

APPENDIX

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in “the Former Yugoslav Republic of Macedonia”.

ECRI wishes to point out that the analysis contained in its report on “the Former Yugoslav Republic of Macedonia”, as indicated on page 7, is dated 16 October 1998, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of “the Former Yugoslav Republic of Macedonia” to engage in a process of confidential dialogue with ECRI on its draft text on “the Former Yugoslav Republic of Macedonia”, and a number of his comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the national liaison officer expressly requested that the following observations on the part of the authorities of “the Former Yugoslav Republic of Macedonia” be reproduced as an appendix to ECRI's report.

***OBSERVATIONS OF THE REPUBLIC OF MACEDONIA IN CONNECTION WITH THE ECRI
REPORT ON THE REPUBLIC OF MACEDONIA***

Part 1 - Legal aspects

Citizenship Law

Paragraph 4 - 6

Given the effects of the implementation of the Citizenship Law of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No 67/92), and following the European trend in the regulation of citizenship status, the Republic of Macedonia signed the European Convention on Nationality on 6 November 1997, i.e. on the first day of its opening for signature. This act clearly demonstrates the political will to harmonize the provisions of the said Law with the Convention provisions. In this context, preparing the ratification, on 12 January this year, the Government of the Republic of Macedonia adopted a Decision for establishment of an Expert Group which is to prepare the proposals for amendments and additions to the Citizenship Law in accordance with the European Convention on Nationality.

- I. As to the implementation of the Citizenship Law thus far, the Government of the Republic of Macedonia has undertaken a series of measures to provide for a transparent and non-discriminatory procedure:
- All regional units of the Ministry of Internal Affairs have received general guidelines to accept and then forward the applications to the Ministry of Internal Affairs, regardless of the fact whether the applicant has submitted all necessary documents or not;
 - Each applicant can directly communicate with the competent organ in the course of the procedure;
 - In order to assist citizens to regulate their residence or citizenship status as soon as possible, once a week the Ministry of Interior publishes appeals in the media, calling upon citizens to file their applications. The Ministry of Interior even forwards individual invitations to such persons, at their home addresses.
 - Concerning the conditions, no application has been negatively resolved due to non-fulfilment of the health condition; also, an administrative procedure for exemption from payment of the envisaged administrative fee is available;
 - The Ministry of Internal Affairs, according to inter alia the international standards for protection of personal data, does not keep records on the ethnic affiliation of the applicants;
 - There is three instance procedure for citizenship status; the two instance administrative procedure (the Ministry of the Interior as the decision making organ, and the Government competent for the appeal proceedings), and the third instance: lodging an appeal before the Supreme Court.
 - An excellent cooperation has been established with the National Ombudsman, the Office of the UN High Commissioner for Refugees, the OSCE Mission in Skopje and the Macedonian Helsinki Committee. There are joint examinations of individual files including the decisions rendered thereafter. The procedures and records are fully transparent and are at all times available to all domestic and international subjects.

According to the latest up to date data of 21 December 1998, 2.053.507 (out of which 58.967 citizens live abroad) persons regulated their citizenship status. Out of this number, 127.027 persons acquired their citizenship status upon a completed procedure, while all remaining citizens acquired their citizenship status ex officio. Out of the total number (132.747) of undertaken procedures (from 1992 until 21 December 1998), a total number of 5.720 negative

decisions were adopted (4.31%). As of the same date, there were 47 pending appeals before the Second Instance Commission at the Government of the Republic of Macedonia and 397 pending appeals before the Supreme Court.

- II. From the legal point of view, since the adoption of the 1991 Constitution of the Republic of Macedonia onwards, there were two periods in which citizens of the former Yugoslav republics, who had had legal residence on the territory of the Republic of Macedonia, could acquire the citizenship of the Republic of Macedonia, under privileged conditions and procedure.
- a) First period: In accordance with the then regulations, in order to change the citizenship of one of the former YU republics into the citizenship of another former YU republic, it was sufficient that the concerned person had freely expressed his/her will and had legally resided in the concerned former YU republic (regardless of the length of residence). In this context, all citizens of the former YU republics, who at that period legally resided on the territory of the Republic of Macedonia and who had applied for citizenship of the Republic of Macedonia acquired (or were able to acquire) the citizenship of the Republic of Macedonia, pursuant to the above mentioned privileged conditions and procedure.
 - b) Second period: In the period from 11 November 1992 (date of the adoption of the Citizenship Law of the Republic of Macedonia) until 11 November 1993, the same category of persons could acquire the citizenship of the Republic of Macedonia pursuant to the transitional provision contained in Article 26, paragraph 2 of the Law on the Citizenship of the Republic of Macedonia.

In accordance with the principle of "unity of citizenship" all citizens of the former Yugoslavia were at the same time citizens of one of the six federal units. Consequently, after the dissolution of the former federation there was not a category of persons who had remained without citizenship, i.e., statelessness was simply impossible. Those persons who have acquired the citizenship of the other states-successors to the former SFRY, having a permanent residence in the Republic of Macedonia, may not use the transitional norm, but may use naturalization as the legal basis for acquiring citizenship. The procedures for acquiring citizenship on the basis of the transitional norms and the procedure for acquiring citizenship on the basis of the naturalization norms are different as to their substance as well as to their ratio legis.

Paragraph 29

The disputed provisions of the Law on Religious communities and Religious Groups referred to in this paragraph have been abolished, On the initiative of the Christian Baptist Church "Radosna Vest" - Skopje and other religious groups, the Constitutional Court of the Republic of Macedonia, at its session held on 23 and 24 December 1998, abolished Articles 3(1), 10, 11(2), 13, 14 and 22(2) of the Law on Religious Communities and Religious Groups, declaring these provisions unconstitutional.