

Invisible Ageing: Statelessness, Ethnicity and Ageing in North Macedonia Through an Intersectional Lens

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When Yugoslavia broke apart and new states emerged, many people were left without citizenship. What does it mean to grow old as a stateless person is illustrated by the example of the Romani in North Macedonia.



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Citizenship or nationality is a gateway to securing additional human rights, paradoxically dependent upon one's status. In *The Origins of Totalitarianism*, Hannah Arendt refers to this dependence as "the right to have rights."^[1] The conceptual paradox lies in the fact that mere human existence does not ensure the guarantee of human rights; rather, these rights are conferred through citizenship status.^[2] The lack of such status leads to statelessness. Stateless persons are often deprived of basic human rights including recognition of legal identity from birth, healthcare, access to education, lawful employment, right to official marriage, social welfare, property ownership, participation in political life, freedom of movement and even dignity of a documented death and formal burial.^[3] Though recognized as universal and fundamental human rights, in practice, they seem to be largely afforded solely to citizens and legal residents. Deprived of the legal recognition and protections afforded by citizenship, stateless persons are exposed to human rights violations and excluded from accessing essential services. In the absence of legal identity and status, individuals classified as stateless are frequently referred to

as “invisible,” “phantoms,” or “foreigners in their own country,” marginalised and excluded from society.

Dimitry Kochenov regards citizenship as a strategic instrument to control the populations, fostering complacency and preserving the state of injustice.^[4] Citizenship is often seen as a status of ensuring equality among those recognized as citizens, but also acts as a tool for exclusion of individuals failing to meet the established requirements, which in turn profoundly affects their access to basic human rights.

This blog article explores statelessness, ethnicity, and ageing through an intersectional lens, focusing on members of the Romani community in North Macedonia who either lost their citizenship following the collapse of Yugoslavia or were born and remain stateless due to challenges in navigating complex bureaucratic systems.

International Definition of "Statelessness"

“[...] the term ‘stateless person’ means a person who is not considered as a national by any State under the operation of its law.”

Article I (1), 1954 UN Convention relating to the Status of Stateless Persons

The Collapse of the Former Yugoslavia and the Impact of Statelessness

In Southeast Europe, statelessness disproportionately affects Romani communities, one of the, if not the most marginalised and disadvantaged ethnic groups in Europe. The dissolution of Yugoslavia and the implementation of exclusionary citizenship laws in the successor states, combined with issues like non-registration of births or the destruction of civil registries, left many Romani stateless in the newly independent countries.

Determining the precise number of stateless individuals within the Romani communities is challenging due to the hidden nature of the issue and their reluctance to self-identify as Romani, stemming from the longstanding history of discrimination and marginalisation.^[5] Furthermore, statistical data related to statelessness remains unreliable – even more so in the context of post-Yugoslav successor states that struggle to come up with credible censuses. The Romani people suffered not only the aftermath of the war which left them victims of mass displacement, but also entrenched institutional racism.^[6] These factors have made statelessness a particularly acute issue among the Romani communities, making the disproportionate impact unsurprising.

Statelessness frequently arises from deficiency in the rule of law, including discriminatory policies, arbitrary legal provisions, inadequate birth registration, and difficulties in obtaining civil documents.^[7] These problems are

aggravated by factors like armed conflict and mass displacement.^[8]

Most often in cases of state succession, minority groups associated with either the previous state formation or a so-called parent state are disproportionately denied citizenship, primarily due to discriminatory motives.^[9] Romani have not only faced mass displacement due to armed conflicts, but also persistent institutional racism which have exacerbated their risk of statelessness. Such practices accompanied by discrimination and systemic obstacles, leave them without identification documents posing effective barriers to their education rights, healthcare, legal employment, legal identity and political participation. Stateless Romani are disabled to enroll their children in schools, get a job, access public healthcare or afford a private one, challenge their situation before the judicial systems or participate in elections.

The newly enacted 1992 Citizenship Law following Macedonia's independence allowed a one-year window for citizens of the former Yugoslavia to apply for Macedonian citizenship, requiring documented proof of minimum fifteen years residency, financial means and language proficiency.^[10] Failure to file an application or inability to provide documents, resulted in statelessness.

Romani often lived in informal settlements, making it difficult to provide evidence of permanent residence. Furthermore, this was compounded by frequent migration patterns, where Romani migrated between regions and countries for better opportunities, which in addition hindered their ability to maintain a legal residence. Hence, they were rendered stateless due to lack of documents and systemic discrimination. Some individuals are born stateless, others become stateless later in life, and some families have been carrying the plight of statelessness from one generation to the next.^[11]

Intersectionality of Statelessness and Ageing

The far-reaching consequences of statelessness—particularly the denial of legal identity, access to services, and social participation—are amplified as people age. For older stateless adults, these challenges intersect with the complexities associated with ageing, creating compounded barriers to dignity and well-being. Understanding this intersection requires a nuanced approach that accounts for the overlapping factors of ethnicity, socioeconomic status, and legal exclusion.

Ageing has been conceptualised and frequently reduced to homogenised narratives and discourses, overlooking the diverse and nuanced experiences of older adults. Even the term *older adult* has been subject to diverse interpretations, reformulations and definitions. Different individuals among older adults possess distinct resources, opportunities, and strategies for navigating everyday life. This complexity of 'ageing' necessitates an intersectional approach and recognizing the individuality of ageing experiences additionally shaped by multiple and frequently overlapping factors, including but not limited to race, gender, ethnicity, socio-economic status and citizenship.

In 1989, Kimberlé Crenshaw introduced the concept of intersectionality to address gender inequality and discrimination, underlining the multiple factors that shape identity including race, class, ethnicity, and more, beyond gender.^[12] Understanding the manner in which these intersecting factors influence ageing is essential not only for challenging homogenised representations of ageing and combating ageism, but also for developing more inclusive policies that address the diverse needs of older adults. Ageing experiences among older adults vary significantly. Older adults from ethnic/national minorities may face distinct challenges, while statelessness poses an additional layer of alienation and marginalisation, as stateless persons are devoid of citizenship rights. Both ageing and statelessness are intricate phenomena that necessitate an intersectional approach to fully understand their complexities. Statelessness represents a multifaceted human rights violation requiring analysis and resolution through an intersectional lens.

Stateless Romani Older Adults in North Macedonia

Stateless older adults, particularly those belonging to national minorities in North Macedonia, face profound social marginalisation and exclusion from essential rights, services, and full societal participation. Many have navigated statelessness from the time of the country's independence all the way into their pension years. Despite being previously citizens of the former Yugoslavia, they have been excluded from the formal labour market, denied access to social benefits and have no entitlement to pension rights. Healthcare represents a particular challenge in the cases of statelessness, as seeking medical assistance through the state-run system has been disabled by lack of identification and personal documents. Stateless older adults have been compelled to rely on the goodwill of medical professionals for medical care.^[13]

The inability to participate in civic and political life, access justice or influence decisions further deprives stateless older adults of dignity in ageing. As Aleksandra Efremova, Statelessness Advocacy Officer at Macedonian Young Lawyers Association states:

[Stateless older adults] group includes persons in those years who lived through the collapse of former Yugoslavia. They are a vulnerable category of people. They cannot access their right to pension or other social rights. Hence, the quality of life is lower. They do not have access to healthcare. Because of this, I believe their lifespan is shorter, at least this is my perception. I believe that statelessness impacts all spheres of their lives, and not only of the lives of stateless persons, but also their family.

Age, gender, and diversity factors may require additional safeguards to ensure individuals can obtain nationality documents and access civil registration or statelessness determination procedures.^[14] It is essential to acknowledge the modest interventions through which statelessness can be effectively addressed, prevented, and resolved, as opposed to the substantial societal cost that may occur when such measures are not undertaken and statelessness is not addressed and prevented. The example of stateless Romani in North Macedonia demonstrates the significant societal costs incurred by prolonged statelessness, as decades of exclusion from the system hinder opportunities for full societal participation, including work and social contributions, leaving individuals unsupported in old age and creating complex administrative labyrinths to be navigated by state authorities and stateless individuals.

Progress and Challenges in North Macedonia

The number of stateless persons in North Macedonia has declined over the years, with some people having regulated their status as foreigners and obtaining residence permits or even acquiring citizenship. However, unresolved cases of statelessness still remain. The official census results published in March 2022 revealed that there were 584 people identified as stateless, but the numbers are presumed to be higher.^[15] According to the reports by the United Nations High Commissioner for Refugees (UNHCR), by January 2024, 511 of 786 identified stateless individuals obtained their first identification document, while the remaining 275 individuals are currently undergoing the process of document issuance.^[16] North Macedonia has pledged to address all known cases of statelessness by the end of 2024 as part of its commitment to the UNHCR's #IBelong Campaign and the Sustainable Development Goal 16.9 which promotes legal identity for all.^[17] The country is actively working toward resolving these cases and has made substantial progress by adopting legislative reforms in line with the international conventions on statelessness. North Macedonia has acceded to both 1954 and 1961 UN Statelessness Conventions which are at the heart of international efforts to tackle statelessness.^[18] Nevertheless, it has implemented significant legislative reforms to address statelessness and ensure civil registration. Crucial measures include mandatory birth registration within 45 days regardless of the parent status,^[19] simplified procedures for undocumented individuals,^[20] simplified residence registration procedure for obtaining identity documents, safeguards to prevent childhood statelessness,^[21] expedited citizenship acquisition for former Yugoslav citizens and stateless individuals,^[22] as well as durable solutions for Kosovo refugees.^[23]

Conclusion

In conclusion, it can be said that statelessness is not merely a legal anomaly but a profound human rights crisis with far-reaching implications, particularly for older adults. North Macedonia's efforts are commendable, having placed the domestic legislation on the right path toward addressing and resolving all known cases of statelessness. However, there is no statelessness determination procedure or statelessness protection status, both of which are crucial for identifying and preventing statelessness.^[24] Furthermore, since the legislative reform is recent, the practical implementation of these safeguards, along with potential challenges, requires careful consideration, ongoing monitoring, sustained commitment, and inclusive policies to ensure no one remains invisible.

Bibliography

^[1] Arendt, H. (2017). *The Origins of Totalitarianism*. Penguin Books, p. 388.

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^[3] Organization for Security and Co-operation in Europe & United Nations High Commissioner for Refugees. (2017). *Handbook on Statelessness in the OSCE Area: International Standards and Good Practices*, p. 5, 10.

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^[5] European Network on Statelessness (2017). *Roma Belong - Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine*, p.17.

^[6] Lee, J. (2018). How Roma are made Stateless for Generations. *New Internationalist*. Retrieved at: <https://newint.org/features/web-exclusives/2018/01/24/roma-stateless-for-generations>. Last accessed 28.10.2024.

^[7] Organization for Security and Co-operation in Europe & United Nations High Commissioner for Refugees. (2017). *Handbook on Statelessness in the OSCE Area: International Standards and Good Practices*, p. 5-9.

^[8] Ibid.

^[9] Institute for Statelessness and Inclusion (2014). *The World's Stateless*. Wolf Legal Publishers, p.24.

^[10] Official Gazette of the Republic of Macedonia. (1992). Decree for the Proclamation of the Law on Citizenship of the Republic of Macedonia. Retrieved from: <https://mvr.gov.mk/Upload/Documents/1.Zakon%20za%20drzavjanstvoto%20na%20RM%2067-92.pdf>. Last accessed 19.11.2024.

^[11] Organization for Security and Co-operation in Europe & United Nations High Commissioner for Refugees. (2017). Handbook on Statelessness in the OSCE Area: International Standards and Good Practices, p. 9. A similar scenario unfolded with the so-called “erased” in Slovenia – individuals who, in the aftermath of the Yugoslav wars, failed to inform the authorities of their decision to take citizenship of the newly independent Slovenian state and despite being born there were rendered stateless. For more information, see Sunjic, M.: UNHCR urges Slovenia to resolve the problem of its “erased cases”. Retrieved at: [*UNHCR urges Slovenia to resolve the problem of its “erased cases” | UNHCR*](#). Last accessed 11.12.2024.

^[12] Crenshaw, K. (1989). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics., University of Chicago Legal Forum, (1), p. 139-167.

^[13] Лица без државјанство – Странци во сопствената држава /Stateless persons- Foreigners in their own country. Retrieved from: <https://www.youtube.com/watch?v=dq3Gga62E3s>. Last accessed 09.10.2024.

^[14] Organization for Security and Co-operation in Europe & United Nations High Commissioner for Refugees. (2017). Handbook on Statelessness in the OSCE Area: International Standards and Good Practices, p. 18.

^[15] European Network on Statelessness (2022). Statelessness Index Survey 2022: North Macedonia. Retrieved at: <https://index.statelessness.eu>. Last accessed 28.10.2024.

^[16] United Nations High Commissioner for Refugees. (2024, February). *North Macedonia fact sheet*. ReliefWeb. Retrieved from: <https://reliefweb.int/report/republic-north-macedonia/unhcr-north-macedonia-fact-sheet-february-2024>. Last accessed 22.11.2024.

^[17] Ibid.

^[18] Organization for Security and Co-operation in Europe & United Nations High Commissioner for Refugees. (2017). Handbook on Statelessness in the OSCE Area: International Standards and Good Practices: 13.

^[19] In June 2023, the Parliament adopted amendments to the Law on Civil Registry, with Article 4-a being a significant change that mandates immediate registration of every child born within the territory of North Macedonia no longer than 45 days after birth regardless of parents’ status. Refer to European Network on Statelessness (2022). Statelessness Index Survey 2022: North Macedonia. Retrieved at: <https://index.statelessness.eu/country/north-macedonia>. Last accessed 28.10.2024.

^[20] In June 2023, the Parliament passed amendments to the Law on Civil Registry to address the situation of the remaining 700 individuals lacking personal documentation, identified through the 2018 Government-led public

call. These amendments establish a simplified and expedited procedure for birth registration, with the goal of ensuring that all individuals identified in the public call are registered in the regular birth register by the end of 2023. Refer to European Network on Statelessness (2022). Statelessness Index Survey 2022: North Macedonia. Retrieved at: <https://index.statelessness.eu/country/north-macedonia>. Last accessed 28.10.2024. .

^[21] Following the most recent amendment in 2022, the Law on Citizenship now incorporates provisions aimed at preventing childhood statelessness. These provisions include granting nationality to foundlings and children whose parents have no citizenship. Refer to Law on Citizenship of the Republic of North Macedonia, Amendment 67/22, Article 6. Official Gazette of the Republic of Macedonia”, No. 67/92, 8/04, 98/08, 158/11 and 55/16 and Official Gazette of the Republic of North Macedonia No. 174/21 and 67/22. Retrieved at: <https://www.refworld.org>. Last accessed 08.11.2023.

^[22] In August 2021, the Parliament adopted the amendments to the Law on Citizenship, which enables former Yugoslav citizens who have resided in North Macedonia to acquire citizenship through naturalisation in a shorter procedure and being exempted from certain requirements applicable to foreigners. Refer to Decree for the voting of the law on amending and supplementing the law on citizenship of the Republic of North Macedonia. a n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: Retrieved at: <https://mvr.gov.mk/zakon/11> (MK). Last accessed 08.11.2023.

^[23] In December 2023, amendments on the Law on foreigners were adopted by the Parliament which provided durable solutions for the remaining Kosovo refugees in North Macedonia. Refer to United Nations High Commissioner for Refugees. (2024, February). *North Macedonia fact sheet*. ReliefWeb. Retrieved from: <https://reliefweb.int/report/republic-north-macedonia/unhcr-north-macedonia-fact-sheet-february-2024>. Last accessed 22.11.2024.

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