marginalized non-dominant position in the society.¹

In contrast, the Russian Federation legally recognizes ethnic groups as indigenous peoples in Russia based on their lifestyle, livelihoods, ethnic identity and population size. (Wilson Row, 2009:168)

Affirmative action or positive discrimination comprises the policy of providing special opportunities for, and favoring members of, a disadvantaged group who suffer from discrimination.² According to Rosenfeld’s definition affirmative action is a set of laws, policies, guidelines, and administrative practices that are intended to end discrimination. Discriminating against individuals on the ground “that they are inferior or different” violates the inherent equality of persons (Rosenfeld, 1991). The affirmative action I refer to in this thesis includes quota-seats, as well as scholarships and grants in higher education.

1.2 SCOPE OF THE STUDY AND RESEARCH QUESTIONS

The Arctic University of Norway (Northern Norway) and North-Eastern Federal University in Yakutsk (Far-East Russia) were chosen as comparative studies on affirmative actions towards indigenous people. Due to the historical and economic backgrounds of Russia and Norway, these cases are quite different. However, they are interesting for a comparison, since Norway has one of the leading positions in developing and implementing indigenous rights (Finnmark Act³ and ratification of the ILO Convention 169⁴).

¹ [State of the World's indigenous peoples](#) Permanent Forum on Indigenous Issues, UN, 2007

² ["Affirmative action"](#). *Oxford Dictionaries*. Oxford University Press. Retrieved 13 February 2014.

³ The Finnmark Act from 2005 transferred about 95% (about 46,000 km²) of the area in the Finnmark county in Norway to the inhabitants of Finnmark. The basis for the Finnmark act is that "the Sámis,

My focus is directed towards Sami people as the only indigenous people of Scandinavia, recognized and protected under the international conventions of indigenous peoples. Thus Sami people enjoy some assistance from the state in higher education, especially at the Arctic University of Norway. The scale of these benefits and justifications for them is a core part of the research.



Figure 1: Map of Europe with indication to Tromsø, Norway

The Sakha (Yakutia) Republic is a federal subject of Russia in the Far Eastern Federal District, populated by Russians and Yakut as a majority, as well as five small-numbered indigenous peoples recognized by the state.⁵ According to the federal law in Russia only those

through protracted traditional use of the land and water areas, have acquired individual and/or collective ownership and right to use lands and waters in Finnmark County.”

⁴ Indigenous and Tribal Peoples Convention, 1989 is an International Labour Organization Convention, also known as ILO-convention 169, or C169. It is the major binding international convention concerning indigenous peoples, and a forerunner of the Declaration on the Rights of Indigenous Peoples.

⁵ The Sakha (Yakutia) Republic http://en.wikipedia.org/wiki/Sakha_Republic#cite_note-2010Census-7

ethnic groups whose population is less than 50 000 people can be named as an indigenous small-numbered population and enjoy benefits from the government.⁶

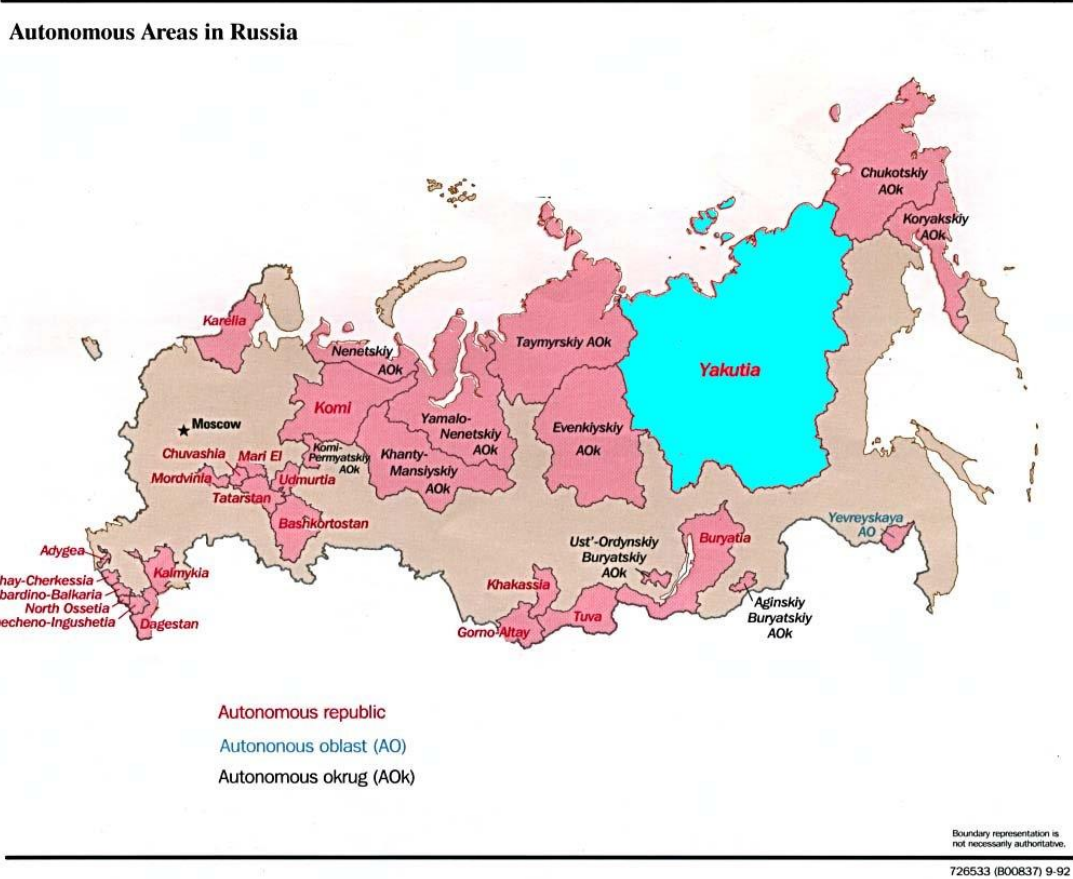


Figure 2: Autonomous areas in Russia

Research questions

The goal of this study is to explore the role of affirmative action policies for indigenous peoples in higher education, its use by states and its impact for indigenous peoples. To reach this goal I have formulated the following research questions, which I will examine through two chosen case studies, one in Tromsø and one in Yakutsk:

⁶ A decree about small-numbered indigenous peoples of Russia <http://demoscope.ru/weekly/knigi/zakon/zakon047.html>

1. To what extent does the intent developed by international law synchronize with its implementation concerning special rights (affirmative action) of indigenous people in higher education?

2. How do indigenous people perceive policies of affirmative action in higher education and what is the impact of these policies on them?

1.3 METHODS/ DATA

I have chosen text analysis and interview as the main tools for gathering data.

Text consists of declarations, law documents, statistics, norms and regulations on affirmative action in higher education.

The United Nations Declaration of Indigenous Rights and the ILO Convention 169 are used as starting points in the discussion of the definition of indigenous people. Federal law that defines a term of “indigeneity” in Russia is the basis for discussion on differences of definitions of indigeneity between Russian and international law. Regulations that were developed and accepted by the Ministries of Education concerning quota-program for indigenous students both in Norway and Russia are the sources of debates about criteria that applicants have to meet. Findings about required criteria for indigenous people to enjoy affirmative action lead to a political discussion of fairness and relevance of affirmative action towards indigenous people. Statistics and number of students who applied and / or were awarded by scholarships and quota-places that were collected during field work helped to draw a picture of the scale of affirmative action.

Web-research has been an important part of gathering data, and was actively used during pre-research and introduction to the topic. It helped to craft an overview of the scale of affirmative action around the world, as well as demonstrating the extent of AA today. Home pages of universities and different departments such as Ministries of Education were used to get the information about programs, quotas and scholarships. Current information on criteria and numbers of available seats for quotas and scholarships was highly important throughout the whole process of writing this thesis.

Interview process (finding informants and arranging interviews) took three weeks in Yakutsk from 27th of May – 21st of June 2013 and two months in Tromsø from 15th of August

– 17th of October.⁷ I conducted six in-depth individual interviews, and three interviews with informants from university administration (one from Yakutsk and two from Tromsø). After acquiring permission from informants, a voice-recorder was used during all interviews.

Since affirmative action for indigenous people concerns first of all indigenous representatives themselves I chose to interview two current and two graduated indigenous students, one for each cases (Tromsø and Yakutsk). Two interviews were conducted with non-indigenous students about their opinion of affirmative action towards categories to which they do not belong. Three state representatives were interviewed for the better understanding of the bureaucracy at the administration and access/ guidelines to more specific documents regarding regulations for quota-program and scholarships.

1.4 THEORETICAL PERSPECTIVES

There are several theories that helped me understand motives and reasons of affirmative action. I did not look for a certain theory that would completely justify or criticize affirmative action. Instead I have tried to balance perspectives for a diversified vision. Therefore my theoretical framework covers both political philosophies and legal theories.

First of all, I need to clarify the justifications of affirmative action towards indigenous people, which in this thesis is synonymous to *special rights* of indigenous people. Here, of course, the main scholar is James Anaya, and his substantial work concerning indigenous people in international law (2004). Anaya's biggest role in this area is a development of a concept of *self-determination*:

Self-determination entails a universe of human rights precepts extending from core values of freedom and equality and applying in favor of human beings in relation to the institutions of government under which they live. (Anaya, 1996:81)

The concept of self-determination of indigenous people is taken as the main argument and a theoretical umbrella for the whole thesis. I paid a special attention to the regulations and

⁷ Expanded time of field work in Tromsø is because of the longer time of consideration of informants to give an interview and me being flexible and available for any time, since I was studying in Tromsø, while in Yakutsk my time was limited due to my stay in the area for three weeks

criteria of affirmative action, where criteria reflect the understanding of the term “indigenous people”.

Continuing to draw a theoretical framework, I refer to Tully’s theory about *internal colonization*. Tully distinguishes two strategies, one of them is assimilation, where indigenous people are treated like any other member of the settler society; and the other one is accommodation, where indigenous people are recognized and accommodated as members of settler societies with a range of special aboriginal rights (2000:41). I see affirmative action as a special measure to be part of the accommodation strategy outlined in Tully’s theory of internal colonization. Therefore, I will specifically focus on accommodation strategy and its mechanism and role.

To accommodate some groups by the state or the international law, they first of all need to be recognized, which leads to a discussion about the crucial importance of recognition. Taylor refers to recognition as a *vital human need*:

The background that explained what people recognized as important to themselves was to a great extent determined by their place in society, and whatever roles or activities attached to this position (Taylor, 1994: 31)

So, for instance when indigenous people are not recognized, or are ignored and forced to be assimilated to settler *superior* societies, they adapt to it and begin to believe deeply in their own inferiority, which causes low self-esteem and a lack of ambition or the strength to stand up for oneself (Taylor, 1994: 31).

Special rights as *a right to be different* were justified by several scholars, especially to a great extent by Will Kymlicka (1995), whose main argument is that different groups need different rights and seeing special rights as an attempt to equalize different groups of people.

In my vision, these scholars were supporters of a strategy of accommodation for indigenous people. However they were not the only ones, whose perspectives were taken into consideration for this thesis. I also went through arguments of scholars who advocate assimilation strategies for indigenous people, by which I mean the policies to treat indigenous people like any other people. Here I refer to Adam Kuper (2003), who argues strongly against special rights for indigenous people, claiming that such policies assist in racism.

Consequently with a primary focus on self-determination I use theoretical tools of internal colonization, particularly the strategy of accommodation and its justification, as applied to my empirical data in this thesis.

1.5 REFLECTIONS

Personal engagement plays a big role in this project. I am an ethnic Yakut. I consider myself to be an indigenous representative, though formally Yakut people are not recognized as indigenous in Russia. As it mentioned before, only those people whose population is less than 50 000 are recognized as small-numbered indigenous people in the Russian Federation. While the term “indigenous people” as such does not exist in any official documents in Russia, neither are the Yakut recognized as indigenous, but rather considered ethnic minorities. Due to official and social misrecognition of Yakut people as indigenous, we do not fit into any criteria to claim special rights, as small-numbered indigenous people can, for instance for assistance like affirmative action. Therefore I felt myself unfairly excluded from special rights, even though I, like other small-numbered indigenous people, faced the problem of studying in a language that was for me second language, or being forced to compete in the same educational environment as other Russians.

However, I never thought of this as a problem until I realized that there are some groups who actually have some benefits in admission to certain universities. When I finished high school and applied to Saint Petersburg’s University I did not get admitted, while a small-numbered indigenous representative having lower scores than me in exams, but fulfilling affirmative action criteria, got a place. This was the story that I shared in the beginning of this thesis. Later, I found out that this person dropped out and never finished school. At that moment I started my journey to discover the origin and justifications of affirmative action policies towards indigenous people. Looking back I realize that my first motivations for this project were inspired by anger and unawareness of reasons of affirmative action.

When I started my thesis work, I was looking through every possible critical theory against affirmative action to find evidence of how unfair such policies are. To my own surprise, in less than a year’s time, I found myself convinced of the need for affirmative action. After all the literature that I have gone through, I could for a moment even say that I

am a strong advocate for special rights of indigenous people in higher education. However, as I was going into the practice of affirmative action, I could see not only the positive sides of affirmative action, but also the mismatch between the intent and the implementation of these policies.

With such rapid change of my attitudes towards affirmative action, I hope I have been keeping my critical views and open mind to justifications of it.

1.6 THESIS OVERVIEW

There are six chapters incorporated into this thesis. The first is a general introduction to the study, including methods, data, reflections, theoretical perspectives, and prior research. The second chapter is dedicated to background knowledge, where theories and previous research will be discussed more precisely. The third and fourth chapters are based on findings from my field work and give a picture of affirmative action, its scale, justifications and shortcomings, as well as a general overview of access to higher education and a definition of indigeneity in the case of Tromsø in the third chapter and Yakutsk in the fourth chapter. The fifth chapter concludes with a discussion of the results from comparison based on third and fourth chapters, while the last sixth chapter is a conclusion with final arguments and suggestions.

CHAPTER 2

Background knowledge and theoretical framework

2.0 INTRODUCTION

This chapter addresses background knowledge and theoretical concepts relating to the thesis. Discussion about justifications for affirmative action for indigenous people has two terms that need to be precisely analyzed: indigenous people and affirmative action. Therefore, the focus will be on the history of definition of indigenous people and its criteria, followed by a history of affirmative action and its justifications.

The assumption of the thesis is that policies of affirmative action towards indigenous people have very good intents, though they face certain visible shortcomings that may cause unanticipated consequences due to imperfections at the ground level. I agree with the positive side of affirmative action's policies, because I see them as an attempt to equalize starting points of people with different backgrounds, so the starting line will be the same for everyone. However, doubtful results, social tensions, and *unfairness* of these policies make them arguable and controversial. I assume it has mostly to do with unawareness and misunderstandings of affirmative action. Therefore, I question the justifications and fundamental reasons of affirmative action for indigenous people. To answer these questions, I use the theory of internal colonization and theoretical concepts such as equal rights, a right to be different and the importance of recognition for indigenous people.

2.1 HISTORY OF THE DEFINITION OF INDIGENOUS PEOPLE

Since the target group of this research is indigenous people, the history of the definition of indigenous people is emphasized in the first place. There is no definition of indigenous people, which will fit for every international institution, for every state, and for all the people. The reason is that indigenous peoples are very different from each another. At the same time that they represent unique cultures and traditions, they also share comparable challenges and experiences. Another significant reason is the issue of the state sovereignty and its integrity. Indeed, no government would like to provoke and/or inspire separatist movements within a country. Therefore, national definitions vary depending on what political system states have and to which extent they are willing to accommodate recognition of indigenous peoples within the state.

However, there is a working *definition* from the United Nations, which is a result of long and complicated debates of politicians, scholars and indigenous peoples. As Saugestad has pointed out, there is no official definition, but there is a working definition. In her point of view a *de facto* definition has emerged through innumerable documents, in the ILO Convention 169 and the Draft Declaration. In a comment on Kuper's article (to be discussed later) she argues that: "Ignoring this definition would be to ignore 20 years of debates and compromises between states, academia and indigenous representatives." (Saugestad, 2004: 263) Daes also emphasizes that no other United Nations human rights instrument was prepared with so much direct involvement, active and constructive participation of its intended beneficiaries. (2000: 57) Thus, the history of establishing the term *indigenous people* plays part in this research.

ILO definition

Attempts to recognize indigenous communities and nations as "peoples" within the framework of contemporary international law began during the negotiations and elaboration of ILO Convention (No. 169/ 1989) concerning Indigenous and Tribal Peoples in Independent Countries (Daes, 2000: 52).

Under ILO Convention No.169, which Norway ratified in 1990 and which Russia has not yet ratified, indigenous people are defined as follows in Article 1 (b):

Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their social, economic, cultural and political institutions.

On the basis of the definition given in the ILO Convention, there are currently around 370 million indigenous people, spread across more than 70 countries. There are major regional and national differences in the situation of indigenous peoples, mainly due to the political, legal and economic frameworks established by states.

United Nation definition

The process of defining indigenous people in United Nations' bodies was very complicated. The complexity of the issue is emphasized by the long negotiations to find the appropriate way of defining indigenous groups, where the Working group concluded that common definition of indigenous peoples was not possible at that time.⁸ Since there was no definition, instead the UN system has developed a modern understanding of indigenous people based a number of criteria that can be combined in different ways:

- Self- identification as indigenous peoples at the individual level and accepted by the community as their member
- Historical continuity with pre-colonial and/or pre-settler societies
- Strong link to territories and surrounding natural resources
- Distinct social, economic or political systems
- Distinct language, culture and beliefs
- Form non-dominant groups of society
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.⁹

Both the ILO Convention and the UN Declaration on the Rights of Indigenous Peoples set out the fundamental rights of the world's indigenous peoples. They point to both the individual human rights of indigenous individuals, and to their collective rights as distinct

⁸ UN Doc. E/CN.4/Sub.2/1997/14, para.129. See also UN Doc. E/CN.4/Sub.2/1996/21, paras. 153-154.

⁹ Who are indigenous peoples? United Nations Permanent Forum on Indigenous Issues. http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

people. It is important to focus on self-determination, which plays a vital role in this research. James Anaya emphasizes: “Self-determination is identified as a universe of human rights concerned broadly with peoples, including indigenous peoples, and grounded in the idea that all are equally entitled to control their destinies.” (1996:75)

Indeed, claiming the right for self-determination is the principal point that differentiates indigenous people from other minority groups in international law, as is the criterion of a strong link to territories and surrounding natural resources. However, as Sissons argues, one must be careful not to romanticize a picture of all indigenous people being close to a nature in such positive way, what he calls ‘eco-indigenism’. Sissons notes how closeness to nature could be an important criterion to look at defining indigeneity, but also that eco-indigenism may have two particular unfortunate consequences:

On the one hand, it primitivizes indigenous peoples living in settler states who have adopted urban lifestyles or it calls into question their authenticity. On the other hand, it opens up the possibility for almost any people with a subsistence-based culture to claim membership in international indigenous forums. (2005:16)

Wang has similar views on this issue arguing that authenticity is not ‘objective’ or ‘real’; one key reason for this is that nothing is static and cultures are in a constant change, so there is no absolute point of reference (Wang, 1999). Due to chances of misinterpretation and taking into the account the diversity of indigenous people and the diversity of their livelihood, the United Nations’ understanding of indigenous people gives flexibility and variety of definition by not requiring all the criteria (as mentioned in the UN Declaration) to be present and by not valuing one criterion over the others by its importance. (Saugestad, 2012a) This gives a space for definition, which is necessary considering how many indigenous groups are around the world, how different are political systems in the states where they live, how different are experiences of colonization and assimilation, and how differently modern indigenous people choose to live.

2.2 HISTORY OF AFFIRMATIVE ACTION

The next concept that needs to be introduced is the affirmative action. Affirmative action as well as the definition of indigenous people went through a historical process with its own features, complications and intentions.

The term “affirmative action” has been defined in several ways, it typically has been viewed as programs that “signify a package of hiring, layoff, recruitment, educational and promotional rules designed to remedy the effects of past or present, including discrimination based on race, ethnicity, gender or other protected status” (Gooden, 2009: 230). Practically in my research, where I study affirmative action within higher education, it usually consists of the following assistance-measures in admission or finance: awards, grants, scholarships and quota seats in higher educational institutions.

American history of Affirmative action

Affirmative action as a policy was developed and implemented first in United States, and was directly connected to American history. President Kennedy introduced the term "affirmative action" in 1961 as a method of redressing discrimination that had persisted in spite of civil rights laws and constitutional guarantees. It began with one group in mind – African Americans. This was a response not only to a present discrimination of African Americans, but also to the historical conditions that created them. The goal of affirmative action was to equalize opportunities of African Americans to other Americans and to reduce discriminative attitudes and measures against African Americans. Even though affirmative action started with only one group in mind, within the time other disadvantaged groups came to the surface, where affirmative action expanded further (Feinberg, 1998: 14).

Affirmative action in higher education

At first affirmative action measures implied certain advantages in job employment. University admissions were not an early target of affirmative action, but they have become so through litigation and administrative interpretation of existing laws. Feinberg emphasizes that the importance of colleges and universities in supplying and renewing the nation’s managerial

and professional labor force, where the extension of affirmative action enforcement to universities is crucial (1998: 10).

Expanding from the job-employment to higher education, affirmative action also as a reverse discrimination became an issue in 1970s. Thus famous Bakke case in 1978 attracted negative attention to affirmative action. The case was about Allan Bakke, a white male, who got rejected in admission to a medical school two years in a row. Bakke blamed affirmative action in his failure and misfortune.¹⁰ Here I could recognize my own personal experience that I went through. However, as Court found out later, even if affirmative action did not existed, Bakke would not have got an admission due to his low scores.

Affirmative action came as a temporal measure to one group, and then it expanded both the time-limits and the groups that can be targeted for affirmative action. Arguments about *fairness* of affirmative action and justifications of special right are in the discussion below under the section of theoretical framework.

2.3 THEORETICAL FRAMEWORK

As it has been mentioned on the introduction this thesis addresses origin and impact of affirmative action for indigenous people. I see the affirmative action as a tool or a mechanism for a certain strategy. The goal of the study is to find out which strategy and what purpose stands behind affirmative action.

I use Tully's views as a starting point for my theoretical discussion. Tully refers to *internal colonization* as the historical processes by which structures of domination have been imposed on indigenous people and their territories without their consent and in spite of their resistance against and within these structures (2000: 37). He argues that transformation of indigenous people into members of the dominant society has taken place through re-education, incentives and socialization as a strategy of internal colonization (2000: 41). As I see affirmative action as one such measure to help indigenous people to enter colonizer's system and re-educate them. An indigenous individual getting admitted to higher education is equally entering the colonizer's social system, which is completely different by origin and values for him/ her. Although indigenous people adapt, they refuse to surrender their freedom

¹⁰ The Bakke case and affirmative action 1978
http://www.pbs.org/wgbh/amex/eyesonthepize/story/22_bakke.html

of self-determination over their territories and continue to resist within the system as a whole as best they can. Tully notes: “The essence of internal colonization, therefore, is not the appropriation of labor (as in slavery), or genocide, but to be able to govern themselves within the colonial system.” (2000:41)

Tully distinguishes two strategies of incorporation with indigenous peoples. The first is assimilation, where indigenous people are treated like any other member of the settler society, different-blind liberalism. The second is accommodation, where indigenous people are recognized and accommodated as members of settler societies with a range of aboriginal rights, in exchange for surrendering or denying the existence of their rights as free peoples (Tully, 2000: 41). I will specifically focus on a *strategy of accommodation*, which implies to affirmative action. According to Tully special rights and recognition are a part of accommodation strategy, which I will discuss further.

Equal rights and a right to be different

A right to be different co-relates with the concept of equality and equal rights. To be equal does not mean to be the same, it acknowledges uniqueness of every individual and emphasizes rather on equal opportunities for everyone.

Many of the basic ideas that inspired the human rights movement developed in the aftermath of the Second World War and the atrocities of The Holocaust, culminating in the adoption of the *Universal Declaration of Human Rights* in Paris by the United Nations General Assembly in 1948, with its article 1 that declares that *All human beings are born free and equal in dignity and rights*.

Thus after the Second World War international society’s attention was directed towards creating a world where everybody will be equal and will not be discriminated. In other words, to treat all people, including minorities, in our case indigenous people, like any other member of the settler society. This is a strategy of assimilation according to Tully’s view on internal colonization.

However, during the development of equal human rights, the acknowledgement of diversity of people became more and more relevant, especially as the special rights of certain groups were recognized: the United Nations Declaration on the Rights of the Child in 1959, on the Rights of Women in 1971, and finally the Declaration on the Rights of Indigenous

People that was adopted in 2007. Like this, human rights transformed to recognition of people's diversity, being were *recognition as a vital human need*. (Taylor, 1994: 26)

Justifications of special rights

There are many opinions for and against affirmative action and special rights for indigenous people. I picked two debates that attracted big attention in academia concerning justifications of special rights for minority groups. The first debate is between Will Kymlicka and Chandran Kukathas, and the other one is between Adam Kuper and several of his opponents including Ramos and Turner. I note that the following part of the chapter is mainly based on the findings and arguments from these two debates.

Individual rights VS group rights

Opponents to affirmative action often question its fairness. Some opponents find it unfair that membership in a certain disadvantaged group brings assistance to their members, violating individual rights. Kukathas (1995: 247) and Kuper (2003: 391) use the right of the individual as the main argument against special rights of disadvantaged groups. Kymlicka in response believes that while these special rights may seem discriminatory at first glance, since they allocate individual rights and political powers differentially on the basis of ethnicity, they are in fact consistent with liberal principles of equality (Kymlicka. 1992: 140).

For many different reasons this is related on our membership in a certain cultural group, people end up having different starting points. Equalizing these starting points is about creating equal possibilities for everyone, or for those whose membership in some groups could bring consequences of having a starting point behind others (Kymlicka, 1992:140)

Kymlicka states that were it not for these special rights, the members of minority cultures would not have the same ability to live and work in their own language and culture that the members of majority cultures take for granted (1992: 140).

Different groups need different rights

Another popular argument against affirmative action is its selectivity. For instance, Kukathas is skeptical about recognizing only some of many disadvantaged groups. He argues that indigenous people are not the only ones who face undeserved inequalities in their circumstances and that not all members of minority cultures face the same inequality (1992: 123). Bringing an example of comparing indigenous and disabled people, Kymlicka shows that different disadvantaged groups in need for different rights. For instance, disabled people would not need the right to self-determination and the right to enjoy their culture. Equally the right to use free transportation would not help indigenous people in their situation. Different groups need different rights, which is the main argument for special rights from Kymlicka (1992: 141).

Is getting an advantage because of one's ethnicity racism or not?

I think that the first criticism of affirmative action towards indigenous people targets ethnic criteria. According to my personal observation on the web-search about affirmative action, this precise criterion elicits social tension and opposition. Adam Kuper finds it provoking that one has rights only if one has a certain number of appropriate grandparents. This, he says might fairly be called the Nuremberg principle (Kuper, 2003: 391).

Many see this as inaccurate, since the blood-connection to the indigenous culture is neither the only one nor the most important criterion, as in United Nation's definition. Ramos responds to Kuper that to put indigenous claims for legitimate difference in the same category with Nazi racism is to miss the point of differential power. In other words, to put Western powers of conquest on an equal footing with ethnic demands for recognition is either to ignore or to minimize the violence of Western expansion (Ramos, 2003). Turner supports Ramos here emphasizing that one should not overlook the critical fact that apartheid and indigenous activism employ these features for opposite purposes – the one to promote inequality, the other is to achieve equality (Turner, 2004).

Kuper claims that getting indigenous people special rights because of their ethnicity, can be called racism (2003: 395). It is true, that some affirmative action regulations refer to ethnicity, but this is done to classify peoples, which is categorization rather than racism,

because racism is actions, practices or beliefs, or social or political systems that consider different races to be ranked as inherently superior or inferior to each other, based on presumed shared inheritable traits, abilities, or qualities.¹¹ Differentiation of people does not necessarily lead to superior or inferior attitudes. McGarty explains that categorization and stereotypes are devices to help people to save time and effort (2002:3). Richard Dyer (1977) shares similar opinions that without the use of types, it would be difficult, if not possible, to make sense in the world.

How long should Affirmative action exist? Is it a temporary measure?

One of the topics of hot discussions over affirmative action is about its duration. If the purpose of affirmative action is to equalize opportunities of unequals, then it needs to have time limits.

There are two concepts of *remedial* and *substantive* rights that address the time-limitation issue. Remedial rights are, in most cases, temporary or transitional. They are needed to overcome the effects of historic injustice, but if successful, they will help restore a group to its rightful status and strength. At that point, remedial rights are no longer required. By contrast, substantive rights are more permanent – they are, “inherent” rights of self-determination (Kymlicka, 2001:128). So the question is whether affirmative action towards indigenous people is a remedial or substantive right? Affirmative action itself came up as a remedial right. Our thesis focused on the indigenous people, and the reason they fit into affirmative action is their claim for self-determination. This leads to an assumption that if indigenous people’s for by self-determination is justifying special rights, then they are no longer remedial rights.

Recognition of indigenous people

Tully defines recognition of indigenous people as one of the strategies of accommodation. Taylor co-relates in some way with Kymlicka in his arguments, especially arguing against position of “blind equality”. He emphasizes the importance of recognition not only for indigenous people by majority groups, but basically for every individual:

¹¹ Racism. Oxford Dictionary <http://www.oxforddictionaries.com/definition/english/racism>

Our identity is partly shaped by recognition or its absences, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being. (Taylor, 1994: 25)

Therefore, as Taylor argues even when some of the obstacles for advancement fall away, those who were not earlier in a superior position may be incapable of taking advantage of the new opportunities. This extend to relations between superior men and suppressed women, as well as whites and blacks. Recently a similar point has been made in relation to indigenous and colonized people in general. Indigenous people are around over the world as welfare-dependent, with high levels of unemployment, low life expectancy, low self-esteem, high levels of substance abuse, high rates of dropout from school and suicide (Tully, 2000:39). This can be partially explained by the lack of recognition according to Taylor's theory. Because the core question in discussion about affirmative action towards indigenous people is to find out the basic reason for needing it. The lack of recognition of indigenous people by international law, state, society, community, family and oneself on a personal level might explain the need of indigenous people for assistance to enter new areas, where they are not recognized as equals.

2.4 SUMMARY

After this analysis of background knowledge concerning the history of the definition of indigenous people and affirmative action that were discussed in this chapter, it became clearer how policies of assistance to indigenous people started and where they are rooted.

The theoretical framework in this chapter is crucial for the thesis. I found Tully's theory about accommodation's strategy of internal colonization most relevant and suitable for the discussion of the thesis. Several researchers developed justifications for accommodation strategies, which also implicate affirmative action. Kymlicka's and Anaya's positions tend to justify the policy of accommodation with indigenous peoples against their assimilation. Both of them, and other researchers such as Turner, Ramos and Saugestad, argue about *a right to be different* and criticize different-blind liberalism and their supporters as Kuper and Kukathas. These are good intentions; hence it does not go far from colonization of indigenous

people. Taylor's views about a concept of recognition also co-relates in some way with accommodation strategy. However, Taylor takes a more problematic position of emphasizing the need of total recognition by the [colonizer's] system at all levels.

The history of indigenous peoples shows that state and international law give different degrees of recognition and accommodation to indigenous peoples, both do so within their system, which leads to a legitimization of continuing internal colonization of indigenous peoples and their territories. Justifications of affirmative action towards indigenous peoples are clear. The challenge for my thesis is to question the impact of affirmative action and to discuss to what degree affirmative action serves as a measure of continuous internal colonization of indigenous people, thus denying the existence of their rights as free people.

CHAPTER 3

Affirmative action in higher education in Tromsø, Northern Norway

3.0 INTRODUCTION

This third chapter is dedicated to the historical background of affirmative action in Northern Norway. This includes the history of assimilation of Sami people and their official recognition by the Norwegian state. The official recognition of Sami people led to a strategy of accommodation towards Sami people through policies of affirmative action for higher education. The chapter is also presenting the present situation of affirmative action in practice in Tromsø, Northern Norway. The focus of the study will be directed to such mechanisms of assistance as quota program, scholarships and grants.

This chapter is based on five interviews. Two of them are interviews with the administration staff from the admissions office and the Centre for Sami Studies. The other three are individual in-depth interviews with students from The Arctic University of Norway. Here is a short description of informants:

1. *Ella* – is an indigenous (Sami) student from the Arctic University of Norway. Ella a graduate student in Indigenous Studies. She was awarded a small amount of financial support during Sami language classes at high school (700-800 NOK), which she describes as

“positive stimulation to study Sami language for maybe some extra chocolate money,” - Ella showed her support for affirmative action in education towards Sami people.

2. *Linda* – non-indigenous (Norwegian) student from the Arctic University of Norway. Linda is not a Sami student, but was granted by extra points as a North- Norwegian citizen¹² to get into medical school. She stated that if there had not been a quota, she would not have been accepted that year. Linda finds affirmative action towards North-Norwegian and Sami students valuable for keeping specialists in the North.

3. *Ariel* – coastal Sami student who has graduated from the Arctic University of Norway with a Master’s degree in Social Anthropology. Ariel is from coastal Sami area in Northern Norway. He didn’t use any benefits as a Sami student. The interview touched on issues of indigenous self-determination and self-identification of indigenous people in Norway. Ariel has three ethnic self-identities: Norwegian, Sami and Kven.

Informants from administration:

4. *Kristine* – representative from administration in the Centre for Sami Studies (SESAM) at the Arctic University of Norway (Norway). Kristine has been working at the Center since its founding. She shared the goals and intents of the Centre’s strategy on indigenous, Sami issues. Kristine focused especially on criteria and description of programs and, scholarships that are provided by the Centre for Sami students and projects in indigenous issues around the world.

5. *Tor* – representative from the Admission department at the Arctic University of Norway (Norway). Tor is responsible for processing applications from Nordic countries, which includes applications for the Sami quota program. He introduced me to documents with norms and regulations for Sami quota-program, highlighting relevant criteria. Tor also showed statistics of how many people applied to quota for the past five years, which was very helpful for this thesis.

¹² Nord-Norge kvote

3.1 BACKGROUND FOR AFFIRMATIVE ACTION IN HIGHER EDUCATION FOR SAMI PEOPLE

One of the research questions of this thesis challenges the connection between intent and implementation of affirmative action towards indigenous people. To find out whether intent synchronizes with the implementation, first this intent need to be introduced together with the expectations.

As has been highlighted in the second chapter, the theory of internal colonization by James Tully is going to build the theoretical framework for this thesis. According to Tully internal colonization has two strategies, one of them is assimilation and other one is accommodation (2000:41). This section will explore some of the strategies been chosen by the Norwegian state from 1850 towards Sami people.

The period of *assimilation or Norwegianisation* is commonly understood as stretching from about 1850 up to roughly 1980. The beginning and end of the assimilationist period can be linked to two events, first is the establishment of Finnefondet¹³ and the second is the Alta controversy of 1979-81, which became a symbol of the Sami fight against cultural discrimination and for collective respect, for political autonomy and for material rights (Minde, 2005:7). During the Norwegianisation period, Sami people were subject to assimilation to the Norwegian society. Sami culture, language and identity were not recognized; on the contrary it was suppressed and imperil. The policy of assimilation has deeply rooted cultural and psychological consequences. Alongside the loss of culture, language and identity, it caused serious structural socio-psychological changes in the North-Norwegian society. As Hvinden notes if pressure from the environment becomes sufficiently strong and persistent, it will undermine one's self-respect and self-esteem, and at worst cause self-contempt and critical attitude towards other members of one's own group (2000:19).

This assimilation period that lasted over a century impacted several generations of Sami people. Such experience unfortunately is not unique. Many indigenous people went through the policies of misrecognition and assimilation in North America, Australia, Japan, and New Zealand. In some places, assimilation practices had more violent patterns than in others, which lead to even greater loss of indigenous cultures. Only recently, some nation, such as Canada, started officially to admit their implication in the terrible consequences of

¹³ The Lapp Fund established by the Storting (Supreme Legislature of Norway) to bring a change of language and culture.

assimilation's strategies, including the death of more than four thousand aboriginal children in boarding schools.¹⁴

Early in the 1960s a political and professional concern emerged about a persistent difference in health gradients between Northern Norway, especially Finnmark, and the rest of the country. This concern was reflected in the preparatory work on a preferential admission policy for Sami students to medical schools. Finnmark was sparsely populated, with long distances between doctors. No doctors in Finnmark spoke Sami. Health status was poorer in Finnmark than anywhere else in Norway. Although many Sami in this part of the country were monolingual, the official language was Norwegian (Gaski, 2008).

Following the Alta Conflict, Norwegian government appointed the Sami Commissions, which recommended reversing the policy of assimilation and Norwegianization, and adopting a more positive attitude towards the Sami people (Minde, 2005). The assimilation policy changed to an *accommodation strategy* when Sami people became recognized by Norwegian State. As one of first action to these strategies, based on equity arguments, a few allocated Sami seats were offered in studies with restricted admissions at the University of Bergen and the Arctic University of Norway.

The Ministry of Education in Norway emphasizes that since the Arctic University of Norway was established in 1972, it has had a mandate to give rights and opportunities for education both for Norwegian and Sami societies. The Arctic University of Norway became a center of research and education in Sami language and Sami culture. Further on, within years this focus on Sami aspects resulted in the establishment of the Centre for Sami Studies in 1990.¹⁵

There are two events that played a crucial role in the recognitions of Sami people in Norway, the establishment of the Sami Parliament of Norway on 9 October 1989 and the change of Norwegian Constitution. The same year, in 1989, the Constitution of Norway was changed in order to recognize the Sami, and the obligations of the Norwegian state towards the Sami people: — It is the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life (The Constitution of Norway, article 110a).

¹⁴ At least 4000 aboriginal children died in residential schools, commission finds
<http://news.nationalpost.com/2014/01/03/at-least-4000-aboriginal-children-died-in-residential-schools-commission-finds/>

¹⁵ Kvalitetsreformen Om høyere samisk utdanning og forskning

3.2 AFFIRMATIVE ACTION IN HIGHER EDUCATION IN PRACTICE, THE ARCTIC UNIVERSITY OF NORWAY

The system of higher education in Norway functions equally throughout the whole country. Therefore the general picture of higher education in Norway will be presented in this part of the chapter. However the main focus is directed to the implementations of affirmative action such as the quota-seat program for Sami people and scholarships for Sami students.

Higher education in Norway is offered by eight universities, nine specialized universities, 24 university colleges as well as a range of private university colleges. The national higher education system is in accordance with the Bologna agreement, with bachelor's degrees, master's degrees, and doctoral degrees. Acceptance is offered after finishing upper secondary school with general university admissions certification.¹⁶

There are no tuition fees for attending public higher education in Norway, as all the costs are covered by the Ministry of Education and Research.

Students are also given the opportunity to apply for financial support to cover the cost of living (a part loan/part grant) from the Norwegian State Educational Loan Fund. The main requirement for support from the Loan Fund is that you must be a Norwegian citizen. However, foreign citizens may also be entitled to financial support. Eligible applicants may be granted financial support (a part loan/part grant) of about NOK 90,000 per year. It is initially given as a full loan, but upon completion of modules in the education around 40 percent of the amount is transferred to a scholarship/grant if the modules are passed.¹⁷

The state has made higher education available for literally every citizen offering all the conditions for study and financial support. Therefore, the need for special scholarships does not seem necessary, since every student get enough support to cover the cost of living. However, getting accepted to some popular studies such as Medicine and Law is very competitive. This is when affirmative action implemented by a quota system (preserving limited number of seats) becomes significant.

¹⁶ Higher education in Norway http://en.wikipedia.org/wiki/Higher_education_in_Norway

¹⁷ Grants and loans, www.laenekassen.no

Sami Quota program

Over the past twenty years enabling laws favoring the Sami population have been enacted. The conceptualization of equality in terms of rights and in terms of humanitarian values is accepted by the Norwegian government (Darnell, Hoem, 1996: 246). Consequently the quota program became one of the favoring acts.

The University of Bergen offers two seats for Sami applicants who apply for medicine studies. Finnmark University College offers an extra 10 study points to the final admission score for Sami students. Affirmative action in terms of the quota-system is functioning in University Colleges in Lillehammer, Stavanger and Oslo.¹⁸ I think that it is also worth mentioning that Sami University College in Kautokeino also offers higher education in Sami language and culture. There is no affirmative action in Sami University College itself, but the very existence of an independent institution on Sami issues reflects the recognition of Sami people in higher education. The scale of affirmative action has spread all over the country. However, the Arctic University of Norway is at the very top of providers of quota-seats to Sami people.

The regulations and norms of quota-program at the Arctic University of Norway are available on the web-page of the university and also in the admission-books for the applicants. Sami quotation system started from year 2000 at the Arctic University of Norway. I have gathered number of quotas that were available for Sami applicants for the last five years, from 2009 to 2013. The number did not change within five years. The table below shows that every year there are ten Sami quota-seats mainly in health education. So in theory there is ten Sami speaking specialists graduating every year.

¹⁸ 5.4 Opptakskvoter for samiske søkere

Table 2 Number of special quotas at UiT ¹⁹

Faculty	Nº Sami quota	% Sami quotas	Nº North-Norwegian quota	% North-Norwegian quota
Law	1	-	-	-
Fishery	3	-	-	67
Dentistry	2	-	-	60
Technologies	-	5	-	50
Medicine	2	-	-	60
Farmasi	2	-	-	50
Other health education	-	10	-	80

As the table shows there are not only Sami quota seats, but also a North-Norwegian quota program. According to the goal established by the Arctic University of Norway, North-Norwegian quota²⁰ guarantees recruitment among North-Norwegian youth, especially in traditional professional studies.²¹ The idea behind this was that applicants from North Norway are more likely to stay and be engaged in the development of the region after completing their education. Additionally, it was thought that the quota will stimulate youth to pursue education and by doing so increase the social and economic development of the region. For instance graduated students in Law from 2007 and 2008 were evaluated on whether they stayed in North Norway or not. The statistic shows that 42% stayed in Northern Norway and 24% went to Oslo.²²

One of my informants, Linda, a student from North Norway, showed by her experience how the North Norwegian quota helped her to get into Medical school at the Arctic University of Norway:

¹⁹ FOR 2007-01-31 nr. 173: Forskrift om opptak til høyere utdanning §87-3 Spesielle kvoter (has not been changed within last 5 years 2009-2013)

²⁰ Quota seats and extra points for people from Northern Norway (Nordland, Troms and Finnmark)

²¹ Vurdering av regional opptakskvote ("Nord-Norgekvoten") ved Det juridiske fakultet, p.1

²² Vurdering av regional opptakskvote ("Nord-Norgekvoten") ved Det juridiske fakultet, p.2

There are a lot of students who want to get into medical school. It is hard to get, unless you have very great grades from high school. I didn't get into first "wave" (inntak). I was on the waiting list and got accepted only two weeks after school has started. I was high up on the waiting list, probably because of the quota. If it has not been quota I would be on the #50, but instead my number was #7 on the waiting list. Quota basically made me stay in Tromsø

Returning to the Sami quota, there are ten seats available for Sami applicants. The table below shows the number of Sami students who applied for the quota, which shows the competitiveness of being awarded a quota seat.

Table 1 Number of applicants for Sami quota from 2009 to 2013²³

Year	Number of Sami applicants	% of applicants who got quota seats
2009	70	14
2010	71	14
2011	66	15
2012	72	13
2013	95	10

The number of Sami applicants from 2009 to 2012 is quite stable, on average around 70 people applying for seats. However in 2013 the number of applicants increased, by almost 20%, even though the number of available quota seats did not change from 2009²⁴, making an access to Sami quota seats more competitive. From my personal observation during field work in Tromsø I encountered some attitudes that beneficiaries of Sami quota get admitted to the University almost without competition due to their preferential position. However, the study shows that there is competition; on average only 13% of all the people who applied to Sami quota-seat gets admitted.

²³ From the interview with Tor, a head of the admission department at the University in Tromsø

²⁴ Søkerhandboka 2009, 2010, 2011, 2012, 2013

Scholarship and grants

There are scholarships and grants at the Arctic University of Norway that are the part of the affirmative action for Sami people and Sami culture. I use the term Sami culture because not all of the scholarships and grants are oriented towards Sami people, but also to non-Sami people who work with Sami issues.

One of those scholarships is for students studying the Sami language. It is a fixed scholarship of about 20 000 NOK if one is studying at the Bachelor or Master Degree in Sami language. The requirements are that the person has to be a registered student on level 2000 or 3000²⁵ for Sami language and has the confirmation from the department. There is no requirement to be Sami, which basically means that whoever studies Sami language, can also be supported, regardless of ethnicity.

Even though this scholarship sounds quite easy to get, since the criteria is only to be registered for a Sami course, the number of applicants is not as high as one should expect. Kristine, from the Centre for Sami Studies was expressing her disappointment about this:

The recruitment from the last years is scary. There haven't been many students, which caused much less applicants for the scholarship. It could also be that we haven't promoted it sufficiently, if students knew about it. They don't need to use money for books or for something that is regulated to spend on.

My Sami informant Ella, who graduated with a Master's in Indigenous Studies, expressed her feelings about extra support that Sami students get, including her. She said that she used to get around thousand kroner at high school as encouragement to study the Sami language, which by her words was just pocket "chocolate" money. I think that this expression about affirmative action's tools as "chocolate money" can define the scale of support that Sami students get in general. All students in Norway get support from Lånekassen, a single grant of 20 000 NOK from the Sami Centre as an encouragement to study Sami language in higher education, even though it is a quite an amount is still not notable support.

Another grant for Sami students is the travel support for Sami students that have existed since 1994. It is an extra support for Sami students who are qualified to register to

²⁵ Bachelor and Master level course number

Samemantalet²⁶. They can apply for extra support if they are going abroad to visit a foreign university and now the Centre has further opened up for support for field work and contacts with institutions which might not be universities, but relevant institutions for projects and education. This initiative was created to establish networks and connections between institutions. Kristine from the Centre for Sami Studies reflected:

Affirmative action started to work thinking about Sami students who would get an education, so they wouldn't leave university after a year, as undergraduate. To make Sami support more visible, and attractive to seek an education here in the North. Lånekasse²⁷ support can always be limited. So there is a hope that it would help more students to take higher education. Thinking a couple of years back, there was a student who had a field work in Canada, and she was funded by SESAM 50 000 NOK in addition to what she got from Lånekasse. It is always cheaper out of Norway, so it was quite a good support. From any faculty you can apply for travel support.

Regulations are discussed annually, the budget is made annually. Announcements are on the web-page of the Arctic University of Norway and visible for everyone. The board of SESAM reviews guidelines and requirements. The Centre has a fixed amount of money that is granted yearly from the University Board. Guidelines have been the same since the beginning.

Reviewing every year doesn't necessarily mean changing it. This could be an aspect if the applicant does not meet all the criteria, but if we think that the project is really good, and then we can set up some changes in requirements.²⁸

This shows that criteria can be flexible, and most importantly dependent on the individual's project rather than bureaucratic details.

3.3 CRITERIA FOR SAMI BENEFICIARIES

I put a strong emphasis on the criteria because they show the definition of indigenous people, which constitutes a part of the first research question. Criteria for affirmative action

²⁶ Sami electoral roll or the electoral register is the register of electors entitled to vote in elections to the Sami Parliament. The right to register in the census that meets certain requirements (will be discussed further)

²⁷ The **Norwegian State Educational Loan Fund** (Norwegian: *Statens lånekasse for utdanning*) is a government agency that provides loans and grants to Norwegian and certain foreign students for their education. This system is aimed at making higher education available to everyone, regardless of their place of residence within Norway, their age, sex or economic and social status. Normally the amount of scholarship is based on the cost of living and was 90 000 NOK in 2013 per year for one student.

²⁸ Interview 8, Kristine, staff member of the Centre for Sami Studies

that indigenous beneficiaries need to fit in are not the same for every program and scholarship. The difference of criteria has to do with the type of institution and most importantly with the framing a target group to grant, for instance Sami language speakers or scholars researching Sami people.

To be able to compete to get the quota-seat, applicants must document their connection/ belonging to Sami roots by the following:

- Sami presented as a first or second language in a high school
- Certificate that Sami language was a first or second language in a primary of secondary school
- Passed 60 credits or semester in Sami language from university or college
- Certified Sami language skills competence according to the language requirement in high school education

According to these criteria, one of the primary criteria at the Arctic University of Norway is to recruit Sami speaking students, not focusing on ethnicity. In this particular case of admissions through quota-system at the Arctic University of Norway, this argument is irrelevant, since none of the criteria refers to ethnicity. Norway has no formal statistics on ethnicity of Norwegian population as Western Europe since World War II. Therefore the Ministry of Education had to come up with its own criteria needed for their purpose of systemizing applicants.

Another reason to choose language as the main criterion is that the state was not particularly interested in recruiting Sami people, but rather in recruiting Sami-speaking people. The intent behind this is that in the areas where Norwegian does not dominate over Sami, there is a need for Sami speaking doctors and lawyers. Ella gave as an example an accident that recently happened in Karasjok:

Two Sami ladies went to a doctor, who had poor skills in Sami. The ladies were not confident in Norwegian, so due to miscommunication the ‘wrong’ lady was sent to Hammerfest²⁹ for surgery. Luckily in Hammerfest people found that it was the wrong woman and sent her back to Karasjok. It resulted in unnecessarily stress for both two old ladies, that could easily cost them health problems. And of course it affected the efficiency of medicine workers.

²⁹ Hammerfest - is a municipality in Finnmark county, Norway

The criterion of having Sami language can also be problematic, because the issue is not about Sami language, but about Sami languages. There are nine spoken Sami languages in four different countries (Norway, Sweden, Finland, Russia). Even though North Sami language is dominant in Norway, the criterion in theory must apply to all Sami languages, for instance South Sami. There is only one school in Norway in Snåsa³⁰, where South Sami is used as a teaching language.³¹ According to the agreement on admission to higher education between Denmark, Finland, Iceland, Norway and Sweden, all Nordic applicants with Sami as a first or second language in primary/secondary/high school can compete for Sami quota seats.³² I asked Tor from the admission office whether non-Norwegian Sami could in practise apply for the quota-program. Tor said:

“It is not very common to see applicants outside Norway for the quota program. I think that we have had a few applicants from Sweden during the past years, but I cannot confirm that”.³³

Consequently we see that the criteria that are set for the quota-program concerns mainly the Sami language, not necessarily North Sami. According to the criteria, Sami language skills must be documented by schooling institutions, which makes North Sami *de facto* dominant just because there are more high schools where one can study in North Sami as the first or second language.

Despite the solid erosion of Sami language during the assimilation period, language is an important criterion. For instance, the Sami University College in Kautokeino offers an education only in North Sami. In this way all non-Sami speakers are excluded from an opportunity to get a Sami education.

The criteria for affirmative action at the Arctic University of Norway in different programs are not the same. The Centre for Sami Studies set up other criteria for defining Saminess by using the criteria offered by Samemanntallet³⁴. These are that a person:

³⁰ Snåsa is a municipality in Nord-Trøndelag county, Norway

³¹ Åarjel-saemiej skuvle (Southern Sami for South Sami school) is a primary school with boarding in Snåsa, offering instruction and South Sami pupils primarily from northern Norway, but also from elsewhere in the country.

³² <http://www.norden.org/en/about-nordic-co-operation/areas-of-co-operation/higher-education/links/agreement-on-admission-to-higher-education-between-denmark-finland-iceland-norway-and-sweden/>

³³ Informant 9, Tor, Admission office

³⁴ Samemanntallet – wikipedia http://no.wikipedia.org/wiki/Samemanntallet#cite_note-1

- must define herself/ himself as a Sami, and
- may have Sami language as their mother tongue, or
- may have or had a parent, grandparent or great grandparents who had Sami as their mother language, or
- may have parents who are or have been on the electoral list

One can see that the criteria are very flexible and most importantly, with self-identification in first place. This allows for choice to display Sami ethnicity in public.

As the list shows, only self-identification as a Sami is an obligatory criterion, while three other criteria can be flexible and replaceable by one another. Sami language is on the list. However, language is not an absolute criterion. This has to do with the long more than a hundred years of assimilation policy, and the fact that not all Sami people speak the language as a result of these policies. As Sissons emphasizes in *First Nations*, the most important in defining indigeneity the sense of connection and belonging rather than biological or cultural identity (2005: 58). Ariel, a graduated Sami student also shared his opinion about having a language as a criterion to define Saminess:

I personally do not think that the language can be the main criterion to prove belonging to the Sami culture, especially when one thinks about the history of assimilation policy. For me personally the criterion is that I feel strong connection to the Sami culture through my family history. Some Sami says that to be Sami we have to wear kofta and speak the language, otherwise we can be claimed as Plastic Samis.

The electoral list criterion at the first glance was unclear. I could not understand how the political electoral list could relate to defining Sami people. Later on, when I found out that it is not possible to document ethnicity in Norway, I saw in this an attempt to classify Sami people. Thus does not work for all Sami people, including Ariel:

I am not a part of the electoral list, because I do not feel the urge for it. For the same reason I do not wear kofta or bunad, there is no urge to it just as I do not have any need to wear any Norwegian special outfits or signs in clothes.

Ariel touched upon a very crucial point in the discussion about definition and authenticity of indigenous people. Sissons is provoking and challenging academia by questioning why only indigenous people are expected to be visibly “others” (2005: 42). Ariel

is asking the same question: “Why I have to show publically by outfit my belonging to the Sami culture, while it is not expected to see for instance Norwegians wearing bunad every day?” The concept of “otherness” is deeply associated with indigenous people. Through pointing to *otherness* dominant society separates and does not recognize indigenous people equally, which is one of the core reasons to such consequences as racial conflicts and superior attitudes from majority group towards minority (Taylor, 1995).

3.4 DISCUSSION

Sami people who live in Norway, a country that ratified The United Nations’ Declaration on the Rights of Indigenous People, have a right to claim special rights from their state. The Norwegian state is trying to respond by giving special assistance in higher education to Sami people. These policies are rooted to the principles of equity, which Kymlicka (1995) emphasized stating that minority groups need special rights to equalize with the majority cultures, while majority groups take for granted such things as to live and work in their own language and culture. There are several justifications for a quota system as an implementation of affirmative action. Kymlicka argues that if we really want to treat people as equals we must take into account that they are different and want to remain different, and we should make it possible for cultural groups to keep their uniqueness (1995: 108-115). So, the main argument is to equalize unequals.

Language is an important issue in case of Tromsø. Since Norway does not have a formal census on ethnicity, Sami language is used as a main, but not exclusive criterion to define Saminess. This has to do with the consequences of a long assimilation period of Sami culture, due to which the Sami language became highly endangered and not spoken by a majority of Sami people.

Equity arguments are not as strong today as they were in the 1960s. This may be because Sami are not anymore as unequal and different as one could have expected from indigenous group. Many people with Sami roots or with mixed Norwegian and Sami roots speak Norwegian as their first language. Traditionally, the Norwegian language has been used for contact with public authorities and health-care providers. Today almost every Sami speaks good Norwegian. In this scenario, the argument of Kymlicka (1995) that minorities sometimes need to struggle with the things that majority groups take for granted is not relevant in terms of language as it was before. However, The Sami Language Act (1992)

provided inhabitants with the legal right to use language they prefer, Sami or Norwegian, in contact with civil servants and health personnel.

Indigenous people are most commonly recognized globally as financially marginalized groups. However, this argument does not fit in Norway in terms of financial inequality. Financial support (scholarship and grants) and more flexible admission opportunities are not the main reasons for affirmative action's policies in higher educational institution in Norway. Since every Norwegian citizen is secured financially by the government to get a higher education as I have discussed in this chapter, affirmative action from the financial point of view is not particularly needed for Sami applicants. The significance of quota-seats for admission seems to be more important. The Arctic University of Norway offers ten quota seats for Sami applicants every year, which is not a big number, but considering how rural Northern Norway is, ten Sami speaking specialists every year can be quite visible in the general picture. In my opinion, ten quota seats is not a big investment. Producing ten Sami speaking specialists in Medicine and Law a year for the three counties (Troms, Finnmark, Nordland) is not as many as one might expect.

If the state has reached the point when Sami are not different from the majority group as in Norway when Sami people both linguistically and financially have equal opportunities, it can be said that colonization went smoothly and was perceived as a positive action towards indigenous people. It can be assumed that affirmative action as a part of an accommodation strategy has made internal colonization a success in Tully's terminology. If one considers success as a symbolic policy to increase visibility of Sami people, then the results are rather positive. This view may confirm in the rise of applicants for Sami quota over the years.

From my perspective and observations during field work, the idea behind the quota system is to encourage people to acknowledge their Sami identity together with Norwegian. Partially because of quota system, Sami people became more visible in the institutions of higher education in Norway. My graduate student informant reflected his way of thinking of what is identity for him:

I am Sami; I am Norwegian too, as well as Finn. Some might call me a Kven. I have three ethnic identities and I do not lift any of those over the others. All my three identities are equally important to me and I do not feel the need to emphasize or express only one of them.

I find this reflection as a very good example of how two or more ethnic identities can be seen as advantage, rather than the inner conflict it was for many Sami people in Norway during the assimilation period. I think that the problem for Norwegian Sami is a struggle to be in harmony and to feel secured being defined as Sami by oneself and the others. Such sentences as “I am a Sami and my sister is Norwegian, though we have the same parents”³⁵ do not surprise anyone in North Norway. Identity is first of all self-identification, as emphasized in the United Nations Declaration on the Rights of Indigenous People and ILO Convention 169. According to all criteria for any scholarship or grant, self-identification is the number one criterion. There I see the meaning and success of affirmative action in Norway – acknowledging Sami people and encouraging Sami to be more visible with the feeling of security and recognition from the state, because as Turner stated *recognition is vital in the life of every human being* (1996: 26).

The Sami experience of the affirmative action has a history of nearly fifty years since the recognition of Sami people by the Norwegian state. Affirmative action from the very beginning was taken as a temporary measure to equalize opportunities of all the people. From my field work I see that Sami people are granted the same recognition as Norwegian people and have the same rights and possibilities to get a higher education. Tor from the admissions office answered my question about time limits to Sami quota “that special rights of Sami people and certain preferences at the Arctic University of Norway are not considered as temporary, Sami people as Sami culture will be emphasized in Tromsø to make Sami people visible in the region.” This contradicts with the first intentions of affirmative action in theory to be remedial, but it synchronizes with the recommendations of international law that indigenous people have a right to claim the recognition from the state, which in my opinion has to be a permanent right.

³⁵ Observation from the field work, especially during the RidduRiddu festival

CHAPTER 4

Affirmative action in higher education in Yakutsk, Russia

4.0 INTRODUCTION

This chapter is devoted to affirmative action at North-Eastern Federal University in Yakutsk, Russia. It specifically focuses on the scale of affirmative action at North-Eastern Federal University, including general access, admission process, areas of quota, size of financial support and reserved quota seats at the University. The chapter concludes with an assessment based on the criteria that were developed to systemize applicants for awarding them with scholarships and quota-seats. This chapter is based on the findings from field work in Yakutsk, both the interviews and the text data. With this information, the chapter attempts to explain the reasons why affirmative action for indigenous people takes place today in Russia, and the way it is implemented in higher education. The theoretical discussion also goes together with questioning justifications and finding shortcomings of these policies.

I base the discussion in this chapter partially on three in-depths interviews and one administration staff-member informant from my field work.

1. *Arsen* – an indigenous (Evenki) student from the North-Eastern Federal University in Yakutsk. Arsen was awarded by quota place and scholarship (8000RUB = 1600NOK each month) at the Faculty of History and has to work back home in Hatastyyr (small indigenous village) for the next 5 years.
2. *Kirik* – graduated indigenous (Yukaghir) student from the North-Eastern Federal University in Yakutsk. Kirik has not used any benefits from the government during the education at the university by the government.

Informants from administration

3. *Vitaly* – representative from the administration of the Department of Small-Numbered indigenous Peoples in a Ministry of Education in the Republic of Sakha (Yakutia). Vitaly explained how affirmative action works today in Yakutsk. He has systematically shown options that indigenous representatives can apply for with descriptions of all the norms and regulations. He also shared his personal opinion and wishes towards government's support to indigenous issues in higher education.

4.1 INDIGENOUS PEOPLE IN YAKUTIA AND YAKUT PEOPLE

The reason for this specified research area is the peculiarity of the Russian Federation. Russia is a big country and contains regions with different administrative statuses as federal subjects, republics, districts, territories, each of which has a different scale of internal sovereign rights. There are two categories for indigenous people forty eight *small-numbered indigenous people*, such Evenki and Yukaghir people and twenty one *larger indigenous people*, such as Yakut people. The difference between small-numbered indigenous people and larger indigenous people is of population. Indigenous groups whose population is over fifty thousand people are officially recognized by the Russian state and granted by special rights, including affirmative action.

The Republic of Sakha (Yakutia) is a federal subject of Russia, with its own constitution, parliament (Il Tumen), president, government, official Yakut language,

population of around 958,528 people and its capital city Yakutsk.³⁶ Due to a wide range of rights that are guaranteed by the Constitution within the Republic of Yakutia, the legislation and legal/ administrative regulations differ from any other part of Russia.³⁷

Yakut (50%) and Russian (38%) people are ethnic majorities in the republic.³⁸ However, there are other ethnic groups that are recognized by state as small-numbered indigenous groups living in Yakutia: Dolgans, Evenki, Evens, Yukaghir, Chukchis and Nganasans.³⁹ The Republic of Yakutia has developed several support programs, which I call affirmative action policies that apply only to the small-numbered indigenous people living in Yakutia. There are two reasons for this: legal and practical. First of all, Yakutia has a special status as a republic with its own constitution. This secures its sovereignty and the rights of the local people. Secondly, Yakutia is the capital of diamond mining in the world.⁴⁰ This fact guarantees internal financial support for the implementations of affirmative action's policies towards small numbered indigenous people.

I targeted North-Eastern Federal University in Yakutsk because it is the only federal higher education institution in Yakutia. Therefore, all the programs, norms and regulations that are discussed further apply only to North-Eastern Federal University in Yakutsk and only to small-numbered indigenous people in Yakutia.

In this huge republic, there are 70 areas allocated for indigenous people's living in Yakutia. The list of the 70 areas is adopted by the local authorities in Yakutia. There are special programs to support these areas. One of them is the admission quota for people from allocated areas. Considering the fact that the absolute majority of the population in allocated areas is indigenous people, it is an indirect support to indigenous people without referring to ethnicity. The reason why affirmative action finds a place is that all these 70 places are as my informant expresses 'socially depressed' areas.⁴¹

³⁶ *Всероссийская перепись населения 2010 года (2010 All-Russia Population Census)* (in Russian). [Federal State Statistics Service](#). 2011. Retrieved June 29, 2012

³⁷ [Constitution of the Sakha \(Yakutia\) Republic](#)

³⁸ *Всероссийская перепись населения 2010 года (2010 All-Russia Population Census)* (in Russian). [Federal State Statistics Service](#). 2011. Retrieved June 29, 2012.

³⁹ *ibid*

⁴⁰ ["Ranking Of The World's Diamond Mines By Estimated 2013 Production"](#)

⁴¹ Interview 7, Vitaly

4.2 AFFIRMATIVE ACTION IN HIGHER EDUCATION IN PRACTISE

According to the International Economic Cooperation and Development Organization, Russia is the world's most educated nation. More than half of Russians (54%) aged between 25 and 64 received higher education.⁴² Such a high statistic of educated Russians can be explained by the Soviet heritage, where every single citizen was guaranteed (practically forced by Marxist philosophical values and attitudes) to access to higher education, that was free of charge.

Post-Soviet Russia, continues to affirm each citizen's right to education in Article 43 of the Constitution 1993. It stipulates, "Everyone shall have the right to receive free of charge and on a competitive basis, higher education in a state or municipal educational institution or enterprise".⁴³ Access is still available for everyone, although free higher education is no longer guaranteed by the government to every citizen and only very limited seats are covered by the state. This makes the admission more challenging compared to Soviet times. Higher education in the Soviet Union was organized in a highly centralized government-run system. Its advantages were total access for all citizens, free education and post-education employment. (Spearman, 1983) In post-soviet Russia the state provide neither free education, nor post-education employment.

The Russian higher education framework was basically incompatible with the Bologna Process: the generic "lowest" degree in all universities since Soviet era is the *Specialist* which can be obtained after completing 5–6 years of studies. Since the mid-90s, many universities have introduced limited educational programs allowing students to graduate with a bachelor's degree (4 years) and then earn a master's degree (another 1–2 years) while preserving the old 5–6 year scheme. In October 2007 Russia enacted a move to two-tier education in line with the Bologna model.⁴⁴

The number of state-owned institutions was 655 in 2002 and it continues to rise.⁴⁵ Both non-public and public higher education institutions in Russia require tuition fees. Most of the

⁴² The voice of Russia http://voiceofrussia.com/2012_09_16/Russia-most-educated-nation/

⁴³ THE CONSTITUTION OF THE RUSSIAN FEDERATION. Chapter 2. Rights and Liberties of Man and Citizen Article 43.

⁴⁴ "[Putin signs law on two-tier higher education system-1](#)". RIA Novosti, 25 October 2007. 2007. Retrieved 8 October 2008.

⁴⁵ "[Statistics \(in Russian\): tertiary professional education](#)".

state-owned institutions however are still providing a limited number of ‘budget’ (of tuition fee) seats. Since 1991 the government no longer covers financially higher education. This change may explain why Russian people still sympathize nostalgically with the Soviet years.

Depending on the university and the faculty, tuition fees may vary from 10 000 to 500 000 RUB (100 000NOK) per semester. Competition is really tough due to extremely limited number of seats. Therefore only top-graded students have the chances to get one of the precious ‘budget’ seats.⁴⁶

Another way of getting free education is to be given a quota seat reserved for special groups such as disabled, orphans, people who come from military service, or indigenous people. My focus is quota seats and the special programs that are aimed towards indigenous people.

To get admitted to most of the higher education institutions in Russia one must take the Unified state exam (USE), which is in fact a series of exams every student must pass after graduation from school to enter a university, or a professional college in the Russian Federation.⁴⁷ Since 2009, USE is the only form of graduation examinations in schools and the main form of preliminary examinations in universities. The Unified state exam is a test, where students can get from 1 to 100 points in each subject. Every faculty sets a number of relevant subjects on which students have to present their scores from the Unified State Exam.⁴⁸ The admission scores depend on how many candidates will apply and their scores, which vary every year. Traditionally, prestigious universities such as Moscow State University or Bauman’s University of Oil and Gas are known by their high admission score, as well as high tuition fee.

Students who do not get high enough scores to get into the limited free of charge places may compete for seats that require tuition fees. Therefore straight ‘A’ students with high scores on the Unified State Exam have better chances to find admission to higher education, as well as increasing chances of affordable higher education.

⁴⁶ Russia: Higher education more costly. University World news

<http://www.universityworldnews.com/article.php?story=20071018115039999>

⁴⁷ Federal Law #17 from 09. 02. 2007 The Unified State Exam [Федеральный закон № 17-ФЗ от 09.02.2007 о введении ЕГЭ](#) (in Russian)

⁴⁸ For instance when I was applying to History faculty I had to pass Unified state exam in History, Social Science, Russian and English. From each subject I could maximum get 100 points, which is very exceptional. Ranging between 70-80 points from each of four subjects I had in total little less than 300 points, which gave me an opportunity to get one of those free of charge seats at the North-Eastern Federal University, Yakutsk.

So, in Russia one must either be a very talented student, or have a lot of money to get higher education, preferably both or suit one of the quota-system's regulations for special groups. One of these regulations is to be recognized by the state as indigenous representative.

Quota program at the North-Eastern Federal University

The North-Eastern Federal University offers quota seats free of charge for several groups as orphans, disabled, small numbered indigenous representatives and “free of competition seats” for winners of various school competitions and reserved seats for applicants who have already a contract with the state institutions. The system is transparent when it comes to the numbers of admitted applicants by groups, but it is not transparent within the groups. For instance, applicants who were qualified to “free of competition seats” and “reserved by state seats” can easily be corrupted, which is sadly a general tendency in Russia. From my observation during field work I found out some *short-cuts* to get admitted to the North-Eastern Federal University without competing on the general conditions. For instance there is a *lex non scripta* law that every employee who has been working as a professor at the University for ten years can get a free of tuition fee seat in any faculty at the North Eastern Federal University for someone that she/ he knows. Such “occasions” are included in the group of “free of competition seats”.

The total number of applicants who got admitted to quota seats is shown below in the table:

Number of quota-seats in NEFU (2013)

Faculty	Number of quota seats ⁴⁹	Total number of students ⁵⁰	% of quota students
Auto-transport	9	120	7
Bio-geography	10	149	6
Geology	9	103	8
Mining	14	115	12
Engineer	26	181	14
Foreign languages	2	63	3
IT and mathematics	3	145	2
Psychology	4	50	8
Physical culture	8	103	7
Language and culture of indigenous people in Northern East part of Russia	2	81	2
Medicine	3	219	1
Pedagogics	6	139	4
Physics	5	139	3
Linguistics	1	61	1
Finance and economy	10	85	11
Summary	112	1753	

One of the interesting points is the relation of specialties and number of seats that are given to quota-applicants. Finance and economy, auto-transport, biogeography, geology, mining, engineering and physical culture faculties offer the biggest number of quota seats. I do not see any connection between offered specialties and indigenous livelihood. In questioning the relevance of offered quota-seats to indigenous people I see several possible explanations. First of all, the quota-seats shown in the table are oriented not only to

⁴⁹ List of granted to the quota seats applicants to the North-Eastern Federal University. 30. 07. 2013

⁵⁰ List of admitted students in NEFU 2013 <http://priem.s-vfu.ru/wp-content/uploads/sredniy-ball-2013-po-napravleniyam.pdf>

indigenous representatives, but also to other groups as disabled, orphans and those applicants who already have a contract with some state institutions. Therefore, the variety of quota-offers is quite big. Secondly, I suppose that it depends on how many seats in general that is available for all applicants. For instance, Mining and Engineering faculties have the biggest number of the seats. The other reason I see in competitiveness of study. There are many school graduates who apply for faculties of humanities. However North-Eastern Federal University is more oriented towards technical faculties. Moreover, the scholarship of students who study in technical rather than humanitarian faculties is higher.

Unfortunately, the number of small numbered indigenous beneficiaries is not shown in the separate column, but it has been written on the list of accepted students, the areas from where applicants were coming from. I counted 28 recipients coming from the allocated areas of indigenous people.⁵¹

Only 28 quota seats out of 112 general quotes and 1753 seats at the university were given to students coming from the areas allocated for small-numbered indigenous people⁵².

By basic math,

$$\begin{aligned} 100\% &= 1753 \text{ (number of all accepted students)} \\ 1,5\% &= 28 \text{ (number of small numbered indigenous students)} \end{aligned}$$

I see that only 1,5 % of all accepted students in 2013 are representatives of small numbered indigenous peoples. Such numbers bring an obvious conclusion itself. The scale of affirmative action towards small numbered indigenous people is extremely low.

At the same time, even though the scale of affirmative action is very small, the interviews from field work shown that the public perception is that it is much larger.

Scholarships and grants

To get admitted to the university is the first step. Afterwards the purpose is to finish one's education without dropping out during the education period. Financial issues play a vital role in student life. Therefore financial support is especially important for student's to make them graduate from university. Contrary to some countries, it is not common for students in Yakutia and in Russia in general to have a part-time job during the education

⁵¹ Decree of admission to the quota seats at the North-Eastern Federal University, 2013

⁵² List of accepted to the quota seats applicants to the North-Eastern Federal University. 30. 07. 2013

period. Almost every faculty at the North-Eastern Federal University in Yakutsk has classes and lectures for students from the morning to the evening every day except Sunday, which makes impossible to combine study with part-time work.⁵³ Such a situation forces students to be totally dependent on their parent's financial support or in some lucky exceptions on their scholarship from the government.

There is a scholarship for students at North- Eastern Federal University, who are recognized as small-numbered indigenous people and live in the areas allocated for indigenous people. The amount of 'indigenous' scholarship is 8000 RUB (1600 NOK). It is important to mention that this is an extra scholarship, which means that students get it in addition to their ordinary scholarship. Arsen, who is a small numbered indigenous student, explains the scholarship system by his example: "When I study well, I get as all the other students scholarship, depending on my grades, and in addition I have 8000 RUB, which I get either way. I only have to pass exams."⁵⁴ Non-indigenous students get scholarships depending on their grades from each term. If they get grades lower than "C", they lose their scholarship for the whole term.⁵⁵

Small numbered indigenous students who get accepted to higher educational institutions get fixed scholarships every autumn for winter clothes.⁵⁶ Yakutsk has the coldest winter temperatures for any city in the world, which makes sense in establishing special scholarships for winter clothing.⁵⁷ Winter clothes are very expensive. Special reindeer shoes ≈30 000 RUB and mink coat ≈180 000 RUB will cost on average 210 000 RUB (41 000NOK). Indeed, this stipend does not cover all clothing expenses; since the amount is 30 000 RUB (6000NOK), which is not enough, but still a good help.

Private scholarships bring more some moral motivation than the practical help due to the very small size of the scholarships. Private funds come from the big companies, particularly the diamond company ALROSA in Yakutia. ALROSA is a Russian group of diamond mining companies situated in Yakutia, which has the leading role in the world

⁵³ Also number of home assignments takes most of the spare time from the lectures. From my personal experience at the Faculty of History first 4, 5 years (out of 5) we had at least 10 seminars a week (each of them required written or oral presentation on a certain topic), course paper every term (about 30 pages) and mandatory 10 courses (with 5 oral and 5 written exams) every term.

⁵⁴ Informant 1, Arsen

⁵⁵ State scholarship in North-Eastern Federal University <http://www.s-vfu.ru/studentu/stipendiya/> (in Russian)

⁵⁶ Informant 7, Vitaly

⁵⁷ The average winter temperature is -40, -45 C

diamond mining by volume.⁵⁸ ALROSA provides scholarships for students who are from allocated indigenous areas by 36 000 RUB (7200 NOK) per semester. Around 70% of students who get awarded by ALROSA are actually small numbered indigenous representatives, again indirect support to indigenous people.

Yakutia is one of the leaders in financial support to indigenous people, especially in higher education. There are only two districts in Russian Federation that are ahead of Yakutia: Yamalo-Nenets Autonomous Okrug⁵⁹ and Khanty-Mansiysk. The reason for this is the direct funding from GAZPROM to indigenous people living there. GAZPROM⁶⁰ is the biggest Russian oil-gas company, which is located in Yamalo-Nenets Autonomous Okrug, the living area of small numbered indigenous people – Nenets people. GAZPROM covers all the transport expenses for indigenous students. It also has more developed wider private individual scholarships.

Every student who gets admitted through the quota system has to sign a contract. Depending on the conditions of the contract, which is different for each student, one can see the cost of preferential admission to higher institution. Arsen reflects this opinion about conditions that he is mandated to follow:

I have to work in my home area for 4-5 years, which is perfect for me. That is what I am planning to do. I do not like living in the cities, even in small towns. I feel myself much better in the village.⁶¹

Due to the different conditions of each student contract, it is hard to draw and analyze the general picture. However, from the interview with Arsen, I see that the conditions meet his expectations and future plans. He finds it also beneficial because it guarantees a job for him at the same time after completing education.

⁵⁸ The Global Diamond Report 2013

https://www.awdc.be/sites/awdc/files/Journey%20through%20the%20value%20chain_0.pdf

⁵⁹ Yamalo-Nenets Autonomous Okrug is a federal subject of Russia. The Nenets make up 5.9% of the population, preceded by ethnic Russians (61.7%)

⁶⁰ GAZPROM is the largest extractor of natural gas and one of the largest companies in the world. Medvedev, President of Russia (2008-2012) was a chairman of Gazprom in 2000-2001. Putin was the first President who took the control over Gazprom, and by that took the income from the oligarchs to the state. It believed informally in Russia that ones who owns Gazprom, owns a country, which is the truth in reality.

⁶¹ Informant 1, Arsen

4.3 CRITERIA FOR AFFIRMATIVE ACTION AT THE NORTH-EASTERN FEDERAL UNIVERSITY IN YAKUTSK

According to the Russian Government the indigenous small numbered peoples of the Russian Far North are indigenous peoples of Russia with each number less than 50,000 members, living in the Russian Far North and officially equivalent territories located in the European North of Russia, Siberia.⁶² The Law on the Legal Status of Indigenous People of the North (Point 1, Article 1) recognizes indigenous people in Sakha Republic (Yakutia) as peoples:

- who live in the traditional territories of their ancestors,
- who preserve a distinct way of life,
- who number less than 50 000 and who consider themselves an independent ethnic group. (Wessendorf, 2003)

Today forty indigenous peoples are officially recognized by the state.⁶³ The decision of using the number of population as the criteria to define indigenous small numbered peoples is explained as a bureaucratic reason. In my understanding, it has been done to simplify the systematization of indigenous people in Russia. There are 160 ethnic groups in Russia.⁶⁴ Because of the practical complications all national minorities and local ethnic groups cannot be defined as indigenous, since the definition of indigeneity also goes together with certain policies that are aimed towards them. I believe that Russian government simply would not be able to afford having numerous recognized indigenous people and therefore guarantee protection of their rights, as well as financial support. However, such Russian definition based on the size of the population does not meet the definition that is adopted by international law (The United Nation's definition). However, Russia as an independent state has the right to adopt the definition that suits to the particularities of the country and to state policies. It is important to note that Russia has not ratified the ILO Convention 169 as Norway has. Even though Russia endorsed the Declaration on the Rights of Indigenous People, this document does not require any provisions. Therefore, when one attempts to criticize the definition of indigenous people in Russia, it is necessary to take into the account such national features and

⁶² Decree of the Russian Government Nr 255 "On the Unified Register of Indigenous Small-Numbered Peoples of the Russian Federation", 24 March 2000

⁶³ *ibid*

⁶⁴ Ethnic groups in Russia, 2002 census, *Demoscope Weekly*. Retrieved 5 February 2009

to see that Russia tries to compromise and find the best way for itself to solve the *definition* problem.

As a solution, authorities in the Republic of Yakutia decided to stick to the geographical division, as Vitaly from the staff of the Department in Indigenous Issues explained:

All the implementations of affirmative action that we see today were working for ten years so far. Before 1998 instead of benefits for people living in allocated indigenous areas, there were direct actions towards small-numbered indigenous peoples. However, there were many issues about constitutional equality. So now there are instead benefits for people living in the traditional areas where indigenous people are located. Likewise all the scholarships based only on ethnicity are abolished.

To fit the criteria that are adopted by the North-Eastern Federal University in Yakutsk one must document:

- Certificate of birth
- Documentation of address registration
- Certificate of ethnic belonging inscribed in passport

As Vitaly emphasized all the scholarships based *only on ethnicity* are abolished, which means that the certificate of ethnicity must be supported by the documentation of address registration and certificate of birth. All three criteria must be documented to compete for a scholarship or quotas in admission.

The criteria are very formal and easy to document, which makes it very bureaucratic. In comparison to Norwegian criteria such points as self-identification and language skills are not made. However Arsen does not agree and considers self-identification as a vital part of the identity:

I personally think that the most important is self-identification. Language is pretty hard for us to use as a criteria, as well traditional knowledge. Generations of indigenous people were lost during Soviet Union, since all Evenki were registered as Yakut people, due to political reasons at that time. So now one can hardly find Evenk speaking people, all that we have gotten is self-identification.

The University requires as one of the main criteria documentation that one is living in the allocated areas of small numbered indigenous people. This basically gives an opportunity for everyone who lives in these areas to apply for scholarship. It does not indicate on the criteria about how many years one has been living in these areas. Such vague criteria can

cause some unwanted consequences and suspicious increase of, for instance Evenki people as my informant Arsen pointed out:

It is kind of ridiculous, we were 14 000 people in 2002 and now we are 22 000, which sounds fantastic. Some people think that it is because of the benefits that government started to provide. Many Yakut people falsify their ethnic identity to benefit from it. However, it might also be about those Evenki, who were too ashamed to recognize themselves as Evenki before.

It is problematic to argue about why the number of indigenous population is increasing so fast officially, while the language is dying and the traditional way of life as reindeer herding is decreasing. I have two assumptions that may explain the increase of Evenki population by 8000 people within twelve years. First one is the success of recognition policies that made certain conditions in the country to help indigenous people identify themselves as people belonging to an indigenous culture, so they would no longer “be ashamed” of being Evenki. The other reason may be in interest of people to get an advantage from the benefits that are provided from the State to indigenous people.

Concerning the issue that has been mentioned by Arsen about Yakut people falsifying their identity to get benefits, I can see Sissons point. He raises a discussion about consequences of using criteria of strong links to territories and surrounding natural resources for indigenous people (Sissons, 2005:16). Sissons argues that such criterion may have as consequences the questioning of authenticity of those indigenous people who adopted urban lifestyle, creating the possibility for almost any people with a subsistence-based culture to claim membership in indigenous communities (2005:16).

The last point to mention about the criteria is language. Generations of mother tongue speakers were lost during 70 years under the Soviet Union. Kirik, my other indigenous informant reflects the consequences of such policies: *“Of course I identify myself as Yukaghir, though I cannot properly speak the language. My parents did not want me to suffer learning a useless language.”*

4.4 DISCUSSION

Indigenous people in Russia as well as in rest of the world are among the most marginalized populations. First of all, most of indigenous people live in the distant areas where the infrastructure of the regions cannot always guarantee access to other educational institutions than school. For instance, citizens of bigger cities have opportunities to attend various centers of education and development, which definitely helps children to develop their skills in different artistic and scientific parts of general education. Russian authorities came up with the decision to support such distant areas where indigenous people live. I think that in such cases affirmative action contributes to equalizing the starting point for competition to get admitted to the university.

From another perspective, indigenous small numbered people are not the only groups that have difficulties with entering and completing higher educational institutions. Yakut people are not recognized by the state as indigenous people who can claim special rights due to population over fifty thousand people, though they also faced oppression by the majority groups and their cultures were in the same way threatened during the Soviet Union. But due to their high demographic scores Yakut people do not get any benefits and support from the state. It should be noted that Yakut people as other larger indigenous groups with population over fifty thousands are forced to get higher education in a second language for them too. Alexander, my informant who is ethnically Buryat expresses his opinion about affirmative action:

I do not think that affirmative action is a positive thing. I think that if the government would support them all the time, they will not appreciate it. I think that they can compete with all the others with the same conditions. And if affirmative action needs to be, then I think it should be for specialties relevant for them, for instance reindeer-herding.⁶⁵

Alexander has definitely a strong opinion about affirmative action. He emphasizes disadvantages of affirmative action referring that it is unfair in relation to majority groups. The main justification of affirmative action in this situation as well as throughout the thesis is a *right to be different*. As Kymlicka believes, affirmative action and special rights seem to be

⁶⁵ Informant 3 Alexander

discriminatory at first glance, since they allocate individual rights and political powers differentially on the basis of ethnicity, they are in fact consistent with liberal principles of equality (1992:140). Equality can be only when everyone have equal opportunities, affirmative action is about creating such equal possibilities for everyone equalizing starting points.

However, Alexander suggested his own solution as to apply affirmative action as only relevant for indigenous specialties such as reindeer herding. Though I see that if one expects indigenous people to have equal opportunities for university admission, one must consider that higher education is essentially a foreign institution for indigenous people, no matter which faculty, whether it is reindeer herding or economics. Therefore indigenous people in my eyes have the rights for assistance through affirmative action, if indigenous people are expected and/ or willing to get a higher education.

Alexander touched upon a very important discussion about the relevance of *western* education for indigenous people. My informant Arsen has shared his ambivalence about his education:

I would love to have reindeer herding as my profession, but I cannot. There are no conditions for that. First of all I was not taught by my parents and second of all, it is quite impossible to make living out of it. Also I am going to be educated as a teacher, and I want to be one, but it is not possible to combine reindeer herding and work at school at the same time.

This reflection makes me question the idea behind an affirmative action in Russia and in general towards indigenous people. The scale of affirmative action is rather small, though I found much resentment about indigenous people benefitting from the government during my field work. This policy seems more as a symbolic gesture from the state to show that indigenous people are not forgotten and to acknowledge difficulties that indigenous people are facing due to the invasion of colonizers regardless of the country, whether it is about Evenki people in Russia, Sami in Norway or Maori in New Zealand.

Unfortunately, in my eyes I see that assimilation is continuing. On a deeper level affirmative action is aimed to help indigenous people to fit into the western system. The main difference is that assimilation policies transformed and changed the tools from violent force to nice *acts of kindness* from the states, implemented by various programs of financial and admission support in higher education for indigenous representatives.

CHAPTER 5

Summary and conclusion

5.1 SUMMARY

In this thesis I explored the use of affirmative action, using two cases to illustrate affirmative action towards indigenous people in higher education at the Universities of Tromsø and Yakutsk. I discussed theoretical frameworks and background knowledge for understanding the needs of affirmative action for indigenous people. The main findings concern regulations of affirmative action and criteria that are required, the scope of implementations of policies of affirmative action and the attitudes towards affirmative action, summarized below.

Regulations and definitions

The definition of indigenous people is a complex issue that was discussed in the Chapter 2. The focus of my interest was the definitions adopted as regulations for affirmative action at the Universities in Yakutsk and Tromsø, which are very different.

First of all, there is only one recognized indigenous group in Norway who are targeted for affirmative action in higher education. Kven people are not mentioned in the regulations, while in Russia there are *48 small-numbered indigenous peoples* such as Evenki people and *21 larger indigenous peoples* such as Yakut people. This, of course, influences the mechanisms to define indigenous people. In Norway the state and the university needed to define criteria for one people. In Russia the state first distinguish indigenous groups by

population into two subcategories of small-numbered and larger indigenous peoples. The last ones are not recognized as peoples who can claim special rights as more endangered small-numbered indigenous people can. Therefore, when we discuss affirmative action in Yakutsk, we talk about regulations that apply only to small-numbered indigenous people.

Secondly, in Russia the main criterion to claim special rights, including assistance in higher education is a certificate of ethnicity which proves that the applicant belong to a group of small-numbered indigenous people. In Norway, ethnicity is not documented and is not considered as something that needs to be documented. Therefore, the institutions developed several criteria to define Sami people. The main criterion that one meets in the norms and regulations about Sami quota program or Sami scholarships is self-identification. This shows an individual choice of a person to be defined as Sami representative.

Finally, the criteria depend on the needs for affirmative action. In Russia most small-numbered indigenous people struggle to overcome distances. This has lead the state to choose 70 areas allocated for indigenous people. So, when applicants show a stamp from the passport about their address it they are identified as being from one of those allocated places. Such criteria work in North Norway too, but not only for Sami people. The North-Norwegian quota is aimed to recruit people from the North Norway and the criterion for that is to have lived the last ten years within North Norway. Sami people do not have to prove ethnicity; on the other hand, Sami quotas for admission require competence in the Sami language. This may be a bureaucratic solution to finding a more “objective criterion” than self-determination. It may also have to do with the need for Sami speakers in Sapmi. This was more relevant some decades ago when elderly Sami people in the rural areas did not speak Norwegian (Gaski, 2008). Even though the need for Sami translation is less significant than before, the criterion has been kept.

Generally, I would like to note that criteria for definition of indigeneity are more flexible in Tromsø, especially for the scholarships, while the quota programs in both cases require more strict regulations.

Scope of implementations

The scope of affirmative action towards indigenous people in higher education both in Yakutsk and Tromsø is rather small in my opinion. Considering the quota program, the University in Yakutsk grants 28 seats to indigenous representatives, while the University in Tromsø provides ten quota seats to Sami speakers yearly. Tromsø is located in North Norway and is the main higher educational institution for Sami people, aiming to recruit and emphasize Sami culture at the University as my informant Tor from the Arctic University of Norway administration emphasized. I therefore think that ten quota seats is a small number considering the capacity of the University to have nine thousands students. University in Yakutsk is not the only one in Russia that practice affirmative action towards indigenous people, but definitely takes one of the leading places in promoting and supporting indigenous issues. Still the quota program does not cover more than 28 students yearly.

When it comes to the scholarships, the scale of these two cases is quite different. The Arctic University of Norway has two types of scholarships for Sami students, one is the travel grant and the other one is single grant scholarship for students studying Sami language. Both scholarships are given to qualified students who apply for the scholarships; the number varies from one year to another. However, the recent trend, as Kristine from the Centre for Sami Studies notes, is a striking lack of applicants for scholarships. At the same time, a scholarship program for indigenous representatives look quite positive in Yakutsk, where every small-numbered indigenous representative who can fit into the requirements, gets a monthly scholarship, which a doubles the average monthly average scholarship at NEFU. Such different patterns of the scale of scholarships in Yakutsk and Tromsø can be explained by the different level of financial needs in both places. While in Norway every Norwegian citizen is guaranteed by financial support from the government (Lånkasse), the need for a scholarship in Norway is not as crucial as in Russia. Some of the small-numbered indigenous representatives entered higher education, as my informant Arsen did, due to the quota seat and guaranteed indigenous scholarship. Hence the scale of the support is seem to be equally small in both cases, which brings me to a general conclusion that affirmative action was not as large in Norway and Russia as I expected.

It is worth noting that in both Norway and Russia affirmative action was regulated and implemented by the state through state universities. Compared to the global tendencies of

affirmative action towards indigenous people this is very interesting. My initial web searches showed that in the countries such as United States, Canada, Australia and New Zealand most of the scholarships and grants are provided by NGOs and private individuals, particularly indigenous individuals. One may assume that this has to do with the longer history of indigenous movements and heretofore massive and harsh policies towards indigenous peoples in these countries, while in Norway the indigenous Sami movement started in 1970s and in Russia some attempts of indigenous movements started after the Fall of Soviet Union in 1991. Another reason why affirmative action provided mostly by the state institutions in Norway and Russia may be the fact that higher education is free in Norway and partially free of charge in Russia in contrast to the universities in USA, Canada, Australia and New Zealand, where private funding is required.

Attitudes of indigenous peoples towards the role of affirmative action

When I asked my informants from Yakutsk what they see as the biggest challenge for indigenous people, Arsen answered that *this might be the lack of recognition from the state, from the society and most importantly from the indigenous people themselves*. Arsen most likely meant by his words the lack of self-confidence of indigenous people. From my personal observations to be indigenous people as Yakut or small-numbered indigenous people as Evenki is perceived to be more backward and naïve than the majority group is. An interesting phenomenon is that Russian people tend to have paternalistic attitudes towards Yakut people, while Yakut people have same feelings towards Evenki people. Thinking about the concept of recognition by Taylor (1994) I see that misrecognized and suppressed people are more likely to suppress people minor to them, as the instance of Yakut people having condescending attitudes towards Evenki people.

The situation for Sami people in Northern Norway is very different than in Russia. I believe that such attitudes that Evenki people are experiencing now used to be more common in the past for Sami people. Sami movements in 1970s made a big step forward for recognition of Sami people, which led to a change in Norwegian Constitution, establishing Sami Parliament in Norway and later the Finnmark Act in 2005. So-called “arts of resistance” (Tully, 2000:37) as Sami people showed to Norwegian state by indigenous movements, have never played a big role or brought any social changes in Russia. Perhaps such passive

attitudes of indigenous people in Russia to their own position caused the lack of recognition both in the public and by government.

5.2 CONCLUSION

Research questions

Coming back to the goal of the study, I will try to summarize the findings of the research questions. Concerning the first research question to what extent intentions developed by the international law synchronized with their implementations as affirmative action to indigenous people, we saw that the scope of affirmative action was rather small compared to the total number of indigenous people. So, whether the intents were very positive, the small scope of implementations makes it rather a symbolic policy from the state to show their recognition to indigenous people. However, the different economic conditions of the states seems to have played a vital role in implementing intents, since it seems to be less complicated and sensitive for Norway as one of the wealthiest countries in the world to provide special rights to indigenous people, while both the economic and political current situation in Russia seems to be moving indigenous issues away from the relevant and urgent areas to get concentrated on.

Taking the second research question about the relevance of affirmative action in higher education for indigenous people, I would like to go back to the story that I introduced in the beginning of the thesis. Referring to my personal experience, I want to conclude that I no longer share a view on affirmative action as unfair privileges granted to indigenous people. That experience motivated me to explore the concept of affirmative action and the history of indigenous peoples. Surprisingly for myself, I changed my negatively critical position towards affirmative action for indigenous people in higher education after exploring justifications and needs for it. I absolutely support intents and justifications for affirmative action. However, instead of questioning justifications of affirmative action, I question implementations and the role of affirmative action for indigenous people now. Looking globally to the affirmative action for indigenous people, I see that it helps indigenous people to cope with the challenges to integrate with the majority society. But it does not help indigenous people in building their own structure of life based on their distinct culture that would equally be respected by the

majority society. Instead, it seems that affirmative action encourages indigenous people to adapt to the global system. This is not necessarily a negative point. An attempt to leave indigenous people on their own ended up by such unsuccessful practices as reservations. Ignorance and difference-blind policies of assimilation did not bring successful results either. So far, accommodation strategies in the case of Sami people seem to be more promising for now than previous external colonization and assimilation policies.

I see that indigenous people may struggle to get equal opportunities, and recognition by majority groups due to former experiences of discrimination and assimilation and cultural reasons as having own distinct culture, languages and values (Kymlicka, 1995). Therefore, accommodation policies have been supported by political theories that argued to replace difference-blind assimilation by recognizing uniqueness and difference of indigenous people. By giving special rights and assistance, including affirmative action in higher education, states promise indigenous people equal possibilities, so they can compete equally with majority representatives in a global market that was developed by majority groups. To the extent that indigenous people are having a choice whether they want to be accommodated to a dominant society or not, if they want to exercise this choice they need to be guaranteed equal access to the system of majority group. In this case indigenous people willingly and consciously enter to a path to be a part of the global market. To have a choice is a right, while to be limited in choice is discrimination.

Sami case and Yakut case

The Sami case in Northern Norway is very unique, because Sami people might be among the very few wealthy indigenous people in the world, who do not struggle economically compared to a majority group. The policies of accommodation work well at the Arctic University of Norway, as I think my study shows. The scale of affirmative action is not big, but having Lånekasse means there is less need for a bigger support from the state. According to my Sami informants, Ariel and Ella, they feel secure and confident in combining several identities, including both Norwegian and Sami ethnic identities. Both of them had a choice to define themselves as Sami or not. They made a choice to recognize and accept their Sami roots, while the state developed for them safe conditions to be recognized by the Norwegian state and Norwegian society through accommodation policies. Compared to

many other indigenous peoples, the case of the Sami in Norway appears to be —a story of success (Stordahl, 2008: 249). According to my observations, this resulted in the tendencies in Norway where Sami culture is more often a subject of pride and uniqueness than a target for discrimination or misrecognition.

Russia, in general, has a very different origin of relationships with its own indigenous people, especially compared to Norway. First of all, the definition of indigenous people in Russia does not co-relate with international law, it even contradicts it. According to Russian regulations, Yakut people do not meet requirement to claim special rights due to larger population, which is in my point of view is unfair towards Yakut (Sakha) people, because Yakut people just as any other recognized small-numbered indigenous people struggle with the same challenges having their distinct language and culture and values different from Russian ones. Tools of affirmative action do not really help small numbered indigenous people in preserving their culture. These mechanisms of assistance mainly focus to *overcome the distances* from the remote areas to the educational centers as the capital city of Yakutia. Affirmative action, especially in the quota program works similarly as North-Norwegian quota to develop rural northern areas, where indigenous people happen to be the majority of the population. Even though the scale of affirmative action in Yakutsk is not as big as one could have expected, still it has a significant role for indigenous people. In some cases, it is the only opportunity for small-numbered indigenous people to get an opportunity to have a higher education.

The goal of the study

The goal of the thesis was to explore the role of policies of affirmative action for indigenous people in higher education. After studying its use by states and its impact on indigenous peoples, I came to a conclusion that intentions of affirmative action with an aim to equalize opportunities of indigenous people to majority people justify regulations of affirmative action that may seem to be discriminatory at the first glance. However, practices of affirmative action in higher education in case of Norway and Russia are not large scale and did not bring as notable results as I would have expect from the intents of it. A main discovery for me was that both affirmative action and accommodation strategies could be seen as aspects of internal colonization. This also changed my personal perception of a negative

meaning of the concept of colonization, because I think the controversies and shortcomings of affirmative action for indigenous people in higher education can be explained by the existence of only one globally accepted concept of higher education.

The controversies over affirmative action became a part of the struggle of indigenous people to find a place within the educational systems designed by and for dominant populations. This struggle became evident at The Forum Conference on Education that was held in Tromsø in 2014. Formal education has historically been associated with a loss of language, culture, and traditional knowledge – coupled with low success rates within such education systems.⁶⁶ The Conference concluded with the slogan-challenge to work not only for education and knowledge, but *educations and knowledges*, giving by that a space for alternative educations for indigenous people (Hays, 2014).

Until these alternative educations and knowledges are developed and implemented, I believe that even though higher education works as a tool of internal colonization, everybody must have a right to it. Education for indigenous people was intended to encourage indigenous people to fight for their rights and recognition. We all are a part of the system of the globalized world where education or access to education plays a vital role in recognition of individuals and groups. So, to compete in one global market, due to an obvious lack of the alternatives, states, as well as the international law, use concepts of equality and a right to be different in order to equalize different people in competing for the same goals, as in our case higher education.

⁶⁶ 2014 SOGIP-FORUM conference on *Education, Learning and Indigenous Peoples' Rights: What knowledge, skills, and languages for sustainable livelihoods?* <http://site.uit.no/urfolksforum/fdcip-preliminary-program-2014/>

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