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THE STATE

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In the Name of Allah, the Compassionate, the Merciful

THE WHITE BOOK

THE BASIC LAW OF THE SULTANATE OF OMAN

(translation not officially approved)

Royal Decree No. 101/96

On the Issue of the Basic Law of the State

We, Qaboos bin Said, Sultan of Oman, In confirmation of the principles which have guided State policy in various fields during the past period, and in asserting our determination to continue efforts to create a better future characterised by further achievements which will bring benefits to the Country and its Citizens.

And in our determination to strengthen Oman's international position and its role in establishing the foundations of peace, security, justice and co-operation between different States and Peoples.

And in accordance with the exigencies of the public interest, have decreed the following:

Article (1) The issue of the Basic Law of the State in accordance with the attached form of words.

Article (2) This Decree shall be published in the Official Gazette and shall come into force with effect from its date of issue.

Issued on: 24 Jumada al Akhira 1417 AH

Corresponding to: 6 November 1996

(Signature)

QABOOS BIN SAID

SULTAN OF OMAN

Part One

Basic Law of the State

The State and the system of Government:

Article (1) The Sultanate of Oman is an independent, Arab, Islamic, fully sovereign state

with Muscat as its capital.

Article (2) The religion of the State is Islam and the Islamic Shariah is the basis of legislation.

Article (3) Arabic is the official language of the State.

Article (4) The law shall determine the State's Flag, its Emblem, its decorations and medals and its National Anthem.

Article (5) The system of government is an hereditary Sultanate in which succession passes to a male descendant of Sayyid Turki bin Said bin Sultan. It is a condition that the male who is chosen to rule should be an adult Muslim of sound mind and a legitimate son of Omani Muslim parents.

Article (6) Within three days of the position of Sultan becoming vacant, the Ruling Family Council shall determine upon who will succeed to the Throne.

If the Ruling Family Council does not agree upon a successor, the Defence Council shall confirm the appointment of the person designated by the Sultan in his letter to the Family Council.

Article (7) Before exercising his powers the Sultan shall swear the following oath at a joint session of the Oman and Defence Councils:

"I swear by Almighty God to respect the Basic Law of the State and the Laws, to fully protect the interests and freedoms of the citizens, and to preserve the independence of the country and its territorial integrity."

Article (8) The Government shall continue to conduct its business as usual until the Sultan is chosen and begins to exercise his powers.

Article (9) Rule in the Sultanate shall be based on justice, Shura Consultation and equality. Citizens shall have the right to take part in public affairs - in accordance with this Basic Law and the conditions and circumstances defined in the Law.

Part Two

Principles Guiding State Policy

Article (10) Political principles:

- Preserving the State's independence and sovereignty, protecting its security and stability, and defending it against all forms of aggression.
- Reinforcing co-operation and reaffirming ties of friendship with all States and peoples on a basis of mutual respect, common interest, non-interference in internal affairs, compliance with international and regional charters and treaties, and the generally

recognised principles of international law, in a manner conducive to the promotion of peace and security between States and Peoples.

- Laying suitable foundations for the establishment of the pillars of genuine Shura Consultation, based on the national heritage, its values and its Islamic Shariah, and on pride in its history, while incorporating such contemporary manifestations as are appropriate.
- Establishing a sound administrative system that guarantees justice, tranquillity and equality for citizens, ensures respect for public order and safeguards the higher interests of the country.

Article (11) Economic principles:

- The basis of the national economy is justice and the principles of a free economy. Its chief pillar is constructive, fruitful co-operation between public and private activity. Its aim is to achieve economic and social development that will lead to increased production and a higher standard of living for citizens, in accordance with the State's general plan and within the limits of the Law.
- Freedom of economic activity is guaranteed within the limits of the Law and the public interest, in a manner that will ensure the well-being of the national economy.
- The State encourages saving and oversees the regulation of credit.
- All natural resources are the property of the State, which safeguards them and ensures that they are properly utilised while taking into account the requirements of State security and the interests of the national economy. No concession may be granted, nor may any of the country's public resources be exploited, except in accordance with the Law and for a limited period of time, and in such a manner as to preserve national interests.
- Public property is inviolable. The State shall protect it, and citizens and all other persons shall preserve it.
- Private property is protected. No-one shall be prevented from disposing of his property within the limits of the Law. Nor shall anyone's property be expropriated, except for the public benefit in those cases defined by the Law and in the manner stipulated by the Law, and on condition that the person whose property is expropriated receives just compensation for it.
- Inheritance is a right governed by the Shariah of Islam.
- Confiscation of property is prohibited and the penalty of specific confiscation shall only be imposed by judicial order in circumstances defined by the Law.
- The basis of taxes and public dues shall be justice and the development of the national economy.
- The institution, adjustment and cancellation of public taxes shall be by virtue of the

Law. No one may be exempted from payment of all or part of such taxes except in circumstances defined in the Law.

No tax, fee or other entitlement of any kind may be applied retrospectively.

Article (12) Social Principles:

- Justice, equality and equality of opportunity between Omanis are the pillars of society, guaranteed by the State.
- Co-operation, compassion, strong ties between citizens, and the reinforcement of national unity are a duty. The State shall prevent anything that could lead to division, discord, or the disruption of national unity.
- The family is the basis of society, and the Law regulates the means of protecting it, safeguarding its legal structure, reinforcing its ties and values, providing care for its members, and creating suitable conditions for the development of their aptitudes and capabilities.
- The State guarantees assistance for the citizen and his family in cases of emergency, sickness, incapacity and old age in accordance with the social security system. It also encourages society to share the burdens of dealing with the effects of public disasters and calamities.
- The State cares for public health and for the prevention and treatment of diseases and epidemics. It endeavours to provide health care for every citizen and to encourage the establishment of private hospitals, clinics and other medical institutions under State supervision and in accordance with the rules laid down by Law. It also works to conserve and protect the environment and prevent pollution.
- The State enacts laws to protect the employee and the employer, and regulates relations between them. Every citizen has the right to engage in the work of his choice within the limits of the Law. It is not permitted to impose any compulsory work on anyone except in accordance with the Law and for the performance of public service, and for a fair wage.
- Public employment is a national service entrusted to those who carry it out. The State employees while performing their work shall seek to serve the public interest and society. Citizens are considered equal in taking up public employment according to the provisions of the Law.

Article (13) Cultural Principles:

- Education is a fundamental element for the progress of society which the State fosters and endeavours to make available to all.
- Education aims to raise and develop general cultural standards, promote scientific thought, kindle the spirit of enquiry, meet the needs of the economic and social plans, and create a generation strong in body and moral fibre, proud of its nation, country and heritage, and committed to safeguarding their achievements.

- The State provides public education, combats illiteracy and encourages the establishment of private schools and institutes under State supervision and in accordance with the provisions of the Law.
- The State fosters and conserves the national heritage, and encourages and promotes the sciences, literature, and scientific research.

Article (14) Security Principles

- The State's goal is peace, and safeguarding the country's security is a duty entrusted to every citizen.
- The Defence Council studies matters concerning the maintenance of the Sultanate's security and its defence.
- It is the State alone that establishes the Armed Forces, public security organisations and any other forces. They are all the property of the nation and their task is to protect the State, safeguard the safety of its territories and ensure security and tranquillity for its citizens. No institution or group may set up military or paramilitary organisations. The Law regulates military services, general or partial mobilisation and the rights, duties and disciplinary rules of the Armed Forces, the public security organisations and any other forces the State decides to establish.

Part Three

Public Rights and Duties

Article (15) Nationality is regulated by the Law. It may not be forfeited or withdrawn except within the limits of the Law.

Article (16) It is not permitted to deport or exile citizens, or prevent them from returning to the Sultanate.

Article (17) All citizens are equal before the Law, and they are equal in public rights and duties. There shall be no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile or social status.

Article (18) Personal freedom is guaranteed in accordance with the Law. No person may be arrested, searched, detained or imprisoned, or have his residence or movement curtailed, except in accordance with the provisions of the Law.

Article (19) Detention or imprisonment is not permitted, except in the places designated for that purpose in the prison laws, which provide for health care and social welfare.

Article (20) No person shall be subjected to physical or psychological torture, enticement or humiliating treatment, and the Law lays down the punishment for anyone who is guilty of such actions. No statement shall be valid if it is established that it has been obtained as a result of torture, enticement or humiliating treatment, or threats of such measures.

Article (21) There shall be no crime and no punishment except in accordance with the criteria of a Law, and there shall be no punishment except for actions cognisable in Law. Punishment is personal not transferable.

Article (22) An accused person is innocent until proven guilty in a legal trial which ensures him the essential guarantee to exercise his right of defence according to the Law. It is prohibited to harm the accused either bodily or mentally.

Article (23) The accused has the right to appoint a person who has the ability to defend him during the trial. The Law defines the circumstances which require the presence of a lawyer on behalf of the accused and guarantees those without the financial capacity, the means to resort to justice and the defence of their rights.

Article (24) Anyone who is arrested shall be notified of the causes of his arrest immediately and he shall have the right to contact whoever he sees fit, to inform them of what has taken place or seek their assistance, in the manner regulated by the Law. He must be informed promptly of the charges against him, and he and his representative shall have the right to appeal before the judicial authorities against the measure which has restricted his personal freedom. The Law regulates his right of appeal in a manner which ensures that a judgement will be issued on it within a specified period, failing which he must be released.

Article (25) The right to litigation is sacrosanct and guaranteed to all people. The Law defines the procedures and circumstances required for exercising this right and the State guarantees, as far as possible, that the judicial authorities will reconcile the litigants and settle cases promptly.

Article (26) It is not permitted to perform any medical or scientific experiment on any person without his freely given consent.

Article (27) Dwellings are inviolable and it is not permitted to enter them without the permission of the owner or legal occupant, except in the circumstances specified by the Law and in the manner stipulated therein.

Article (28) The freedom to practise religious rites in accordance with recognised customs is guaranteed provided that it does not disrupt public order or conflict with accepted standards of behaviour.

Article (29) Freedom of opinion and expression, whether spoken, written or in other forms, is guaranteed within the limits of the Law.

Article (30) Freedom of postal, telegraphic, telephonic and other forms of communication is sacrosanct and their confidentiality is guaranteed. Hence, it is not permitted to monitor or inspect them, reveal their contents, or delay or confiscate them except in circumstances defined by the Law and in accordance with the procedures laid down therein.

Article (31) Freedom of the press, printing and publication is guaranteed in accordance

with the conditions and circumstances defined by the Law. It is prohibited to print or publish material that leads to public discord, violates the security of the State or abuses a person's dignity and his rights.

Article (32) Citizens have the right of assembly within the limits of the Law.

Article (33) The freedom to form associations on a national basis for legitimate objectives and in a proper manner, in a way that does not conflict with the stipulations and aims of this Basic Law, is guaranteed under the conditions and in the circumstances defined by the Law. It is forbidden to establish associations whose activities are inimical to social order, or are secret, or of a military nature. It is not permitted to force anyone to join any association.

Article (34) Citizens have the right to address the public authorities on personal matters or on matters related to public affairs, in the manner and on the conditions laid down by the Law.

Article (35) Every foreigner who is legally resident in the Sultanate shall have the right to protection of his person and his property in accordance with the Law. Foreigners shall have regard for society's values and respect its traditions and customs.

Article (36) Extradition of political refugees is prohibited. Extradition of criminals is subject to the provisions of international laws and agreements.

Article (37) Defence of the homeland is a sacred duty, and rendering service in the Armed Forces is an honour for citizens regulated by the Law.

Article (38) Preserving national unity and safeguarding State secrets is a duty incumbent upon every citizen.

Article (39) Payment of taxes and public dues is a duty in accordance with the Law.

Article (40) Respect for the Basic Law of the State and the laws and ordinances issued by the public authorities, as well as observance of public order and public morals, is a duty incumbent upon all residents of the Sultanate.

Part Four

The Head of State

Article (41) The Sultan is the Head of State and the Supreme Commander of the Armed Forces. His person is inviolable and must be respected and his orders must be obeyed. The Sultan is the symbol of national unity as well as its guardian and defender.

Article (42) The Sultan discharges the following functions:

- preserving the country's independence and territorial integrity and assuring its internal and external security, maintaining the rights and freedoms of its citizens, guaranteeing the rule of law, and guiding the general policy of the State.

- taking prompt measures to counter any threat to the safety of the State or its territorial integrity, the security and interests of its people, or the smooth running of its institutions.
- representing the State both internally and externally in all international relations.
- presiding over the Council of Ministers or appointing a person to serve in that position.
- presiding over the Specialised Councils or appointing chairmen for them.
- appointing and dismissing Deputy Prime Ministers, Ministers and those of their rank.
- appointing and dismissing Under-Secretaries, General Secretaries and those of their rank.
- appointing and dismissing senior judges.
- declaring a state of emergency, general mobilisation, or war, and making peace in accordance with the provisions of the Law.
- issuing and ratifying laws.
- signing international treaties and agreements in accordance with the provisions of the Law (or authorising a signatory to sign them) and issuing decrees ratifying them.
- appointing and dismissing political representatives to other States and international organisations according to the limits and circumstances laid down by the Law. Accepting accreditation of representatives of States and international organisations.
- waiving or commuting punishments
- conferring honours, decorations and military ranks.

Article (43) The Sultan shall be assisted in drafting and implementing the general policy of the State by a Council of Ministers and Specialised Councils.

The Council of Ministers

Article (44) The Council of Ministers is the body entrusted with implementing general State policies. In particular it shall :

- submit recommendations to the Sultan on economic, political and social, as well as executive and administrative matters of concern to the Government, and propose draft laws and decrees.
- foster the welfare of citizens and ensure the provision of health and other essential services in order to improve the quality of their life socially and culturally as well as economically.

- formulate aims and general policies for economic, social, and administrative development and propose methods of implementing these policies which will make the best use of financial, economic and human resources.
- discuss developmental plans prepared by the relevant departments, submit them to the Sultan for approval, and follow up their implementation.
- discuss proposals by Ministries in their fields of executive jurisdiction and make appropriate recommendations and decisions in this regard.
- oversee the smooth running of the State's administrative apparatus, follow up its performance of its duties , and co-ordinate the activities of its different departments.
- monitor the implementation of all laws, decrees, ordinances and decisions, as well as treaties and agreements and court judgements, in a manner that will ensure that they are complied with.
- discharge any other competencies vested in it by the Sultan or conferred upon it by the provisions of the Law.

Article (45) The Head of the Council of Ministers shall preside over the Council's sessions and has the right to entrust the chairmanship of sessions, which he does not attend, to one of the Deputy Prime Ministers. If the Prime Minister and his Deputies are absent, the Sultan will authorise whoever he sees fit to chair the sessions.

Article (46) Meetings of the Council shall be quorate with the attendance of a majority of its members. Its deliberations are secret and its decisions are issued with the approval of a majority of those present.

Article (47) The Council of Ministers shall draw up Standing Orders including its Rules of Procedure. The Council shall have a General Secretariat which will be provided with a sufficient number of staff to assist it in carrying out its work.

The Prime Minister, His Deputies and Ministers

Article (48) If the Sultan appoints a Prime Minister, his competencies and powers shall be specified in the Decree appointing him.

Article (49) It is a prerequisite that whoever is appointed as Prime Minister, his Deputy, or a Minister :

- a. Shall be originally of Omani nationality in accordance with the Law
- b. Shall be aged not less than 30 years of the Gregorian calendar.

Article (50) Before assuming their powers the Prime Minister, his Deputies, and Ministers shall swear the following oath in the presence of the Sultan:

“ I swear by Almighty God that I shall be faithful to my Sultan and my Country, that I shall respect the Basic Law of the State and its implementing regulations; that I shall uphold at all times the integrity of the State and the security of its territories, and shall work to promote fully its interests and the interests of its citizens, and that I shall discharge my duties truly and honestly.”

Article (51) Deputy Prime Ministers and Ministers shall supervise the affairs of their Ministries and Organisations, and implement the general policy of the Government therein, as well as drawing up future guidelines for their Ministries and Organisations and following up their implementation.

Article (52) Members of the Council of Ministers are politically collectively responsible before the Sultan for carrying out the general policies of the State, and each is individually responsible before the Sultan for the discharge of his duties and the exercise of his powers.

Article (53) Members of the Council of Ministers shall not combine their Ministerial position with the chairmanship or membership of the Board of any joint stock company. Nor may the Government departments of which they are in charge have dealings with any company or organisation in which they have an interest, whether direct or indirect. They should be guided in all their actions by considerations of national interest and public welfare and should not exploit their official positions in any way for their own benefit or for the benefit of those with whom they have special relations.

Article (54) The emoluments of Deputy Prime Ministers and Ministers, during their term of office and after their retirement, shall be determined in accordance with the directives of the Sultan.

Article (55) The provisions of Articles 49, 50, 51, 52, 53 and 54 shall apply to all those with the rank of Minister.

Specialised Councils

Article (56) The Specialised Councils shall be established, their powers defined and their members appointed in accordance with Royal Decrees.

Financial Affairs

Article (57) The Law specifies the provisions concerning the following matters and the bodies responsible for them:

- collection of taxes, revenues and other public monies, and measures for their disbursement.
- maintenance and administration of State property, the conditions of its disposal, and the limits within which a part of this property may be assigned.
- the general State budget and the final account

- the autonomous and supplementary budgets and their final accounts
- control of State finances
- loans extended by or obtained by the State
- currency and banking , standards, weights and measures
- salaries, pensions, indemnities, subsidies and gratuities charged to the State Treasury

Part Five

The Oman Council

Article (58) The Oman Council shall consist of:

- The Shura Council
- The Council of State

The Law shall specify the powers of each of these Councils, the length of their terms, the frequency of their sessions, and their rules of procedure. It shall also specify the number of members of each Council, the conditions which they must fulfil, the method of their selection and appointment, the reasons for their dismissal, and other regulatory provisions.

Part Six

The Judiciary

Article (59) The sovereignty of the Law is the basis of governance in the State. Rights and freedoms are guaranteed by the dignity of the judiciary and the probity and impartiality of the judges.

Article (60) Judicial power is independent and vested in the Courts of Law, of whatever type or status, which issue judgements in accordance with the Law.

Article (61) There is no power over the judges in their rulings except the Law. Judges can only be dismissed in cases specified by the Law. No party may interfere in a law suit or in matters of justice; such interference shall be a crime punishable by law. The Law shall specify the conditions to be fulfilled for those administering justice, the conditions and procedures for the appointment of judges, their transfer and promotion, the security offered to them, the cases in which they are not liable for dismissal, and other relevant provisions.

Article (62) The Law shall regulate the Law Courts of whatever type or status and shall specify their functions and competencies. The jurisdiction of Military Courts shall be

restricted to military crimes committed by members of the Armed Forces and the security forces and shall only extend to others in the case of martial law and then within the limits laid down by the Law.

Article (63) Court hearings are public except when the Law Court decides to hold the case in camera in the interests of public order or public morals. In all cases pronouncement of finding and sentence shall be in open session.

Article (64) The public prosecution shall conduct legal proceedings on behalf of the community, shall oversee matters of judicial prosecution and shall be vigilant in the application of the penal code, the pursuit of the guilty and the execution of court judgements. The Law shall regulate the public prosecution and its competencies and shall specify the conditions and security applicable to those who discharge its functions. In exceptional cases, Public Security departments may be legally empowered to conduct proceedings in cases involving misdemeanours, in accordance with the conditions laid down by the Law.

Article (65) The legal profession shall be regulated by the Law.

Article (66) The judiciary shall have a Higher Council, which shall oversee the smooth running of the Law Courts and auxiliary bodies. The Law shall specify the powers of this Council with regard to the functions of the judges and the public prosecutor.

Article (67) The Law shall adjudicate in administrative disputes through a Special Administrative Causes Court or Department, whose organisation and mode of procedure shall be specified in Law.

Article (68) The Law shall adjudicate in disputes over jurisdiction between judicial departments and in cases of conflict of judgements.

Article (69) The Law shall define the competencies of the department which expresses legal opinions to Ministries and other Government departments and formulates and revises draft laws, regulations and decisions. The Law shall also specify the mode of representation of the State and other public bodies and organisations before the Departments of Justice.

Article (70) The Law shall stipulate the judicial department concerned with settling disputes arising from the incompatibility of laws and regulations with the Basic Law of the State and ensuring that the latter's provisions are not contravened, and shall define that department's powers and procedures.

Article (71) Judgements shall be issued and executed in the name of His Majesty the Sultan. Failure or delay in executing these judgements on the part of the concerned public officials shall be a crime punishable by law. In such a case the judgement beneficiary has the right to bring a criminal action directly to the court concerned.

Part Seven

General Provisions

Article (72) The application of this Basic Law shall not infringe the treaties and agreements concluded between the Sultanate of Oman and other States and international bodies and organisations.

Article (73) None of the provisions of this Basic Law shall be suspended except in the case of martial law and within the limits laid down by the Law.

Article (74) Laws shall be published in the Official Gazette within two weeks of the day of their issuance. Laws will come into force from their date of publication unless they stipulate another date.

Article (75) Provisions of laws shall only apply from the date of their coming into force; whatever happens before that date is of no consequence, unless the text specifies otherwise. Excluded from this exception are penal laws and laws concerning taxes and financial dues.

Article (76) Treaties and agreements shall not have the force of law until they have been ratified. In no case may a treaty or an agreement contain secret conditions which contradict its declared conditions.

Article (77) Everything stipulated by laws, regulations, decrees, directives and decisions in force on the date of this Basic Law becoming effective shall remain in force, provided that they do not conflict with any of its provisions.

Article (78) Laws which are not yet in existence but are necessitated by this Basic Law shall be promulgated by the competent departments within two years of its coming into force.

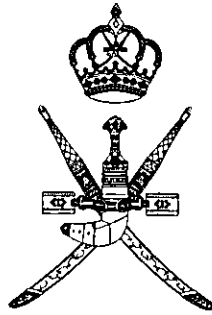
Article (79) Laws and procedures which have the force of law must conform to the provisions of the Basic Law of the State.

Article (80) No body in the State may issue rules, regulations, decisions or instructions which contravene the provisions of laws and decrees in force, or international treaties and agreements which constitute part of the law of the country.

Article (81) This Basic Law can only be amended in the same manner in which it was promulgated.



NEW DOCUMENT



SULTANATE OF OMAN

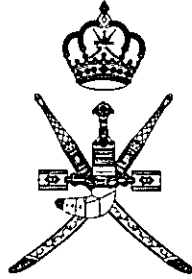
THE BASIC STATUTE OF THE STATE

**In the Name of Allah,
the Compassionate, the Merciful**

F. Clifton White Resource Center
International Foundation
for Election Systems 6/00
1101 15th Street, NW
Washington, DC 20005

THE BASIC STATUTE OF THE STATE
Unofficial Translation

The original of this document done in the Arabic language shall prevail in case of any discrepancy between the Arabic and the English Texts.



SULTANI DECREE NO.(101/96)
Promulgating the Basic Statute of the State

We Qaboos bin Said, The Sultan of Oman

Confirming the principles that guided the policies of the State in various fields during the past era;

Resolving to continue our efforts for the development of a better future characterized by further achievements for the benefit of the country and the citizens;

Consolidating the international status that Oman enjoys and its role in establishing the foundations of peace, security, justice and co-operation among various States and peoples;

And in pursuance of the public interest

Have decreed as follows:-

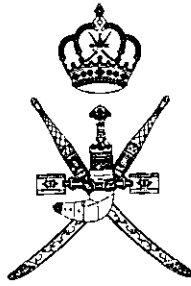
Article One: The Basic Statute of the State is hereby promulgated in accordance with the attached formulation.

Article Two: This Decree shall be published in the official Gazette and shall come into force on the date of its issue .

Issued on: 24th Jumada Al Akhira 1417 A.H.

Corresponding to: 6 November, 1996 A.D.

Qaboos bin Said
Sultan of Oman

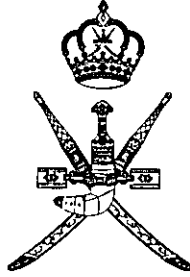


THE BASIC STATUTE OF THE STATE

CHAPTER ONE

The State and the System of Government

- Article 1:** The Sultanate of Oman is an Arab, Islamic, Independent State with full sovereignty and Muscat is its Capital.
- Article 2:** The State's religion is Islam and Islamic Sharia is the basis for legislation.
- Article 3:** The State's official language is Arabic.
- Article 4:** The Law determines the State's Flag, Emblem, Insignia and National Anthem.
- Article 5:** The system of government is Sultani (Royal), hereditary in the male descendants of Sayyid Turki bin Said bin Sultan, provided that the one to be chosen as successor shall be a Muslim, judicious, of sound mind and legitimate son of Omani Muslim parents.



Article 6: The Ruling Family Council shall within three days of the throne falling vacant, determine the successor to the throne.

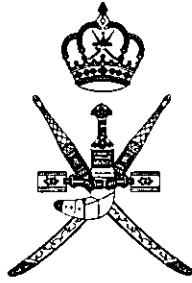
If the Ruling Family Council does not agree on the choice of the successor to the throne, the Defence Council shall confirm the appointment of the person designated by the Sultan in his letter to the Ruling Family Council.

Article 7: The Sultan, before exercising his authority, shall, in a joint session of the Oman Council and the Defence Council, take the following oath.

"I swear by Almighty Allah to respect the Basic Statute of the State and the Laws and to fully safeguard the interests of the citizens and their freedom and to preserve the independence of the country and its territorial integrity".

Article 8: The Government shall continue to perform its functions as usual until the Sultan is chosen and exercises his powers.

Article 9: Rule in the Sultanate shall be based on justice, shura and equality. The citizens have the right - in accordance with this Basic Statute and the conditions and provisions stipulated by the Law - to participate in public affairs.

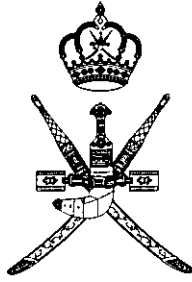


CHAPTER TWO

The Principles Guiding the State's Policy

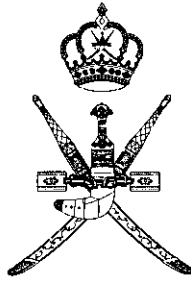
Article 10: The Political Principles:

- Preserving the independence and sovereignty of the State and safeguarding its entity, security, stability and defending it against any aggression.
- Reinforcing ties of co-operation and reaffirming friendly relations with all States and peoples on the basis of mutual respect, common interest, non-interference in the internal affairs and adherence to the international and regional charters and treaties and the generally recognized norms of international Law conducive to the promotion of peace and security among States and peoples.
- Laying suitable foundations for consolidating the pillars of genuine shura emanating from the country's heritage, values and its Islamic Sharia, taking pride in its history while adopting the useful contemporary methods and tools.
- Establishing sound administrative system that guarantees justice, tranquility and equality for the citizens and ensures respect for the public order and the preservation of the higher interests of the country.

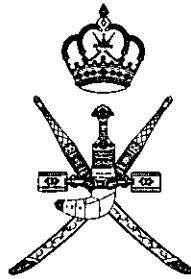


Article 11: The Economic Principles :

- The national economy is based on justice and the principles of free economy. Its essence is the constructive and fruitful co-operation between public and private activity. Its objective is the achievement of economic and social development in order to increase production and raise the standard of living of the citizens according to the State's general plan and within the limits of the Law.
- Freedom of economic activity is guaranteed within the limits of the Law and the public interest in a manner that will ensure the well-being of national economy.
- The State encourages savings and supervises the regulation of credit.
- All natural resources and revenues therefrom shall be the property of the State which will preserve and utilize them in the best manner taking into consideration the requirements of the State's security and the interests of national economy. No concession or investment in any of the public resources of the country may be granted except by virtue of a law and for a limited period, provided the national interests are safeguarded.

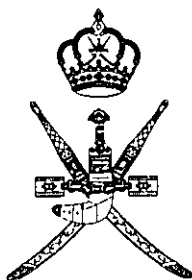


- Public property shall be inviolable. The State shall protect it and citizens and residents shall preserve it.
- Private ownership is safeguarded and no person shall be prevented from disposing of his property except within the limits of the Law. And no property shall be expropriated except for the public interest in cases stipulated by the Law and in the manner specified therein, provided that the person dispossessed shall be fairly compensated. Inheritance is a right governed by Islamic Sharia.
- Confiscation of property is forbidden. Specific confiscation as a penalty shall not be imposed except by judicial order, and in cases specified in the Law.
- Taxes and general charges are based on justice and the development of the national economy.
- Imposition of public taxes, amending and canceling the same shall be by virtue of a law and no person is exempted from paying all taxes or part thereof except in the cases specified in the Law.
- It is not permitted to impose a new tax, fee or any right with retrospective effect whatever its type might be.



Article 12 : The Social Principles :

- Justice, equality, and equality of opportunities for Omanis are the pillars of the society and are guaranteed by the State.
- Co-operation, mutual compassion are intimate bonds among the citizens and the reinforcement of the national unity is a duty. The State shall prevent anything that might lead to division, sedition or disruption of national unity.
- The family is the basis of the society and the Law regulates means of protecting it, preserving its legal entity, reinforcing its ties and values, looking after its members and providing the suitable conditions to develop their potential and capabilities.
- The State guarantees assistance for the citizen and his family in cases of emergency, sickness, disability and old age according to the scheme of the social security and shall work for the solidarity of the society in bearing the burdens resulting from national disasters and catastrophies.
- The State cares for public health and the means of prevention and treatment of diseases and epidemics. It endeavours to provide healthcare for every citizen and encourages establishing private hospitals, poly-

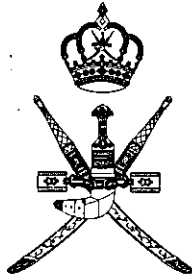


clinics and medical institutions under its supervision and according to regulations determined by the Law. It also works for the conservation of the environment, its protection and prevention of pollution.

- The State enacts Laws for the protection of the employee and the employer and regulates the relationship between them. Every citizen has the right to pursue the profession he chooses within the limits of the Law. It is not permitted to impose any compulsory work on anybody except by virtue of a law and only for rendering a public service and in return for a fair remuneration.
- Public employment is a national service entrusted to those who carry it out. The State employees, while carrying out their work, shall pursue the public interests and service to the society. Citizens are considered equal in taking up public employment according to the provisions of the Law.

Article 13: The Cultural Principles :

- Education is a cornerstone for the progress of society which the State fosters and endeavours to spread and make it accessible to all.
- Education aims to raise and develop the general cultural standard, promote scientific thought, kindle the spirit of research, respond to the requirements of

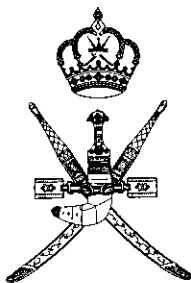


economic and social plans, build a generation that is physically and morally strong, that takes pride in its nation, country, and heritage and preserves its achievements.

- The State provides public education, works to combat illiteracy and encourages the establishment of private schools and institutes under its supervision and according to the provisions of the Law.
- The State fosters and preserves the national heritage, encourages the sciences, arts, literature, scientific research and assists in their propagation.

Article 14: The Security Principles :

- Peace is the objective of the State, and the country's safety is a duty incumbent on every citizen.
- The Defence Council considers the matters related to preserving the Sultanate's safety and its defence.
- Only the State establishes the armed forces, public security organizations and any other forces. All these forces belong to the nation and their mission is to protect the State, ensure the safety of its territories, and guarantee the security and tranquility of the citizens. No organization or group is allowed to establish military or paramilitary forces. The Law regulates the military service, general or partial mobi-

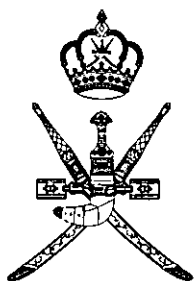


lization, and the rights, duties, rules of discipline of the armed forces, public security organizations, and any other forces the State decides to establish.

CHAPTER THREE

The Public Rights and Duties

- Article15:** Nationality is regulated by the Law and it is prohibited to denaturalize or revoke it except within the limits of the Law.
- Article16:** It is prohibited to deport or exile citizens or prevent them from returning to the Sultanate.
- Article17:** All citizens are equal before the Law and share the same public rights and duties. There is no discrimination between them on the ground of gender, origin, colour, language, religion, sect, domicile, or social status.
- Article 18:** Personal freedom is guaranteed according to the Law, and it is unlawful to arrest, search, detain; or imprison any person or have his place of residence or freedom of movement or residence restricted except in accordance with the provisions of the Law.



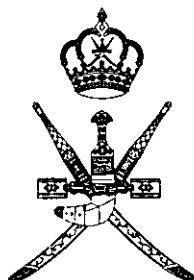
Article 19: Detention or imprisonment in places other than those designated for such purpose under the Laws of prisons - where health and social care is provided - is unlawful.

Article 20: No person shall be subjected to physical or psychological torture, inducement or demeaning treatment and the Law stipulates punishments of persons who commit such offences. Any statement or confession proven to have been obtained under torture, inducement, demeaning treatment or threats of any such acts, shall be deemed void.

Article 21: No crime or penalty is cognisable as such except by virtue of a Law, and no punishment except for acts subsequent to coming into force of the Law wherein such acts are provided for. Penalty is personal.

Article 22: The accused is innocent until proven guilty in a legal trial in which the essential guarantees to exercise his right of defence according to the Law are ensured. It is prohibited to harm an accused either bodily or mentally.

Article 23: The accused has the right to appoint a person capable of undertaking his defence during the trial. The Law defines the cases where the appearance of a defence lawyer on behalf of the accused is imperative, and ensures for those financially unable the means to seek judicial redress and defend their rights.

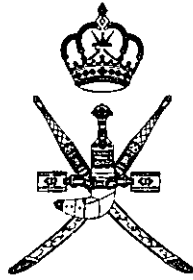


Article 24: Any person who is arrested or detained shall immediately be informed of the reasons for his arrest or detention. He has the right to contact whoever he wants to inform of what has taken place or get assistance in the manner regulated by the Law. Such a person shall immediately be informed of the charges against him. He or his representative have the right to petition the court against the action restricting his personal freedom. The Law regulates the right of petition in a manner which ensures that disposal of petition will be within a specified period, failing which he must to be released.

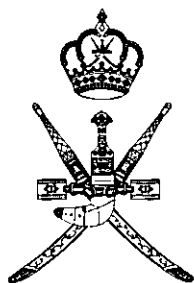
Article 25: Litigation is a protected right and is guaranteed to all people. The Law prescribes the procedures and conditions necessary to exercise this right. The State as far as possible will guarantee approximation of judicial bodies to litigants and speedy settlement of cases.

Article 26: It is unlawful to conduct any medical or scientific experiment on any person without his freely - given consent.

Article 27: Places of residence are inviolable and accordingly trespassing thereof is illegal without the permission of the legal occupant except in cases specified by the Law and in the manner stipulated therein.



- Article 28:** The freedom to practice religious rites according to the recognized customs is guaranteed, provided it does not disrupt the public order or contradict with morals.
- Article 29:** The freedom of opinion and expression thereof through speech, writing or other forms of expression is guaranteed within the limits of the Law.
- Article 30:** The freedom of correspondence by post, telegraph, telephone, or other means of communication is protected and its confidentiality guaranteed. Hence it is unlawful to monitor, search, disclose the confidentiality, delay or confiscate the same except in cases specified by the Law and in accordance with the procedures prescribed therein.
- Article 31:** Freedom of the press, printing and publishing is guaranteed according to the terms and conditions specified by the Law. Anything leading to discord, harming the State's security or abusing human dignity or rights is prohibited.
- Article 32:** The citizens have the right to assemble within the limits of the Law.
- Article 33:** The freedom of forming societies on a national basis and for legitimate objectives and by peaceful means - provided that it is not in conflict with the provisions and objectives of this Basic Statute - is guaran-



teed in accordance with the terms and conditions stipulated by the Law. It is prohibited to form societies the activities of which are adverse to the order of society, secret or of a military nature. It is unlawful to force any one to join any society.

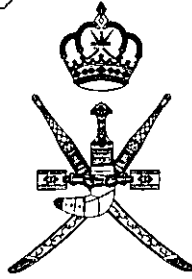
Article 34: Citizens have the right to address public authorities on personal matters or matters relevant to public affairs, in the manner and conditions specified by the Law.

Article 35: Every foreigner who is legally resident in the Sultanate enjoys protection to himself and his property according to the Law. He shall uphold the society's values and respect its traditions and sentiments.

Article 36: Extradition of political refugees is prohibited. Laws and international agreements determine the rules for the extradition of criminals.

Article 37: The defence of the homeland is a sacred duty, and coming forward to serve the armed forces is an honour to the citizens regulated by the Law.

Article 38: Preserving the national unity and safeguarding the State's secrets is a duty incumbent upon every citizen.



Article 39: Payment of taxes and public dues is a duty according to the Law.

Article 40: Respect of the Basic Statute of the State, the Laws and orders issued by the public authorities in implementation thereof, observance of public order and respect of public morals is a duty incumbent upon all residents of the Sultanate.

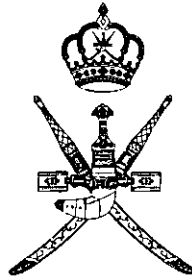
CHAPTER FOUR

The Head of State

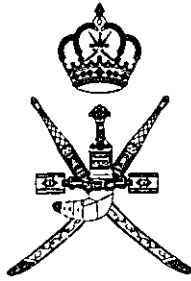
Article 41: The Sultan is the Head of the State and the Supreme Commander of the Armed Forces. His Person is inviolable. Respect of him is a duty and his command must be obeyed. He is the symbol of national unity and the guardian of its preservation and protection.

Article 42: The Sultan discharges the following functions :-

- Preserving the country's independence and its territorial integrity, protecting its internal and external security, safeguarding the rights and freedoms of the citizens, ensuring the rule of law and guiding the State's general policy.



- Taking prompt measures to counter any danger threatening the Sultanate's safety, the integrity of its territories, the security and the interest of its people or impeding the functioning of the State's institutions.
- Representing the State internally and towards other States in all international relations.
- Presiding over the Council of Ministers or appointing a person to preside.
- Presiding over the Specialized Councils or appointing a person to preside.
- Appointing Deputies Chairman of the Council of Ministers, Ministers and those of similar rank and relieving them of their posts.
- Appointing Under-Secretaries, Secretaries-General, and those of similar rank and relieving them of their posts.
- Appointing senior judges and relieving them of their posts.
- Declaring state of emergency, general mobilizations, war, and concluding peace. The Law specifies the rules thereof.



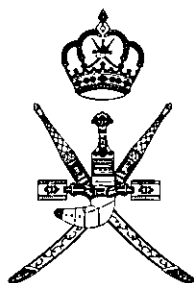
- Promulgating laws and ratifying them.
- Signing international treaties and agreements according to the provisions of the Law or authorizing their signature and issuing Decrees ratifying the same.
- Appointing political representatives to other States and international organizations and relieving them of their posts according to the limits and conditions stipulated by the Law, as well as accepting the credentials of representatives of other States and international organizations.
- Pardoning or commuting any penalty.
- Conferring orders of honour and military ranks.

Article 43: The Sultan shall be assisted in formulating and implementing the general policy of the State by a Council of Ministers and Specialized Councils.

The Council of Ministers

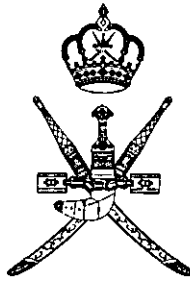
Article 44: The Council of Ministers is the body entrusted with the implementation of the State's general policies and in particular undertakes the following:

- Submitting recommendations to the Sultan in economic, political, social, executive, and administrative



tive matters of concern to the Government including proposing draft laws and decrees.

- Protecting the interests of the citizens and ensuring the availability of the necessary services to them, and enhancing their economic, social, health, and cultural standards.
- Determining the objectives and the general policies for economic social, and administrative development and proposing the necessary means and measures for their implementation which ensure the best utilization of the financial, economic and human resources.
- Discussing development plans prepared by the competent authorities, submitting them to the Sultan for approval, and following up their implementation.
- Discussing proposals of Ministries relevant to their respective jurisdiction and taking appropriate recommendations and decisions in this regard.
- Supervising the functioning of the State's administrative body, following up the performance of its duties and co-ordinating among its units.

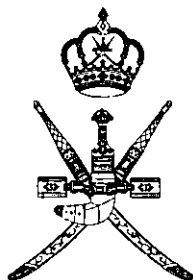


- Supervising generally the implementation of the laws, decrees, regulations, decisions, treaties, agreements and court's judgements in a manner that ensures adherence thereto.
- Discharging any other competence delegated by the Sultan or vested by the provisions of the Law.

Article 45: The Prime Minister shall preside the Council's sessions, and may entrust one of the Deputies Prime Ministers to conduct the sessions which he does not attend. If the Prime Minister and his Deputies are absent the Sultan will authorise whom he deems appropriate to conduct the sessions.

Article 46: The Council's meetings shall be valid by the attendance of the majority of its members. Its deliberations shall be secret and its decisions are taken by the majority of members attending.

Article 47: The Council shall formulate its internal regulations including its rules of procedure and shall have a Secretariat-General provided with sufficient number of staff to assist it in performing its duties.



The Prime Minister, His Deputies, and The Ministers

Article 48: If the Sultan appoints a Prime Minister, his jurisdiction and powers shall be stipulated in the Decree appointing him.

Article 49: Any appointed Prime Minister, Deputy Prime Minister, or Minister shall be:

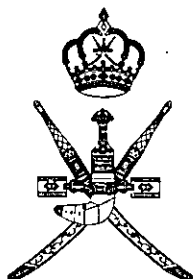
a . Of original Omani nationality in accordance with the Law.

b . Aged not less than 30 years of the Gregorian calendar.

Article 50: Before assuming their powers, the Prime Minister, his Deputies, and the Ministers shall take the following oath before the Sultan:

"I swear by Almighty Allah to be faithful to my Sultan and Country, to respect the Basic Statute of the State and the State's applicable laws, to fully protect its entity and territorial integrity, to guard its interests and those of its citizens and to perform my duties faithfully and honestly".

Article 51: The Deputy Prime Minister and the Ministers shall supervise their unit's affairs, implement therein the general policy of the Government, as well as draw



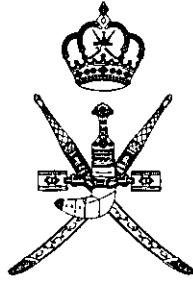
the guidelines of the unit and follow up their implementation.

Article 52: Members of the Council of Ministers are collectively responsible politically before the Sultan for the implementation of the State's general policy. Each of them is individually responsible before the Sultan for the manner in which he performs his duties and exercises his authority in his respective Ministry or unit.

Article 53: Members of the Council of Ministers shall not combine their ministerial position and chairmanship of or membership to a board of directors of any public joint-stock company. The Government units which they are in charge of or supervise shall not deal with any company or establishment in which they have an interest whether direct or indirect. They shall always, by their conduct, pursue the interests of the country and work in furtherance of the public benefit. They shall not abuse their official positions in any form whether for their own benefit or the benefit of those with whom they have special relation .

Article 54: Emoluments of the Deputies Prime Minister and the Ministers during their term of office and after their retirement shall be determined by the orders of the Sultan.

Article 55: The provisions of Articles 49, 50, 51, 52, 53, and 54 shall apply to all those of a Minister's rank.



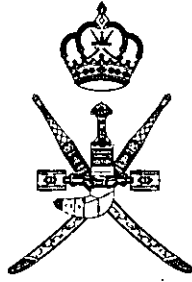
The Specialized Councils

Article 56: Specialized Councils shall be established, their powers determined and their members appointed by virtue of Sultani Decrees.

The Financial Affairs

Article 57: The Law specifies the provisions related to the following matters and the bodies responsible thereof:

- Collecting taxes and fees and other public monies and the procedures of its disbursement.
- Maintaining and managing the property of the State, the conditions for its disposal and the limits within which some of these properties can be assigned.
- The State's general budget and the final account.
- The autonomous and supplementary general budgets and their final accounts.
- The State Audit.



- Loans extended or obtained by the State.
- Currency, banks, standards, measures, and weights.
- Affairs of salaries, pensions, compensation, subsidies, and gratuities charged to the State's Treasury.

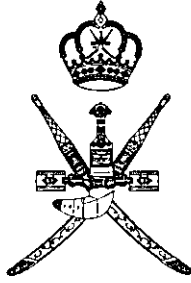
CHAPTER FIVE

The Oman Council

Article 58: The Oman Council shall consist of :-

- 1- The Shura Council.
- 2- The State Council .

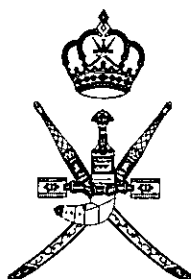
The Law shall specify the jurisdiction of each, its term, sessions, and rules of procedure. Also the Law shall determine the number of its members, the conditions they should satisfy, the way they are selected or appointed, the reasons for their dismissal and other regulatory provisions.



CHAPTER SIX

The Judiciary

- Article 59:** The supremacy of the Law shall be the basis of governance in the State. The dignity, integrity and impartiality of the judges are the guarantee for the preservation of rights and freedoms .
- Article 60:** The judiciary is independent and its functions are exercised by the different types and grades of courts which issue judgements in accordance with the Law.
- Article 61:** Judges are subject only to the Law and cannot be removed except in cases determined by the Law. No party can interfere in law suits or matters of justice, such interference shall be considered a crime punishable by law. The Law shall determine prerequisites to be fulfilled by whoever exercises judicial functions, the conditions and procedures for appointing, transferring and promoting judges, the guarantees accorded to them, the cases where they cannot be removed from office and all other relevant provisions.
- Article 62:** The Law regulates the types and grades of the courts and specifies their functions and jurisdiction. The military courts deal solely with military offences committed by members of the armed and security forces. Its jurisdiction can not be extended to others



except in the case of martial law and within the limits prescribed by the Law.

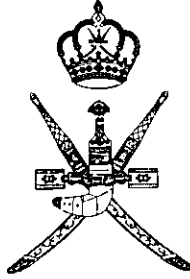
Article 63: Courts sessions are open unless the court decides to hold them in camera in the interest of public order or morals. In all cases the pronouncement of judgement must be in open session.

Article 64: The Public Prosecution shall conduct criminal proceedings on behalf of the society, supervise criminal investigation, attend to the enforcement of criminal law, pursuit of the guilty and execution of judgements. The law regulates Public Prosecution, its jurisdiction and specifies conditions and guarantees of those who discharge its functions.

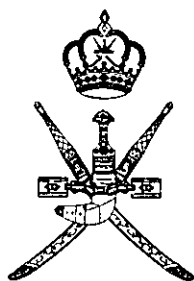
- The public security bodies may by a law be exceptionally entrusted with conducting criminal proceedings in cases of misdemeanours and in accordance with conditions specified by the Law.

Article 65: The Law regulates the legal profession.

Article 66: The judiciary shall have a Supreme Council which shall supervise the proper functioning of the courts and auxilliary bodies. The Law shall specify its powers with regard to the job-related affairs of judges and of Public Prosecution.



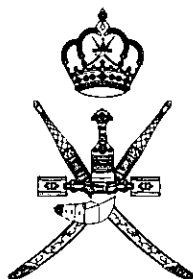
- Article 67:** The Law regulates the settlement of administrative disputes through a panel or special court whose regulation and the manner of exercising its functions shall be specified by the Law.
- Article 68:** The Law shall regulate the procedure for settlement of conflict of jurisdiction between judicial bodies and in cases of conflict of judgements.
- Article 69:** The Law defines the jurisdiction of the authority responsible for giving legal opinion to the Ministries and other government units, and the formulation of the draft laws, regulations, decisions, and their review. It also specifies the manner of representing the State and all public authorities and establishments before the courts.
- Article 70:** The Law defines the judicial body entrusted with the settlement of disputes pertaining to the extent of conformity of laws and regulations with the Basic Statute of the State and that the said laws and regulations do not contradict with its provisions. The Law also specifies the powers of such judicial body and the procedure which it may follow.
- Article 71:** Judgements shall be issued and executed in the name of His Majesty The Sultan. Omission to execute or obstruct the execution of these judgements by concerned public officials is a crime punishable by law. The judgement - beneficiary has the right in this case to file a criminal action directly to the competent court.



CHAPTER SEVEN

General Provisions

- Article 72:** The application of this Basic Statute shall not prejudice treaties and agreements the Sultanate has entered into with other countries, international institutions and organizations.
- Article 73:** No provision of this Basic Statute shall be suspended except during periods of martial law and within the limits defined by the Law.
- Article 74:** The Laws shall be published in the official Gazette within two weeks from the day of their issue. They shall come into force on the date of their publication, unless another date is specified therein.
- Article 75:** The provisions of the Laws shall only apply to events subsequent to the date of their coming into force. They shall have no effect on events prior to that date unless otherwise stipulated therein. This exception shall not include penal, taxation and financial dues laws.
- Article 76:** Treaties and agreements shall not have the force of Law except after their ratification. In no case, shall treaties and agreements have secret terms contradicting their declared ones.



Article 77: Whatever is stipulated by applicable laws, regulations, decrees, orders and decisions in force at the time when this Basic Statute comes into effect, shall remain in force provided that they are not in conflict with any of its provisions.

Article 78: The competent bodies shall take steps for issuance of non-existing laws necessitated by this Basic Statute within two years from the date of its coming into force.

Article 79: Laws and procedures which have the force of Law shall conform to the provisions of the Basic Statute of the State.

Article 80: No authority in the State shall issue regulations, statutes, decisions, or directives that contradict the provisions of the applicable laws and decrees, or international treaties and agreements which are part of the Law of the Land.

Article 81: This Statute shall not be amended except in the manner in which it was promulgated.



