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Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

AGENDA ITEM 23

Question of Oman (A/4521; A/SPC/L.78) (continued)

1. Mr. TOMEH (Syria) said that the present era was marked by great achievements which had given mankind hope for a better life, but, it was also an age of contradictions. The United Nations General Assembly had adopted the Universal Declaration of Human Rights, yet millions of human beings were still deprived of their fundamental rights, for example, in Algeria, Palestine and Oman. The Assembly had voted for the abolition of colonialism, but millions of human beings remained under the colonial yoke. The question of Oman bore witness to the survival of colonialism and was one of the contradictions of the modern world.

2. His delegation considered that the Imamate of Oman was a separate entity which had possessed all the attributes of sovereignty until its existence was threatened by British aggression; that the independence of the Sultanate of Muscat was a mere fiction; and that the alleged disinterestedness of the United Kingdom concealed imperialist aims.

3. The representatives of various Arab countries who had spoken during the current discussion had shown that the Imamate of Oman had existed as a separate entity for the past twelve centuries. Consequently he would merely introduce some additional evidence from modern history, for example, the fact that all official communications between Muscat and Oman had until recently been conducted through the British Political Agent responsible for Muscat's foreign affairs. Thus both the United Kingdom Government and the Sultan of Muscat had recognized that relations between Muscat and Oman were external, and not internal, relations. In a Royal Institute of International Affairs publication,^{1/} it was stated that since the last century the authority of the Sultans of Muscat had not in fact extended beyond the coastal areas. In an article published in the *Geographical Journal* for October-December 1950, Mr. Wilfred Thesiger said that the interior of Oman was in practice administered by the Imam, whose representatives administered justice and collected taxes. The independence of the Imamate of Oman had been officially confirmed in 1920 by the Treaty of Sib, to

which the United Kingdom Government had been a party as mediator. Only after considerable oil resources had been discovered in the Imamate had the United Kingdom Government changed its position. Furthermore in 1928 the Government of India, which at that time had been identified with the United Kingdom Government, had recognized the Imam of Oman and the independence of the Imamate. It should be remembered that the Government of India had been responsible for British colonial policy in the Arabian Peninsula, as was proved by a note of 10 January 1923 in which the Sultan of Muscat undertook not to exploit the oil resources himself, and not to grant any concession, without the advice of the Political Agent and the approval of the Government of India. The independent Arab countries, for their part, had always recognized the sovereignty of the Imamate of Oman. The United Kingdom Government and the Sultan of Muscat had accordingly committed a breach of the sovereignty of Oman, and their action could be classed as aggression under international law.

4. When conditions in the area were examined, the motives of the United Kingdom military intervention became clear. Firstly, there were the discovery of oil in Oman and the United Kingdom's desire to get hold of those resources at all costs, as well as its determination to maintain and extend its influence in the area. Then the desire expressed by the Imam of Oman to join the League of Arab States, and perhaps at a later date the United Nations, had obviously threatened the interests of the United Kingdom, which felt keen anxiety at any manifestation of Arab nationalism. Lastly, the United Kingdom Government had wished to consolidate its strategic position in the area.

5. As for the Sultan of Muscat, his title of sultan—a more exalted one than that of sheik, which would normally have been his rightful title—was a survival from the days when a real sultan had ruled over both Muscat and Zanzibar. The addition of the name of Oman to the title of the Sultan of Muscat reflected the latter's desire to arrogate to himself the rights to the Imamate. With respect to the Sultan's "independence", it sometimes enabled him to reject suggestions from his British advisers, but none of the Omani tribes recognized his authority. The Omani people recognized only their lawfully elected leader, the Imam Ghalib bin Ali. Furthermore, in the elections to the Imamate, the Sultan of Muscat had suffered a reverse which, incidentally, had earned him the aid of the United Kingdom. Since the flight of the Imam, the Sultan had been able to maintain his authority only by force. The United Kingdom Government's attitude to the Imamate of Oman was identical with the attitude it had taken towards—for example—Al Liwa, Al Buraymi and Nazwa; it had taken no interest in those territories until the discovery of oil had reminded it of its "duty" to maintain order, in other words to impose or support a Government which

^{1/} *The Middle East: a political and economic survey*, 2nd ed. (London, 1950), pp. 136-137.

granted it exclusive rights over the oil resources and all the rights required for their secure and profitable exploitation.

6. The draft resolution (A/SPC/L.78), of which Syria was a sponsor, expressed only perfectly legitimate wishes and had been drafted in a spirit of compromise. He hoped it would be adopted by a large majority.

7. Mr. CROWE (United Kingdom) pointed out that in the United Kingdom Government's view the question was not one which the United Nations was entitled to discuss. Firstly there had never been an independent State of Oman separate from the Sultanate of Muscat and Oman, and it followed that the current discussion constituted interference in the internal affairs of a sovereign independent State in violation of Article 2, paragraph 7, of the Charter. Moreover, the area was at peace. The rebellion in Oman had ended almost three years ago. There were no foreign troops stationed there, nor were there any foreign bases.

8. The cardinal point was that the area now known as Muscat and Oman had for centuries been regarded as a unitary whole. The Arab geographers and chroniclers from the twelfth to the nineteenth centuries spoke of that region as the sovereign and independent State of Oman. But it was necessary to point out that the territory they described was a single entity, comprising the coastal area, including such towns as Sur, Muscat and Suhar, together with the interior of the country.

9. In the seventeenth century foreigners whose contact with the country was made through the Port of Muscat had begun to refer to the area as Muscat. That confusion of terminology had continued until very recent times. Thus the Treaty of Amity concluded on 20 December 1958 between the United States and the Sultan in 1958^{2/} referred in article 1 to the Sultanate of Muscat and Oman and dependencies and at the end to the Kingdom of Oman.

10. The expulsion of the Portuguese by the then Imam of Oman from the coastal towns in the seventeenth century was a further demonstration that there had never been a dividing line between Oman and Muscat, for even the former rebels acknowledged that those towns were under the Sultan's jurisdiction.

11. The sovereignty of the successive sultans over the whole of that area had, moreover, been recognized in international treaties concluded with them by the United Kingdom in 1891 and 1951, the United States in 1833 and 1958, by France in 1846 and, by India in 1953.

12. The illusion that there was an independent and sovereign territory called "Oman" which was separate and distinct from the Sultanate of Muscat and Oman was thus based on a confusion of terms.

13. It was true that in the early history of Oman the Imam, the elected leader of the country, had exercised both spiritual and temporal power. The hereditary principle, however, began to take root in the seventeenth century, and a definite separation between the spiritual and temporal power had taken place in 1784 and, apart from a brief interval from 1868 to 1871, there had been no Imam from 1821 to 1913.

14. Moreover there was no indication of any desire in the country to revive even the religious office of Imam, still less an Imamate with secular powers, for the Sultan and the vast majority of Omanis regarded the Imamate as an archaic institution which had no constructive role to play in the evolution of Oman into a modern State. Thus the office of Imam was a spiritual one and had not been in existence continuously. The present Sultan of Muscat and Oman came from a dynasty which had been established as long ago as the mid-eighteenth century; the successive members of that dynasty had been the sovereign rulers of Muscat and Oman.

15. By placing an arbitrary interpretation on the Agreement of Sib, it was claimed that that Agreement was an international treaty to confirm the independence of Oman; it was in fact a purely internal arrangement between the Sultan's Government and some of his Omani tribal chiefs. It mentioned only one Government, not two. Because it was not an international treaty, the Sultan was not referred to by his full title of Sultan of Muscat and Oman as he was in the Treaties of Amity with the United States of America, India and the United Kingdom.

16. The fact that the Agreement of Sib contained a reference to the Political Agent and Consul for Great Britain in Muscat did not make it an international agreement. The Political Agent had merely acted as a mediator between the two parties. There was nothing at all remarkable in that mediation, and the United Kingdom Government had in no way been a party to the Agreement.

17. The Agreement had in no way recognized Oman as an independent State, but had merely granted the tribes a degree of provincial autonomy, in return for which they had undertaken to remain in peace and amity with the Sultan's Government. It was true that during the negotiations the sheiks had requested independence; but, in the absence of any historical justification for it, that request had been categorically refused. Nor could the Sultan's need to negotiate an agreement with certain of his subjects be used to prove the existence of two distinct and separate States. The situation was similar, in some ways, to that which had led King John of England to sign the Magna Carta with his barons in the thirteenth century.

18. The Agreement of Sib had worked well for more than thirty years. The Sultan's Government had retained charge of all external matters, and the decisions of his courts had been accepted in the interior. The supporters of the Imamate—some of whom, in particular Talib bin Ali Al-Hanai still supported the ex-Imam Ghalib—had described themselves as "subjects of the Government of the Sultan of Muscat and Oman" in their applications for passports during a period when the Agreement of Sib had been in full operation. And, as recently as 1952, at the time of an intrusion of a Saudi armed party into the Al Buraymi Oasis, the Imam had responded to the Sultan's requirements as his overlord by sending a contingent to help expel the intruders.

19. But the Agreement of Sib was now of purely historical interest, since it had been unilaterally terminated by the rebellion of 1954-1955. Certain Omani sheiks, conscious of the very considerable benefits which oil revenues had brought to some neighbouring territories, had wished to take advantage of the Imam Mohammed bin Abdullah's death in 1954 in order to capture for themselves the benefits of a

^{2/} *United States Treaties and other International Agreements*, vol. 11, part 2, 1960, U.S.T.I.A.S., No. 4530, p. 1835.

possible discovery of oil in Oman, benefits which should have gone to the Sultanate as a whole. They had secured the appointment of a new Imam, Ghalib bin Ali, who had at once claimed to be an independent ruler and had purported to annul the oil concession granted by the Sultan in 1937—a concession which the Sultan, as sovereign, alone had the right to grant; that right had never been contested at the time by the Imam Mohammed bin Abdullah. But Ghalib's treasonable actions had not stopped there: he had applied for Oman's admission to the League of Arab States and had started to issue his own passports. In other words, far from maintaining the peaceful relationship based on the Sib Agreement, he had clearly been intent upon establishing a new State in part of the Sultanate.

20. The following year it had become clear that certain foreign Powers were abetting the rebellious movement by smuggling arms into the country, and the Sultan had moved his forces into Oman, where they had been welcomed.

21. There had then followed an extensive propaganda campaign conducted abroad, and a so-called "Oman Liberation Army" had been formed in Saudi Arabia and had arrived in Oman under the command of Ghalib's brother, Talib. The rebels had seized a part of Oman, and, in view of the foreign-inspired nature of the insurrection, the Sultan had requested aid from the United Kingdom. The rebellion had finally been put down in 1959, the rebel leaders had fled to Saudi Arabia, and the area had since then been at peace.

22. Thanks to the restoration of law and order, the Sultan had been able to launch an ambitious development programme which included the building of health centres, agricultural stations and schools. The Sultan had also made known that he was willing to amnesty the rebel leaders and their followers and to permit them to return, subject to satisfactory guarantees of their keeping the peace. Many of them had already taken advantage of that amnesty.

23. The United Kingdom Government had been lending its good offices in negotiations with the rebels. The statements made by the latter in January 1961 had afforded some hope that further negotiations might lead to a settlement. In February, however, the rebel leaders had completely reversed their previous attitude and had demanded the recognition of sovereign status for Oman. That had gone even beyond the interpretation which they had previously placed upon the Agreement of Sib, and the reversal of their position could be explained only by the influence of the Governments of States members of the League of Arab States.

24. In helping the Sultan, at his request, to put down the rebellion, the United Kingdom had not, as had sometimes been said, intended to assume the status of a guardian on behalf of world peace and security, which indeed had in no way been threatened by those purely internal disturbances. Nor did the assistance in question violate international law. Many jurists shared the view of the late Sir Hersch Lauterpacht, the editor of Oppenheim's *International Law*,^{3/} which stated that intervention was dictatorial interference by a State in the affairs of another State for the purpose of maintaining or altering the actual condition of

things. But assistance granted by a foreign Government to the legitimate Government of a country was not unlawful. Every State had the right to defend its own integrity and independence and to ask the assistance of other States for that purpose, and there was nothing in the United Nations Charter to prohibit the granting of such military assistance. Moreover it was the duty of a Government to ensure law and order in its territory, and that did not entail any violation of human rights. Every Government therefore had the right to seek foreign assistance in asserting its lawful authority against rebellion, especially when the rebellion was encouraged from abroad. Saudi Arabia, the United Arab Republic and the Prime Minister of Iraq made no secret of having supplied the Omanis with the equipment, funds and arms which had enabled them to continue the struggle.

25. But it was quite incorrect to state, as some representatives had done, that the local Omani tribes were still fighting against British armed forces. The only incidents that still occurred were due to mines laid by infiltrators sent in from outside the country by refugee rebels, in order to give the impression that the battle for national liberation was still continuing. It was not British soldiers but civilians who had suffered from those incidents. Through those activities the rebels had alienated the Omani population, who had helped the authorities to combat the campaign of mine-laying. There were no longer any British combat units stationed in the Sultanate; there were only a topographical unit of thirty men engaged in mapping the country and small parties, never exceeding a dozen men, which had been engaged in exercises in Oman from time to time, without firing a shot.

26. In the light of what he had said, the United Kingdom delegation was naturally opposed to draft resolution A/SPC/L.78. The allusion to colonialism which the draft resolution contained, in the form of a reference to resolution 1514 (XV) on the granting of independence to colonial countries and peoples, had no relevance to the affairs of Oman, since the Sultanate of Muscat and Oman was not a colony but an independent country.

27. It would be equally irrelevant to "recognize the right of the people of Oman to self-determination and independence", since that people recognized the sovereignty of the Sultan. It would be dangerous for the future of the United Nations if a handful of discredited exiles could induce the world Organization to recommend the fragmentation of a sovereign State. The withdrawal of the remaining foreign forces in Oman was something for the Sultan alone to decide, and in any case the presence of those troops in no way endangered the security and peace of the region.

28. As for inviting the parties concerned to settle peacefully their differences with a view to restoring normal conditions in Oman, that would amount to ignoring the fact that conditions in Oman were now normal and that the only existing differences, those between the Sultan and the ex-rebel leaders, were entirely due to the latter's intransigence. The adoption of the draft resolution would only make a reconciliation even harder to achieve. The United Kingdom Government, whose good offices would always be available, considered it best, in the interests of peace, to reject the draft resolution and thus make it easier for further talks to take place and for a final settlement to be reached.

^{3/} L. Oppenheim, *International Law, Peace*, 8th ed. (London, Longmans, Green and Co., 1955), vol. I, p. 305.

Mr. Sanz Briz (Spain), Vice-Chairman, took the Chair.

29. Mr. EL-FARRA (Jordan) said that, for its proper comprehension, the question of Oman should be restored to its true context of the colonial problem, and the Omani people's struggle and sufferings should be compared with those of the numerous other peoples which, after struggling for freedom, had gained independence.

30. The status of the Imamate of Oman had been determined by the Treaty of Sib (1920), in the conclusion of which the United Kingdom Government had participated as an intermediary. The Treaty of Sib acknowledged the independence of Oman, and required the Sultan of Muscat to refrain from intervening in the country's internal affairs. It was an international legal instrument concluded between two independent States. Moreover, it should be borne in mind that the Sultan of Muscat had met with a repulse in the elections to the Imamate held in 1954.

31. Only in 1955, immediately after the discovery of oilfields in Oman, had the United Kingdom Government intervened in the region, in order to obtain for their exploitation the same concessions as those granted to it by the Sultan of Muscat.

32. The United Nations Charter condemned the use of force, and the present question should be settled by negotiation. The United Kingdom Government, which in 1920 had persuaded the two parties to negotiate and conclude the Treaty of Sib, now desired to settle, by force, questions arising out of the Treaty's application. The reason for that change of attitude, which conflicted with modern trends of thought, was that, whereas in 1920 the best policy to follow in colonial territories had been to divide and rule, at present it was necessary to find something to replace the finally discredited methods of colonialism.

33. The Imamate of Oman was incontestably an independent State; but even were it to form part of the Sultanate of Muscat, the United Kingdom Government would have neither a legal nor a moral right to interfere in its internal affairs. From any point of view, therefore, the problem was a colonial one, created by a foreign Power to serve foreign interests conflicting with the wishes and interests of the local population, in pursuit of the policy of domination and exploitation from which the whole region had long suffered.

34. The draft resolution (A/SPC/L.78), of which Jordan was a sponsor, was couched in moderate terms. To ignore the gravity of the question would be to encourage the use of force and provoke fresh bloodshed. Maintenance of the present situation would threaten peace and security, and violate the United Nations Charter and international law. The draft resolution before the Committee, however, could lead to a peaceful, just and final settlement of the question. The new States Members of the United Nations would not fail to understand the tragic situation of the Omani people which could not be excluded from the general movement towards liberation. When justice and liberty were restored to that region, it would be able to maintain relations of co-operation and friendship with the United Kingdom.

35. Mr. PACHACHI (Iraq), exercising his right of reply, argued that the United Kingdom case was founded on false premises. The United Kingdom representative maintained that Oman and Muscat had always constituted a single State. The two countries,

however, showed strongly marked differences of geography, history, economy, politics and religion. Their temporary union had been due to the accident that in the eighteenth century the population of Oman had elected an Imam from the ruling family of Muscat. Moreover, it was not easy to see how an elective system could be more primitive than a hereditary monarchy. An example from United Kingdom history provided an analogy between on the one hand the situation of Oman in relation to Muscat and, on the other, the dynastic relations which had existed between England and the Kingdom of Hanover. The reason why the Sultan had not, in the Treaty of Sib, been called the Sultan of Muscat and Oman was in fact that his authority had not been recognized by the population of Oman. There was a further fallacy in the United Kingdom argument; why, in the voluminous correspondence to which he had referred in his earlier speech (300th meeting) and which the United Kingdom representative had been careful not to mention, was the Imam treated as completely equal with the Sultan of Muscat?

36. The reference of the United Kingdom representative to the speech by the Prime Minister of the Republic of Iraq was, to say the least, surprising. The United Kingdom had no hesitation in interfering in a country's domestic affairs, but would not let others do so. The population of Iraq would continue to support the people of Oman in its struggle for independence; it regarded the Oman problem as a national and not an internal one and the help it gave was completely disinterested. The manoeuvres of small British detachments in the interior of Oman raised the question why a region with so inhospitable a climate should have been selected for them. The representative of the United Kingdom had used some uncomplimentary terms to describe the leaders of the Omani national movement; but it should not be forgotten that the same terms had already been applied by the colonial Powers to many nationalist chiefs who had later become the leaders of independent States.

Mr. Tchobanov (Bulgaria) resumed the Chair.

37. Mr. SHUKAIRY (Saudi Arabia), exercising his right of reply, observed that the United Kingdom representative's speech proved the soundness of the Omani people's case. The representative of the United Kingdom had been wrong to quote Arab historians in support of his argument; their works showed that the dismemberment of Greater Oman dated from the imperialist era. The United Kingdom had called the Imamate archaic, but was not qualified to pass judgement on that institution; the people of Oman was the only judge. The representative of the United Kingdom's analogy between the Treaty of Sib and Magna Carta did not stand up well to criticism. Whereas Magna Carta was a declaration of human rights, the Treaty of Sib had been concluded between two parties—the Sultan of Muscat, and the delegation sent by the Omani people; its signature by several tribal chiefs showed the democratic character of the Imamate. He himself had never maintained that the United Kingdom was party to the Treaty of Sib; he had merely said that the United Kingdom had, as the Treaty's preamble attested, acted as an intermediary. The details which the United Kingdom representative had given about the passport applications of certain Omani leaders showed that the United Kingdom was quite familiar with the files of the Sultan of Muscat, and proved the degree of the Sultan's subjection to

the United Kingdom. Saudi Arabia, which regarded the Oman question as a colonial one, considered itself entitled to give the population of Oman every kind of help it needed in order to recover its liberty and independence.

38. The United Kingdom's legal arguments might have the extremely serious consequence of legalizing aggression. But aggression was never justified, even by the request of a Government or by obligations flowing from a treaty. Many legal authorities, including the Attorney-General of the United Kingdom, had said as much. The United Kingdom Foreign Secretary, Mr. Selwyn Lloyd, had stated in 1957 that the

United Kingdom had been intervening in Muscat solely in order to help a loyal friend.^{4/} Such conduct by an original State Member of the United Nations and a permanent member of the Security Council could form a dangerous precedent for the future of international relations. He appealed to the members of the Committee to support the draft resolution A/SPC/L.78, which was framed in very moderate terms.

The meeting rose at 1.20 p.m.

^{4/} Parliamentary Debates (Hansard), Fifth Series, vol. 574 (London, Her Majesty's Stationery Office, 1956-1957), p. 34.