

The Problems of Issuing Nationality under the Blood Right to the Mother

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Abstract

It is usually dependent upon the father's parentage to give any one the original nationality under the blood right. However, the parentage is transferred to the mother in the case of unproved Father's parentage, or if one's father's nationality is unknown, so that the mother can give her child her nationality as a secondary role in contrast to the original role of the father. But this really opposes the equality principle between the two parents in this regard.

After checking the Arab countries view of affirming or gaining the mother's nationality, it has been found that many countries have maintained their legislation through the negligence of that principle, (as in Lebanon, the United Arab Emirates, and Jordan). In contrast, countries such as Egypt, Algeria, Iraq, and Morocco have adapted to foreign laws without any problems in affirming the equality principle within clear and direct text.

While legislators in Syria still maintain the nationality law which was designed and issued in the legislative decree 276/1969. Although the Syrian Arab Republic signed the CEDAW, (which concerns the abolition of all types of discrimination against women), it expressed a reservation on the second paragraph of article No.9, which accepts all types of equality between the mother and father other than transferring the nationality to the mother's children.

For that reason many legal and social campaigns have demanded an amendment to the provision of the Syrian nationality 276/1969 and to abandon that specific reservation.

Finally the question is: is there a need for that amendment?

In the absence of amendment, is there an alternative legal solution.?