

SULTANATE OF OMAN

THE BASIC STATUTE OF THE STATE

Unofficial Translation

In case of any discrepancy between the Arabic and English texts of this document, the Arabic original shall prevail.

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

We Qaboos bin Said, The Sultan of Oman

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

Determining to continue efforts for establishing a better future distinguished 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 countries and nations;

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 governance is Sultani (Royal) and hereditary from the male descendants of Sayyid Turki bin Said bin Sultan, provided that whoever is chosen as the successor shall be a Muslim, judicious, of sound mind and the 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 successor to the throne, the Defence Council shall confirm the appointment of the person designated by the former Sultan in his letter to the Ruling Family Council.

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

"I swear by Almighty Allah to respect the Basic Statute of the State and the Law 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 selected and exercises his powers.

Article 9: Rule in the Sultanate shall be based on justice, Shura (consultation/deliberation) and equality. Citizens have the right – in accordance with this Basic Statute and the conditions and provisions stipulated by Law – to participate in public affairs.

CHAPTER TWO

Principles Guiding State Policy

Article 10: **The Political Principles:**

- Preserving the State's independence and sovereignty, safeguarding its entity, security and stability and defending it against all aggression.
- Reinforcing ties of co-operation and reaffirming friendly relations with all countries and nations on the basis of mutual respect, common interest, non-interference in their internal affairs, adherence to the international and regional charters and treaties and generally recognised principles of international law conducive to the promotion of peace and security among countries and nations.
- 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 and adopting the benefits of contemporary methods and instruments.
- Establishing a sound administrative system that guarantees justice, tranquillity and equality for the citizens and ensures respect for 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 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 ensures the integrity of the 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 shall preserve and utilise them in the best manner taking into consideration the requirements of the State's national 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 national interests are safeguarded.
- Public property is inviolable. The State shall protect it and citizens and residents shall preserve it.
- Private ownership is safeguarded and no person shall be prevented from assigning his property except within the limits of the Law. 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 punishment 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 national economy.

- Imposition, amendment and cancellation of public taxes shall only be by virtue of a Law and no person shall be exempt from paying all taxes or part thereof except in cases specified by Law.

It is not permissible 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 equal opportunities for Omanis are the pillars of society guaranteed by the State.
- Co-operation and mutual compassion are intimate bonds among the citizens, and the reinforcement of 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 society and the Law regulates the 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 citizens and their families in cases of emergency, sickness, disability and old age in accordance with the scheme of social security and shall work for the solidarity of the society in bearing the burdens resulting from national disasters and catastrophes.
- The State cares for public health and the means of the prevention and treatment of diseases and epidemics. It endeavours to provide healthcare for every citizen and encourages the establishment of private hospitals, poly-clinics and medical institutions under its supervision and in accordance with regulations determined by Law. It also works towards the conservation of the environment, its protection and the 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 desires within the limits of the Law. It is not permissible to impose any compulsory work on anybody except by virtue of Law and only for performing a public service and in return for just remuneration.
- Public employment is a national service entrusted to those who carry it out. State employees, while carrying out their work, shall pursue

public interest and service to society. Citizens are considered equal in taking up public employment in accordance with the provisions stipulated by Law.

Article 13: The Cultural Principles:

- Education is a fundamental basis for the progress of society sponsored by the State to be propagated and made 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 and 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 in accordance with the provisions of the Law.
- The State fosters and preserves 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 undertakes the consideration of matters related to preserving the Sultanate's safety and defending it.

- Only the State establishes the armed forces, public security organisations 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 tranquillity of citizens. No organization or group is allowed to establish military or paramilitary forces. The Law regulates the military service, general or partial mobilization, 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

- Article 15:** Nationality is regulated by Law and it is prohibited to rescind or revoke it except within the limits of the Law.
- Article 16:** It is prohibited to deport or exile citizens or prevent them from returning to the Sultanate.
- Article 17:** All citizens are equal before the Law and share the same 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 according to the Law. 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 illegal.
- Article 20:** No person shall be subjected to physical or psychological torture, inducement or demeaning treatment and the Law stipulates the punishment for whoever commits such offences. Any statement or confession proven to have been obtained under torture, inducement, demeaning treatment or threats of any such acts, shall be rendered void.
- Article 21:** No crime or punishment is cognisable as such except by virtue of a Law, and there shall be no punishment except for acts subsequent to the Law coming into force wherein such acts are provided for. Punishment 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 physically 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 attendance of a defence lawyer on behalf of the accused

is imperative, and ensures that for those persons who are 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 communicate his circumstances to, or request assistance of, whomever he wishes in the manner regulated by Law. Such a person shall immediately be informed of the charges against him. He and 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 the disposal of such petition within a specified period, failing which he must be unconditionally released.
- Article 25:** Litigation is a protected right guaranteed to all people. The Law prescribes the procedures and conditions necessary to exercise such right. The State, as far as possible, shall guarantee the approximation of judicial bodies to litigants and the prompt adjudication of cases.
- Article 26:** It is illegal to conduct any medical or scientific experiment on any person without his freely – given consent.
- Article 27:** Places of residence are inviolable and accordingly, entry thereof is illegal without the permission of the legal occupant except in cases specified by Law and in the manner stipulated therein.
- Article 28:** The freedom to practice religious rites according to recognised customs is guaranteed, provided it does not disrupt 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 such correspondence except in cases specified by Law and in accordance with the procedures prescribed therein.

- Article 31:** Freedom of the press, printing and publishing is guaranteed in accordance with the terms and conditions specified by Law. Anything that leads to sedition, impairs State security or abuses human dignity or rights is prohibited.
- Article 32:** Citizens have the right to assembly 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 does not conflict with the provisions and objectives of this Basic Statute – is guaranteed in accordance with the terms and conditions stipulated by the Law. It is prohibited to form societies the activities of which are hostile to the order of society, secret or of a military nature. It is illegal to force anyone to join any society.
- Article 34:** Citizens have the right to address public authorities on personal matters or matters pertaining to public affairs, in the manner and conditions designated by Law.
- Article 35:** Every foreigner legally present in the Sultanate enjoys protection for himself and his property in accordance with 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:** Defending the homeland is a sacred duty, and coming forward to serve in the armed forces is an honour for the citizens regulated by Law.
- Article 38:** Preserving 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:** Respecting the Basic Statute of the State, the Laws and orders issued by 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 State and the Supreme Commander of the Armed Forces. His person is inviolable. Respecting 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 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 interests 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 who is to preside.
- Presiding over the Specialized Councils or appointing who is to preside.
- Appointing Deputies of the Prime Minister 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 a 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 them.
- Appointing political representatives to other states and international organisations and relieving them of their posts in accordance with the limits and conditions stipulated by the Law, as well as accepting the credentials of representatives of other states and international organisations.
- Pardoning or commuting any sentence.
- 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 pertaining to economic, political, social, executive, and administrative matters of concern to the Government including proposing draft laws and decrees.
- Protecting the interests of the citizens and ensuring the availability of necessary services to them, and enhancing their economic, social, health and cultural standards.
- Determining the objectives and general policies for economic, social, and administrative development and proposing the necessary means and measures for their implementation which ensures the best utilisation of 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 jurisdictions 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.
- General supervision of the implementation of the laws, decrees, regulations, decisions, treaties, agreements and courts' judgments in a manner that ensures adherence thereto.
- Discharging any other competences delegated by the Sultan or vested by the provisions of the Law.

Article 45: The Prime Minister shall preside over the Council's sessions and may entrust one of the Deputy Prime Ministers to conduct the sessions which he does not attend.

If the Prime Minister and his Deputies are absent, the Sultan will authorise whomever 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 confidential and its decisions shall be made in accordance with the majority approval of attendees.

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

The Prime Minister, His Deputies, and The Ministers

Article 48: It the Sultan appoints a Prime Minister, his jurisdiction and competences 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 establish 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 relations.

Article 54: Emoluments of Deputy Prime Ministers and Ministers during their term of office and after their retirement shall be determined by 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 competences determined and their members appointed by virtue of Sultani decrees.

The Financial Affairs

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

- Collecting taxes, fees and other public monies and the procedures of their disbursement.
- Preserving and managing the properties 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.
- Matters pertaining to salaries, pensions, compensation, subsidies, and gratuities charged to the State's Treasury.

CHAPTER FIVE

The Council of Oman

Article 58: The Council of Oman shall consist of:

1 – The Shura Council

2- The State Council

The Law shall specify the competences of each, its term, sessions, and rules of procedure. The Law shall also determine the number of its members, the conditions they should satisfy, the method by which 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 judges guarantee the preservation of rights and freedoms.

Article 60: The judiciary is independent and its functions are exercised by the different types and levels of courts which issue judgments in accordance with the Law.

Article 61: Judges in their adjudication are subject only to the Law and cannot be removed except in cases determined by Law. No party may interfere in lawsuits 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 levels of 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 cannot be extended to others except in the case of martial law and within the limits prescribed by Law.
- Article 63:** Court 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 judgments must be held in open sessions.
- Article 64:** The Public Prosecution shall conduct criminal proceedings on behalf of the society, supervise criminal investigation, attend to the enforcement of criminal laws, the pursuit of the guilty and the execution of judgments. The Law regulates the 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 auxiliary bodies. The Law shall specify its jurisdiction with regard to the job-related affairs of judges and the Public Prosecution.
- Article 67:** The Law regulates the settlement of administrative disputes through a panel or special court whose regulation and manner of exercising administrative adjudicature shall be specified by Law.
- Article 68:** The Law shall regulate the procedure for the settlement of conflicts of jurisdiction between judicial bodies and in cases of conflict of judgments.
- Article 69:** The Law defines the competences of the authority responsible for rendering legal opinions to Ministries and other government bodies, and the drafting and review of the draft laws, regulations and decisions. It also specifies the manner of representing the State and all public authorities and establishments before the judicial bodies.

- Article 70:** The Law delegates 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 jurisdiction of such judicial body and its rules of procedure that is to be followed.
- Article 71:** Judgments shall be issued and executed in the name of His Majesty The Sultan. Omission to execute or obstruct the execution of these judgments by concerned public officials is a crime punishable by Law. The beneficiary of a judgment 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 provisions of this Basic Statute shall be suspended except during periods of martial law and within the limits defined by Law.
- Article 74:** 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 Law 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 laws relating to penal, taxation and financial dues.
- Article 76:** Treaties and agreements shall not have the force of Law until ratified. In no case shall treaties and agreements have confidential 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 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 that 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 directives, regulations or decisions 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.