

Question of Oman: report of the *Ad Hoc* Committee on Oman*

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Report of the *Ad Hoc* Committee on Oman

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Letter of transmittal

8 January 1965

Sir,

I have the honour to transmit to you herewith the report adopted unanimously on 8 January 1965 by the *Ad Hoc* Committee on Oman.

This report is submitted to the General Assembly in accordance with paragraph 3 of General Assembly resolution 1948 (XVIII) of 11 December 1963.

I should like to take this opportunity of expressing to you, on my own behalf and on that of the members of the Committee, our sincere appreciation of the co-operation and assistance given by the Principal Secretary and the other members of the Secretariat.

Accept, Sir, the assurances of my highest consideration.

(Signed) Abdul Rahman PAZHWAQ
Chairman of the *Ad Hoc* Committee on Oman

His Excellency
U Thant
Secretary-General of the United Nations
New York

Introduction

1. The *Ad Hoc* Committee on Oman was established by General Assembly resolution 1948 (XVIII) of 11 December 1963, which reads as follows:

"The General Assembly,

"Having discussed the question of Oman,

"Having heard the petitioners,

"Deeply concerned with the situation existing in Oman,

"Taking note of the report of the Special Representative of the Secretary-General (A/5562) and thanking him for his efforts,

"Taking into consideration the fact that in the report it is recognized that in the course of his mission the Special Representative did not have the time to evaluate the territorial, historical and political issues involved in the problem, nor did he consider himself competent to do so,

"1. Decides to establish an *Ad Hoc* Committee composed of five Member States appointed by the President of the General Assembly to examine the question of Oman;

"2. Calls upon all the parties concerned to cooperate with the *Ad Hoc* Committee by all possible means, including that of facilitating visits to the area;

"3. Requests the *Ad Hoc* Committee to report to the General Assembly at its nineteenth session;

"4. Requests the Secretary-General to render all necessary assistance to the *Ad Hoc* Committee."

2. In accordance with this resolution, the President of the General Assembly nominated Afghanistan, Costa Rica, Nepal, Nigeria and Senegal as members of the *Ad Hoc* Committee on Oman. The Governments of these Member States appointed the following representatives to the *Ad Hoc* Committee:

Mr. Abdul Rahman Pazhwak (*Afghanistan*)

Mr. Fernando Volio Jiménez (*Costa Rica*)

Mr. Ram C. Malhotra (*Nepal*)

Mr. Ali Monguno (*Nigeria*)

Mr. Ousmane Socé Diop and

Mr. Abdou Ciss (*Senegal*)

The following representatives also served on the Committee as alternates:

Mr. José Luis Redondo (*Costa Rica*)

Mr. José Maria Aguirre (*Costa Rica*)

Mr. J. D. O. Sokoya (*Nigeria*)

Mr. Charles Delgado (*Senegal*)

3. At its first meeting on 21 April 1964, the Committee unanimously elected Mr. Abdul Rahman Pazhwak (*Afghanistan*) as Chairman and Mr. Fernando Volio Jiménez (*Costa Rica*) as Rapporteur.

4. The Committee was represented on its mission by the following members:

Mr. Abdul Rahman Pazhwak (*Afghanistan*)
(Chairman)

Mr. Fernando Volio Jiménez (*Costa Rica*)
(Rapporteur)

Mr. Ram C. Malhotra (*Nepal*)

Mr. Ali Monguno (*Nigeria*)

Mr. Abdou Ciss (*Senegal*)¹

5. The Secretary-General designated the following staff members to assist the Committee: Mr. J. A. Miles, Principal Secretary; Mr. Kyaw U, Political Affairs Officer; Miss M. L. Wright, Secretary. Mr. G. Kaminker, Interpreter, was assigned to the Committee during its mission.

6. In this report, the Committee has endeavoured to give the General Assembly a faithful account of the manner in which it has carried out the mandate entrusted to it. In chapter I, it has given a full account of the work it did at Headquarters and while on mission in the area. To place the question in perspective, it has set out in chapter II a brief review of the history of the question of Oman in the United Nations. Chapter III sets out the information the Committee gathered as a result of the inquiries it made. Chapter IV

¹ Mr. Ousmane Socé Diop also represented Senegal during the Committee's meetings in London.

contains the Committee's evaluation of this information. Finally, in chapter V the Committee has set out its conclusions.

7. Before departing on its mission, the Committee held twenty-five meetings in New York during which it established its procedures, considered its terms of reference, began its research and carried out negotiations for a visit to the area in accordance with its mandate. It also gave Member States an opportunity to express their views on the question.

8. As indicated in chapter I, it was not possible for the Committee to arrange for a visit to Oman. However, the Committee was able to arrange for one of its members to meet the Sultan of Muscat and Oman in London. The Committee also made arrangements to visit Dammam, where the Imam of Oman was in residence. The Committee also decided to visit Sharjah, Kuwait and Cairo, where it had been informed there were many persons who would be able to assist the Committee in carrying out its mandate. For the reasons set out in chapter I, it was not possible to visit Sharjah, but arrangements were made to visit Kuwait and Cairo.

9. The Chairman, as the Committee's representative, met the Sultan in London between 31 August and 3 September 1964. The full Committee had discussions with officials of the United Kingdom Foreign Office in London on 3 September 1964. The Committee then proceeded to Dammam, where it interviewed the Imam of Oman, members of his Higher Council, members of the Revolutionary Council and Omani refugees. The Committee was in Dammam from 5 to 9 September. In Kuwait, where the Committee arrived on 9 September, it interviewed more members of the Revolutionary Council and other persons from Oman. The Committee left Kuwait for Cairo on 13 September. In Cairo, the Committee interviewed a member of the Imam's Higher Council, members of the Revolutionary Council and other persons from Oman. The Committee concluded its work in Cairo on 16 September. The Chairman then returned to London in order to continue his discussions with the Sultan on behalf of the Committee but, for the reasons set out in chapter I, it was not possible to arrange a meeting.

10. The Committee was able to interview all the parties concerned and to put questions to them. It also personally interviewed and questioned 175 persons from Oman and received written communications from many more. As a result, the Committee was able to gather new information on many aspects of the question and to obtain clarifications of the views held by the various parties concerned. It is the Committee's sincere hope that this new information, and the Committee's evaluation of it, will be of assistance to the General Assembly in its consideration of the question.

11. The Committee wishes to express its appreciation to all who assisted it in carrying out its work; to those Member States who provided the Committee with information in answer to its requests; to those Member States whose representatives made statements to the Committee; and to the League of Arab States, whose representatives furnished the Committee with advice and information. The Committee wishes in particular to express its gratitude and appreciation to the Governments of Kuwait, Saudi Arabia, the United Arab Republic and the United Kingdom of Great Britain and Northern Ireland for their co-operation and generous assistance in facilitating the Committee's visit.

12. The Committee also wishes to express its appreciation to the Directors and staff of the United Nations Information Centres in London and Cairo.

13. The Committee would like to express its appreciation to Mr. G. K. J. Amachree, Under-Secretary for Trusteeship and Non-Self-Governing Territories, for his valuable co-operation and in particular to Mr. J. A. Miles, who displayed a high degree of responsibility and ability in the discharge of his difficult task. The Committee also extends its appreciation to Mr. Kyaw U and Miss M. L. Wright as well as to other members of the Secretariat for their efficient services.

14. The Committee adopted its report unanimously on 8 January 1965.

Chapter I. Review of the Committee's work

A. WORK OF THE COMMITTEE AT HEADQUARTERS

1. Rules of procedure

15. At the outset of its work, the Committee decided on its rules of procedure (annex I). Among the most important decisions embodied in these rules was one which provided that, unless the Committee decided otherwise, its meetings would be held in closed sessions. The Committee took this decision because it believed that, in view of the nature of the task with which it had been entrusted, it would be able to work more effectively in closed sessions. As a result of its experience, the Committee believes that this was a wise procedure and that it greatly facilitated its work.

2. Terms of reference

16. The Committee then directed its attention to clarifying its terms of reference as contained in General Assembly resolution 1948 (XVIII). The Committee noted that by this resolution it was called upon to examine the question of Oman and to report to the General Assembly at its nineteenth session. It also noted that the decision to establish a Committee was made after taking into consideration the fact that in the report of the Secretary-General's Special Representative "it is recognized that in the course of his mission the Special Representative did not have the time to evaluate the territorial, historical and political issues involved in the problem, nor did he consider himself competent to do so" (resolution 1948 (XVIII), fourth preambular paragraph).

17. In order to understand more fully the wishes of the General Assembly, the Committee carefully reviewed the discussions that took place in the Fourth Committee preceding the decision to establish a Committee. As a result of this review, the Committee drew up a statement of its terms of reference to guide it in its work (annex II). The main points contained in this statement are set out below.

18. The Committee decided that the mandate given to it by the General Assembly covered all aspects of the question. It therefore would make an exhaustive study of any problem it deemed to be germane to the issue. In particular, and, in keeping with General Assembly resolution 1948 (XVIII), it would study and evaluate the territorial, historical and political issues involved in the problem. The Committee viewed its task as one of ascertaining the facts, making an evaluation of them and reporting fully and objectively to the General Assembly.

19. The Committee also decided that it would carry out its task by a study of all relevant treaties, agreements and legal judgements, by a study of available historical and legal writings relevant to the question, by direct contact with the parties concerned, by discussions with petitioners, by a visit to the area for the purpose of an on-the-spot investigation, and by such other visits as it deemed necessary. The Committee decided that by "the parties concerned", it meant the Sultan of Muscat and Oman, the Imam of Oman, Member States considered by the Committee to be concerned in the area and the question, and other parties as decided by the Committee. The Committee noted that it had used the titles of the parties concerned in accordance with conventional usage in United Nations documents. It also decided that, in corresponding with the parties concerned, it would address them by the titles they ascribed to themselves, without any prejudice to the position of the Committee in the question. The Committee also decided that, during its visit to the area, it would have complete freedom of decision as to where it would travel, whom it would interview and whom it would allow to accompany it. In particular, the Committee stated that it expected to interview political prisoners, or persons held in confinement, the interviewing of whom the Committee deemed useful.

20. On 11 May 1964, the Chairman issued a statement (annex III) on the work of the Committee. This statement briefly set out the way in which the Committee intended to proceed with its task. It also noted that the Committee would give every opportunity to the parties directly concerned, and to Member States concerned in the area and the question, to place their views before the Committee and to discuss these views in detail with it. It further stated that the Committee was looking forward to receiving co-operation from all the parties concerned, including co-operation in facilitating visits to the area, and that the Committee would announce its plans to visit the area when they were completed.

3. Requests to the Committee

21. The Committee received two requests which had originally been addressed to the Secretary-General. The first was a request for a hearing by the Committee and was contained in a letter dated 20 February 1964 from Mr. Faris Glubb, Secretary of the Committee for the Rights of Oman in London. This request was granted, and on 4 August, when the Committee had completed its preliminary plans for its mission, Mr. Glubb was informed that the Committee would hear the representatives of his Committee in London sometime in September.

22. The second request was from Mr. Himyar bin Sulaiman, representative of the State of Oman, and was contained in a letter dated 4 March 1964. In this letter it was suggested that the State of Oman be given the opportunity to delegate an official representative to accompany the Committee on its mission "to render any service or assistance the mission may require in carrying out their duties in Oman". The Committee decided to inform Mr. Himyar bin Sulaiman that the Committee would give every opportunity to the parties directly concerned to place their views before the Committee and to discuss them in detail with it. This decision was conveyed by a letter date 27 May 1964.

4. Study of treaties and agreements

23. The Committee located twenty-three treaties, agreements and judgements relating to the Sultanate.² It carefully considered the texts of each of them and also inquired into the historical background and circumstances surrounding their signature. As a result of this study, the Committee formulated a number of questions concerning these treaties and agreements to be directed to the parties concerned at the appropriate time. The information gathered by the Committee on this subject, including the questions raised by the Committee and the answers it received, is set out in chapter III, section E.

5. Study of the history of Oman

24. In accordance with its terms of reference, the Committee sought information on historical aspects of the question. To this end, it prepared an outline history based on the available material. A list of the more important historical works and articles consulted is contained in annex IV.

25. With regard to the historical materials, the Committee noted that, while there is a comparatively large number of books and articles which refer to the history of Oman, very few of these are contemporary accounts or are based on contemporary accounts. For the period before the nineteenth century, there are three accounts by Omanis in Arabic. The first is a chronicle, *Kashf al-Ghumméh* or "Dispeller of Grief", which was written about 1728. The greater portion of this forms part of Salil ibn Razik's chronicle, the second account, which was written about 1857. This work was translated and edited by G. P. Badger and was published in 1871 under the title *History of the Imams and Seyyids of Oman*. It contains a commentary and an introduction by Badger which carry the story up to the date of publication. This account was available to the Committee. The third account is *Jawhar Al Nidham, Kitab Nidham Al'Alam*, which was written by Nuraddin Abdullah ibn Hamid Al Salimi towards the end of the nineteenth century and which has not been translated. The Committee was not able to obtain a copy of this work until it was on its mission and was unable to have a translation made.

26. Thus, for the period up to 1800, the Committee had to rely entirely on Salil ibn Razik's account. When the Chairman met the Sultan he asked whether the Sultan could recommend any historical works to the Committee. The Sultan replied that there was no official history but that there was an account by Salil ibn Razik. When the Imam was asked his opinion of this account, he stated that it had been especially written for the ruling family of Muscat.

27. For the period after 1800, the Committee was able to draw on a slightly wider variety of sources. In addition to Salil ibn Razik (up to 1857) and Badger (up to 1870), such authors as Sir Reginald Coupland and J. B. Kelly³ have written accounts which are based on a study of contemporary sources, notably, the official British records at Bombay of correspondence between the Government of India and the British Political Agents and Consuls at Muscat and Zanzibar. For the period after 1900 there are a number of accounts by Englishmen who lived, worked or travelled in the area.

² The treaties and agreements considered by the Committee are listed in paragraph 373 below.

³ The titles of the works referred to in this paragraph are contained in annex IV.

Among these are books and articles by Sir Ronald Wingate, British Political Agent and Consul in Muscat from 1920 to 1921; Bertram Thomas, financial adviser to the Sultan in the 1920's; Captain G. J. Eccles, commander of the Sultan's armed forces in the 1920's; Wilfred Thesiger, who travelled through the interior in the late 1940's; and James Morris, who accompanied the Sultan to Nazwa in 1955.

28. The historical information the Committee obtained from these sources was supplemented by the answers provided by various persons the Committee interviewed. This information is set out in the appropriate sections of the report below.

6. Negotiations to visit Oman

29. After considering its terms of reference and the means it would employ in carrying out the tasks assigned to it by the General Assembly, the Committee set about making arrangements to carry out an on-the-spot investigation by means of a visit to Oman. In this connexion, it will be recalled that by paragraph 2 of resolution 1948 (XVIII), the General Assembly called upon all the parties concerned to co-operate with the *Ad Hoc* Committee by all possible means, including that of facilitating visits to the area.

30. Having ascertained that any request for a visit to Oman should be directed to the Sultan of Muscat and Oman, the Committee, through its Chairman, addressed a letter to the Sultan on 18 May 1964.⁴ In this letter, the Committee informed the Sultan of the establishment of the *Ad Hoc* Committee on Oman and of its intention to make a thorough and intensive examination of all aspects of the question, so as to enable it to report fully and objectively to the General Assembly. It drew attention to the desirability of the Committee being able to acquaint itself at first hand with the situation in the area and being able to make the observations, investigations and interrogations that would assist it in its work, in accordance with its terms of reference. For these reasons, the Committee believed that a visit to the area was necessary and it requested the co-operation of the Sultan in facilitating such a visit.

31. By a telegram dated 20 June 1964 (annex V, item 2), the Sultan of Muscat and Oman drew attention to his previous messages to the President of the General Assembly reminding delegates that the Sultan held sole responsibility for all matters within the Sultanate of Muscat and Oman, which had been a sovereign and independent state for over 200 years. The Sultan also stated that the resolution of the General Assembly to which reference had been made concerned matters which were within his jurisdiction and was, therefore, an encroachment upon the Sultan's domain, which, he understood, the Charter of the United Nations reserved to the Sultan's sovereign competence. For these reasons, the Sultan regretted that he could not agree to the Committee visiting any part of his territories.

32. On receiving this reply, the Committee expressed its deep regret at the Sultan's decision. A visit to Oman, the Committee believed, would have been of great assistance to it in carrying out the task entrusted to it by the General Assembly. Because of the importance of the matter and in keeping with its desire to give every opportunity to all concerned to place their views before it in order to enable it to report objectively to the General Assembly, the Committee believed that

it would be most useful and desirable if it could have the opportunity of seeking information on the matter through some other arrangements. It therefore decided to convey these feelings to the Sultan and to inform him that it would appreciate receiving any suggestions the Sultan might wish to make in this regard. This was done by a letter dated 1 July 1964 (annex V, item 3).

33. In a telegram dated 15 July 1964 (annex V, item 4), the Sultan stated that, without prejudice to his attitude towards the United Nations, he would be willing to receive one member of the Committee, provided that the specific points on which his comments were desired was submitted to him beforehand. He also stated that he would be in London for two months beginning in August and would be willing to receive the member of the Committee during that period.

34. On receipt of this telegram, the Committee expressed its appreciation to the Sultan for his response and for his willingness to give the Committee an opportunity to acquaint itself with his views. However, bearing in mind that the members of the Committee would not be able to have the benefit of a visit to Muscat and Oman, it was the Committee's considered belief that it would be more useful if all its members could profit by acquainting themselves at first hand with the Sultan's views. The Committee therefore decided to request the Sultan to give consideration to a meeting with the Committee as a whole. If, however, such a meeting did not prove possible, the Committee would consider nominating one of its members to meet the Sultan on its behalf. These decisions were conveyed to the Sultan in a letter dated 23 July 1964 (annex V, item 5).

35. By a telegram dated 10 August 1964 (annex V, item 6), the Sultan regretted that, as already indicated in his previous cable, he would be unable to receive more than one member of the Committee.

36. Following the receipt of this reply, the Committee expressed its regret that the Sultan was unable to receive all the members of the Committee. However, in keeping with its desire to fulfil the tasks entrusted to it by the General Assembly as thoroughly and objectively as possible, the Committee decided to appoint its Chairman to meet the Sultan on its behalf and as its representative. These decisions were conveyed to the Sultan by telegram on 12 August 1964 (annex V, item 7).

37. In accordance with the arrangements agreed upon with the Sultan, the Committee prepared a list of the major points relating to the matters it wished to discuss with him. The list was sent to the Sultan by a letter dated 20 August 1964 (annex V, item 9). This list was based on a comprehensive list of questions which the Committee drew up for the Chairman to use, at his discretion, during his discussions with the Sultan.

7. Proposed visit to neighbouring countries

38. In keeping with its announced intention to give every opportunity to all concerned to place their views before the Committee and to discuss them with it, the Committee decided that, regardless of the results of its negotiations to visit Oman, it would also be necessary for it to visit neighbouring countries. It was of primary importance that the Committee should visit the Imam of Oman and discuss the question with him in detail. It was also important that the Committee should interview Omani refugees and other persons and organizations that could be of assistance to it in carrying out its task. Moreover, in view of its decision to

⁴ The correspondence between the Chairman and the Sultan of Muscat and Oman is set out in annex V.

grant a hearing to the Committee for the Rights of Oman, it would also be necessary for the Committee to visit London.

39. In this connexion, the Committee received a letter dated 15 June 1964 from the Chargé d'affaires of the Office of the Permanent Observer of the League of Arab States, informing the Committee that representatives of the following institutions, groups and persons wished to be heard by the Committee:

- "1. The Imamate of Oman Center and the Omani Community in Cairo, United Arab Republic.
- "2. His Eminence, Imam Ghalib bin Ali and the members of the Revolutionary Council in Dammam, Saudi Arabia.
- "3. The Omani Community in Dhahran and Dammam, Saudi Arabia.
- "4. The Omani Community in Kuwait, Qatar, and Bahrain.
- "5. Merchants, intellectual groups, and leaders of public opinion in the Omani Trucial Coast, Sheikdoms, with emphasis on Sharjah, Dubai, Ras al Khaimah, and Abu Dhabi.
- "6. The Secretariat of the League of Arab States."

40. The Committee expressed its deep appreciation to the League of Arab States for this information and discussed it with representatives of the League at its meeting on 15 July 1964. At its meeting on 24 August 1964, the representatives of the League gave the Committee additional information, including details of the composition of the Revolutionary Council of Oman.

41. The Committee felt that it would be impossible for it to visit all the places where there were persons who wished to interview it. It decided therefore to arrange visits to those places which would be most useful and where it would meet the most important and representative persons. On the basis of this principle and the information available to it, the Committee decided to make arrangements to visit London, Dammam, Kuwait, Sharjah and Cairo. It also decided that the first place it would arrange to visit in the area would be Dammam, since this was the residence of the Imam.

42. Accordingly, the Committee informed the Governments of the United Kingdom, Saudi Arabia, Kuwait and the United Arab Republic of its desire to visit their countries and requested their co-operation in facilitating such a visit. In reply, the Committee was informed that these Governments would be happy to facilitate a visit by the Committee and would do everything possible to assist it in its work.

43. With regard to the Committee's proposed visit to Sharjah, the Committee ascertained that its request to the Sheikh of Sharjah should be addressed through the Government of the United Kingdom, since that Government, by treaty, was responsible for Sharjah's foreign relations. In reply to its request, the Committee was informed that the Government of the United Kingdom had not been able to contact the Sheikh of Sharjah, who was at that time travelling. However, the question had been discussed previously with the Sheikh. As the authority responsible for the Sheikh's external relations, and with his agreement, the Government of the United Kingdom stated that it could not accede to the wish of the Committee and provide facilities for it to visit Sharjah. The Government of the United Kingdom also advised that the same deci-

sion would apply to any of the other States in the area for whose foreign relations the Government of the United Kingdom was responsible. The Committee feels that it is a matter for regret that the Government of the United Kingdom and the Sheikh of Sharjah should have seen fit to adopt this attitude.

8. Views of Member States

44. On 28 July 1964, the Chairman addressed a letter to the Permanent Representatives of all Member States, and to the representative of the League of Arab States, informing them that the *Ad Hoc* Committee on Oman had reached the stage in its work at which it believed it would be useful to make itself available to Member States that wished to place their views before it.

45. In response to this letter, the Committee heard statements by the representatives of the United Kingdom, Morocco, Yugoslavia and Bulgaria. The representative of Morocco spoke on behalf of Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, the United Arab Republic and Yemen. The statements by the representatives of the United Kingdom and Morocco are reproduced in annexes VI and VIII, respectively. A memorandum presented by the United Kingdom is reproduced in annex VII and a memorandum presented on behalf of the thirteen Arab States is reproduced in annex IX. A summary of the views expressed to the Committee is contained in chapter III, section C, below.

46. Arising out of the statement by the representative of the United Kingdom, the Committee addressed letters to the Permanent Representatives of France, India, the Netherlands and the United States of America concerning treaties between these countries and the Sultanate. The information received in response to these letters is set out in chapter III, section E, below.

47. In his statement, the representative of the United Kingdom said that if the Committee had any questions it wished to raise, his delegation would be happy to consider them or, if the Committee thought it more convenient, they could be raised with the Foreign Office while the Committee was in London. The Committee decided to accept this latter suggestion, and, to facilitate the discussions, prepared a detailed list of questions which would form the basis of the discussions. These questions were forwarded to the delegation of the United Kingdom by a letter dated 24 August 1964 (annex X).

9. Departure of the Committee

48. On 28 August 1964, the Chairman of the Committee issued a statement on behalf of the Committee in which its plans to visit London, Dammam, Kuwait and Cairo were announced. It was stated that the approaches the Committee had made for a visit to Oman had not yet been successful, but that arrangements had been made for the Chairman, as representative of the Committee, to hold discussions with the Sultan of Muscat and Oman, who was in London. For this purpose, the Chairman would depart from New York before the other members of the Committee. The statement also set out the Committee's itinerary and expressed the Committee's hope that the dates of its visits to the various centres would be widely known so that persons with information on the question might appear before it.

B. WORK OF THE COMMITTEE ON MISSION

1. *Meetings with the Sultan of Muscat and Oman in London*

49. The Chairman departed for London on 29 August 1964, to be available to the Sultan of Muscat and Oman for the beginning of the discussions. On 31 August, the Chairman paid a courtesy call on the Sultan and it was arranged that the first formal meeting would take place the next day.

50. At the beginning of the meeting on 1 September, the Chairman explained that he was meeting the Sultan on behalf of the United Nations *Ad Hoc* Committee on Oman and that the other members were still in New York. He informed the Sultan that while the United Nations was seized of the problem of Oman and had discussed it in the General Assembly, it had not taken any decision on the substance of the question. The only decision the General Assembly had taken was to establish the *Ad Hoc* Committee and this clearly showed that the intention of the General Assembly was to inform itself in more detail about the question. In particular, the members of the General Assembly wished to be fully acquainted with all points of view on the question before they attempted to come to any decision.

51. The reason for the establishment of the Committee was, therefore, to gather information and present, in an objective way, the various points of view. It was particularly important to present the Sultan's point of view since, although it was known in general terms through his communications, it was not known in any detail. On the other hand, the points of view of Member States interested in the question were known in some detail, since they were members of the Organization and had the opportunity to make their views fully known. It was therefore extremely important that the Committee should be able to receive at first hand the information the Sultan wished to place at its disposal, as well as his views on various aspects of the question. The Chairman was therefore very pleased to have the opportunity to meet with the Sultan.

52. The Chairman then explained that the Committee's task was to report fully and objectively to the General Assembly. In particular, it would ensure that the Sultan's views were fully understood by the Assembly. The Committee was attempting to ascertain facts and evaluate the territorial, historical and political issues involved in the question, and, having done this, it would report fully and objectively to the General Assembly. The Committee had begun its study of the question by examining the points of view put forward by Member States and by examining the available information on the question. Now it wished to hear from the Sultan his own views. To this end, the Committee had already forwarded to the Sultan a general outline of the matters on which it was seeking information and the views of the Sultan. As the Sultan would have noted, this outline covered a wide variety of topics. Some of them might not seem important to the Sultan but they were important to the Committee, and it wished to be able to present the Sultan's views on these matters to the General Assembly. This was particularly important since the Sultan was not represented in the United Nations.

53. The Chairman then stated that the Sultan had no doubt studied the list of topics and that he was at

the disposal of the Sultan to hear his views on them either now or whenever it was suitable to the Sultan.

54. The Sultan expressed his appreciation to the Chairman for his courtesy and for the manner in which he had presented the subject. He then drew attention to his position on the question which he had previously conveyed to the United Nations and to the Committee and stated that his agreement to meet the Chairman was without prejudice to that position. As he had previously informed the United Nations, the question was an internal matter, entirely within his jurisdiction, and was not a matter for the United Nations, which had no jurisdiction over a country's internal affairs. He had agreed to meet the Chairman, although he could not officially recognize the Committee.

55. With regard to the situation in his country, he regretted to say that trouble had been engineered from outside. So far as he was concerned, there were no parties to the dispute since the people concerned were his subjects. He had already expressed his views on the question to the Special Representative of the Secretary-General, Mr. Herbert de Ribbing, and they could be found in paragraph 132 of his report (A/5562). The position was that there had been a handful of rebels and that otherwise the country was quiet.

56. The Chairman assured the Sultan that his position on the matter was fully understood. However, the details of the Sultan's point of view on the question and the reasons for his position were not so clear to the General Assembly. For this reason, it might be valuable to explain these matters more fully. He assured the Sultan that any detailed clarifications the Sultan cared to make would be fully reported. Indeed, it was to remedy the lack of information that he had first suggested that the Committee should visit Muscat and Oman, because so much more could be done on the spot to clarify the position.

57. The Sultan remarked on the source of the allegations about his country. He said that these allegations had been made by his subjects and a ruler could not be expected to sit in court as the equal of his subjects. It might be different if the allegations had been made by another country. Even so, he did not believe that there was any substance to the case. The Sultans of Muscat and Oman had always ruled Oman. There had been, from time to time, differences between the tribes. But his country was run on the basis of customs and understandings that had grown up over the years and which together made up the country's Constitution. People from outside did not understand this and tried to speak of the affairs of Muscat and Oman in modern terms, which did not apply. The present matter had to do with the internal affairs of his country and if it had been left to be settled according to his country's ways and customs, it would have been settled by his country and there would have been no occasion for the United Nations to be concerned. However, he would be willing to consider any detailed questions the Chairman would like to put to him on the basis of the outline he had already received.

58. The Chairman said that the first questions related to the history of Muscat and Oman.

59. The Sultan said that this was a matter on which he would find it difficult to give any information. He was not alive when some of the events mentioned had happened and therefore he did not know about them. The period covered went back for more

than 200 years and it was not possible for him to give answers and to commit himself on these matters. However, the main points were clear. His family had been in power in Muscat and Oman for over 220 years and all the people of Oman were his subjects.

60. He also pointed out that there was no official history of Oman. Books had been written by foreigners but they had not lived in the times they were writing about and many of them made up stories. In his time, foreigners had come to Muscat and Oman to write about the country but what they had written was not quite the truth. The truth of the matter could not be reached by referring to historians, since each historian commented in his own way, according to his inclinations. The subject of history reminded him of criminal proceedings in court. The police prosecutor put forward one version of the facts while the defence lawyers expounded another.

61. The Chairman said that since there was no official history and since historians had put forward different points of view about the history of Muscat and Oman, it was important that the Sultan's point of view should not be overlooked or ignored. The Chairman asked the Sultan whether there were any historical works written by Omanis.

62. The Sultan said that there was one book called *History of the Imams and Seyyids of Oman*, written by Salil ibn Razik, which had been translated into English by Badger. There had been no copy in Arabic, but recently he had found a copy in London and had had it microfilmed. There were other books on the history of his country, but he did not feel it would serve any purpose to refer to them. In any case, so far as he was concerned, he could only speak with certainty about the events he had lived through.

63. The Chairman asked the Sultan for his opinion of the book to which he had referred.

64. The Sultan replied that this book was supposed to be one of the best sources. However, what was contained in books of history was not always correct. Sometimes the writer was not present when the events about which he was writing took place.

65. The Chairman said that there were many matters on which the Committee wanted information and that it therefore had many questions that it would like to put to the Sultan. If it would be convenient for the Sultan, he could arrange to have these questions given to the Sultan in writing. The Sultan could then make his comments after he had had time to consider them. The Chairman would be at the disposal of the Sultan and would be willing to hear the Sultan's comments personally, or if it suited the Sultan he could present his comments in writing.

66. The Sultan said that he was quite willing to tell the Chairman all the facts. If necessary, he could do so at once, because he did not have to make up any stories. He had nothing to hide. He had allowed a number of journalists to come to his country to write about it, but his experiences with journalists had not been happy ones. If they had come and written about what they saw, if they had set down the facts, he would have had no complaint. But they had spent one or two days only in the country, had not inquired or spoken to the people and had written untrue things. If they had described things exactly and then made their comments, this would have been acceptable. He had nothing to say against writers making their comments on the basis of facts. Facts were facts and would speak out

of themselves. He had nothing to be ashamed of in Muscat and Oman and was not afraid to let the facts speak out. His rule had been called autocratic, but in truth his people were like his children; he ruled them as a father ruled his family. There were troubles from time to time, sometimes there were quarrels, but these were internal affairs and there was no need for interference from outside. When interference came from outside, however, it was necessary for him to appeal to other people to help him.

67. The Chairman recalled his earlier remarks about the Committee's desire to seek out the facts. If there had been journalists who had reported incorrectly, it was important for the Committee to have the opportunity to record the real facts. That was why it had wanted to go to Muscat and Oman, to see, as it were, "the house and the garden". He assured the Sultan that whatever information and views the Sultan gave would be exactly recorded. The Committee would, of course, make its comments, but these would be recorded separately.

68. The Sultan said that he did not expect the General Assembly to continue with this question any longer. He hoped that this year would see the end of the matter as he could not allow himself to be put into a position of defence any longer. He had hoped that Mr. de Ribbing's report would be final, but unfortunately this had not been the case.

69. The Chairman said that the General Assembly had no wish to prolong the matter. It had asked the Committee to present a comprehensive report on the subject to provide it with information it felt was lacking. It was therefore important that the Sultan's views should be fully reported.

70. It was then agreed that the Chairman would submit a list of questions to the Sultan. The Chairman would be at the disposal of the Sultan and would meet again with him at any time the Sultan suggested. The same day, the Chairman forwarded to the Sultan the list of questions drawn up by the Committee (annex V, item 10).

71. The second meeting took place on 3 September 1964. At the beginning of the meeting, the Sultan said that before he turned to the list of questions the Chairman had given to him, he would like to refer to what he had already stated about his position in the matter. He had taken great pains to emphasize that the United Nations had no right to inquire into the matter which related to the internal affairs of his country; nor could he put himself in the position of having any case to answer. But in spite of this he had agreed to meet the Chairman as a gesture of co-operation to help the Chairman to understand the situation in Muscat and Oman. The trouble in his country had been created by certain parties outside who seized on a rebellion by a few self-interested tribal leaders in order to further their own interests and desires. He doubted whether any of those outside parties had the slightest genuine interest in his country or in the welfare of his people. With reference to some of the questions, the Sultan said that it was not customary for him, or indeed for the Head of any State, to discuss his system of government and administration with foreign Governments or international organizations. He wished to emphasize this and hoped that the Chairman appreciated it.

72. The Chairman said he fully appreciated how the Sultan looked on this matter. However, he would like

to make it quite clear that the only interest of the United Nations was to find out the facts through the Committee. The General Assembly had taken no decision on the question and had made no judgement. The General Assembly expected the Committee to gather information and facts and it would certainly take no decision until it had done all in its power to allow the parties against whom allegations had been made to express their views. That was why the Committee wanted to hear and report the Sultan's point of view and to conduct an on-the-spot investigation of the situation. Not all the members of the General Assembly had the same view on the question, and after reading the Committee's report they would be able to make their judgements. It was not impossible that some might have a political interest in the question, but members would make up their minds from the facts presented to them by the Committee. The United Nations sought nothing but a peaceful solution of the problem of which it was seized. The establishment of the Committee demonstrated the thoughtfulness of the General Assembly of the United Nations.

73. The Sultan said that he did not expect the United Nations to solve the question or to give any judgement on it. It was not a question for the United Nations to consider. His agreement to meet the Chairman was meant only as a gesture of co-operation. After this, he expected no further negotiations or discussions with the United Nations.

74. The Chairman said that what the United Nations was really seeking was his co-operation, for without co-operation the United Nations could do very little. The General Assembly could not impose any of its decisions even on Member States. So there was no question of decisions being imposed. The General Assembly could only make recommendations in the interest of settling disputes and maintaining friendly relations between countries. Bearing this in mind he hoped that the Sultan would continue to co-operate as he had already been doing.

75. The Sultan wished to repeat that this was not a dispute between him and another Government; it was one between him and his own subjects.

76. The Sultan then made comments on some of the questions included in the list prepared by the Committee. The information contained in the Sultan's replies is contained in the relevant sections of chapter III below.

77. At the end of the meeting, the Sultan noted that there were still a number of questions on which he wished to comment, and that there were some he would like to consider further before making his comments. It was agreed that the Chairman and the Sultan would continue their discussions when the Chairman returned to London later in the month.

78. At the conclusion of the Committee's meetings in Cairo, the Chairman returned to London on 18 September in order to continue his discussions with the Sultan on 19 or 20 September. It was ascertained, however, that the Sultan had not returned to London. On 19 September, the Chairman addressed a letter to the Sultan⁵ recalling the arrangements that had been made for the meeting and regretting that it was not possible for the discussions to be continued on this occasion. The Chairman indicated that he would be glad to continue the discussions, if a mutually suitable

time could be arranged, when he passed through London again at the beginning of October. If this did not prove possible, the Sultan might consider sending the Chairman the clarifications he intended to make concerning the remaining questions. The Chairman also stated that he had intended to raise again the question of a visit by the Committee to Muscat and Oman. In this connexion he noted that, following their visit to the neighbouring area, the members of the Committee were more convinced than before that such a visit would be very useful indeed and would be in the interests of all parties concerned.

79. After the Committee had returned to New York, the Chairman received a letter dated 22 September 1964 from the Sultan of Muscat and Oman in which the Sultan stated that it would not be possible for him to meet the Chairman in London at the beginning of October as he would be leaving then. The Sultan also stated that he was unable to agree to further visits to the Sultanate by members of United Nations committees, nor, as he had already stipulated, was he prepared to enter into correspondence on these matters.

80. In a reply dated 25 September 1964, the Chairman stated his regret that the Sultan maintained his previous position concerning visits by the members of the United Nations *Ad Hoc* Committee on Oman to the Sultanate. The Chairman also stated that he was about to leave New York for Cairo, and that, on the completion of his work there, he would be at the disposal of the Sultan to meet him in Europe, in the Middle East or in Muscat and Oman. If such a meeting was not convenient, the Chairman again suggested that the Sultan might let him have his views on the remaining questions in writing. The Chairman earnestly hoped that the Sultan would extend his co-operation so as to enable the Committee to submit a full report based on the information gathered directly from all the parties concerned.

81. As stated by the Chairman in his correspondence with the Sultan, the Committee regrets that a further meeting between the Chairman and the Sultan did not take place and that the Sultan could not find it possible to accept the suggestion that he forward his clarifications on the remaining questions to the Committee.

2. Meeting with officials of the Foreign Office of the United Kingdom

82. The Committee met with officials of the Foreign Office in London on 3 September 1964. The discussions that were held were based on the list of questions previously submitted by the Committee (annex X). The information obtained by the Committee is contained in the appropriate sections of chapter III below.

83. At the conclusion of the meeting, it was agreed that comments on additional questions raised during the meeting by members of the Committee would be forwarded to the Committee later. It was also agreed that the Committee could raise further questions, if it wished to do so, after its visit to the area. Subsequently, the Committee addressed additional questions to the United Kingdom. The comments of the United Kingdom on all these questions were conveyed to the Committee after its return to New York.

3. Proposed meeting with the Committee for the Rights of Oman

84. It had been the intention of the Committee to hear representatives of the Committee for the Rights of

⁵ The correspondence between the Chairman and the Sultan on this matter is reproduced in annex V, items 11-13.

Oman during its visit to London. However, when the Committee arrived in London, it was informed by the Chairman of that Committee that it would not be possible for any representative of the Committee for the Rights of Oman to appear before it.

4. *Meetings with the Imam of Oman and members of his Higher Council*

85. On its arrival in Dammam on 5 September 1964, the Chairman paid a courtesy call on the Imam of Oman. On 6 September, the Committee met with the Imam and two members of his Higher Council, Sheikh Talib bin Ali and Sheikh Sulaiman bin Himyar. The Committee later met with a third member of the Imam's Higher Council, Sheikh Saleh bin Isa, in Cairo.

86. At the Committee's first meeting with the Imam, the Chairman explained that the Committee had come to Dammam on behalf of the United Nations. Its task was to gather first-hand information about the situation in Oman and to ascertain the facts in connexion with the question. It would contact all the parties concerned to hear their views on that situation and question them on matters that might be important and of assistance to the Committee in preparing its report to the General Assembly of the United Nations. It was therefore important to have the co-operation of all the parties concerned in answering the questions put to them by the Committee. In this way the Committee could provide the members of the General Assembly with comprehensive information which would assist them in their consideration of the question. The Chairman assured the Imam, as he had assured all the other parties, that what the Committee heard would be noted in full, and would be objectively reported to the General Assembly. He also assured the Imam that if there was some information he was willing to give the Committee, but which he did not wish to be made public, this information would be kept confidential in the archives of the United Nations.

87. The Imam said he wished to thank the United Nations for the great help it was giving Oman. He also wished to thank the Chairman and the members of the Committee for giving him and his people the opportunity to meet them. At present the people of Oman were like all other people under colonial rule and they turned to the United Nations for sympathy. He himself and the members of his Higher Council (*Majlis al Shora*) would be pleased to answer any questions about the situation in Oman.

88. The Imam then made a brief statement (see paragraphs 208-216 below), after which he and the members of his Higher Council answered questions put to them by the members of the Committee. The Committee held another meeting with the Imam and his Higher Council on 7 September, during which further questions were put and answered. The information contained in the answers to these questions is set out in the appropriate sections of chapter III.

89. On 9 September, before the Committee's departure for Kuwait, the Chairman paid another courtesy call on the Imam. At this meeting the Imam drew attention to the plight of the refugees and the people who were still living in Oman and stated that the people of Oman were asking the United Nations to help them. He added that the problem of Oman was a problem for all humanity.

90. The Chairman said that it was his wish and hope for a peaceful settlement of the question, in the interests of the people of Oman.

91. Additional questions prepared by the Committee were given to the Imam and his Higher Council. The answers to these questions were later received at Headquarters.

5. *Meetings with members of the Revolutionary Council, refugees from Oman and other persons*

92. During its visits to Dammam, Kuwait and Cairo, the Committee interviewed 175 persons, some of whom represented many others. These included almost all the members of the Revolutionary Council, many refugees and other persons from Oman who wished to give the Committee information and acquaint it with their views. In addition to this oral testimony, the Committee received over 150 communications on behalf of many more Omanis setting out their views on the question. The information provided by these persons is set out in the appropriate sections of chapter III.

93. In Dammam, the Committee held seven meetings and interviewed fifty-two persons. With the exception of four, all had left Oman between 1955 and 1962. Five stated that they had returned, after having left, to participate in the fighting. Most came originally from the Jabal al Akhdar area, others came from towns in the Dhahirah, the Sharqiyah and Dhofar; none came from Muscat or the coastal areas. Most had been engaged in agricultural and pastoral activities in Oman before they had left, eight had been property owners and landlords, five had been students, three had been *walis*, two had been tribal leaders and two had been traders. Almost all had no employment in Dammam; three were labourers, one was a clerk, one was a trader and another was a student. Twenty tribes were represented among the persons interviewed.

94. In Kuwait, the Committee held nine meetings and interviewed ninety-four persons. Most of these persons were between twenty-one and thirty years old, and of the seventy-four who stated the year they had left Oman, fourteen had left before 1955 and only two had left since 1962. As in Dammam, most came originally from the Jabal al Akhdar area. There were also persons from the Dhahirah, the Sharqiyah and the Ja'an and at least twelve from the coastal areas. In addition, some came from the Trucial Sheikhdoms. Most had been farmers in Oman, others had been traders, students, landowners and labourers. Almost all were in some kind of employment in Kuwait. The majority were employed as labourers, guards and office boys, but some had responsible positions with private firms and with the Government. Over fifty tribes were represented. Among the persons interviewed was the representative of the Imamate in Kuwait.

95. In Cairo, the Committee held five meetings, two of which were devoted exclusively to interviewing Sheikh Saleh bin Isa, a member of the Imam's Higher Council. At the other three meetings, the Committee interviewed twenty-nine persons, most of whom were young students under twenty-one years of age. Four of those interviewed had left Oman before 1955, the remainder had left at various times, including 1962 and 1963. Some of the students returned each year for their vacations. Eleven of those who gave their place of origin came from such coastal towns as Muscat, Sur and Sib, and from Dhofar province; the remainder came from the interior. Among those interviewed was

the representative of the Imamate in Cairo, the member of the Revolutionary Council responsible for the education of Omanis, representatives of Omani student organizations in Cairo and in Eastern Europe, and a representative of an organization of Omanis in East Africa.

96. While on its mission, the Committee continued its practice of holding its meetings in closed session. With the exception of the first part of the Committee's opening meeting in Cairo, which was open to the Press and the public, all of the Committee's meetings were held in closed session.

97. At the first meeting in Cairo, the Chairman explained the functions of the Committee, reviewed the work it had already done, explained its purpose in visiting Cairo, and invited all persons who wished to give the Committee information to do so. The Chairman also made similar statements to the persons interviewed in Dammam and Kuwait.

98. In most cases the Committee interviewed each person individually. In some cases the Committee heard persons in groups of up to six and in other cases, where the group of persons wishing to be heard was too large, it interviewed one or more persons designated by the members of the group to speak for them. Some persons who had special knowledge or who were of special interest to the Committee were re-interviewed. In Kuwait and Cairo it was not possible for the Committee to interview all the persons who wished to appear before it. These persons were asked to inform the Committee in writing of what they had wished to say to it. Many took advantage of this arrangement and all written petitions and statements were taken into consideration equally with the oral statements made to the Committee.

99. In Cairo, at the conclusion of the Committee's work in the area, the Chairman held a press conference at which he made a statement concerning the Committee's work and answered questions put to him by members of the Press.

6. *Publicity of the Committee's visit*

100. The large number of persons the Committee interviewed and from whom it received written petitions indicates that the Committee's visit to the various centres was well publicized. For this, the Committee is grateful to the different Governments concerned, to the League of Arab States and to the United Nations Information Centre in Cairo.

Chapter II. The question of Oman in the United Nations

1. *Security Council, 1957*

101. The question of Oman was first introduced in the United Nations in August 1957 when representatives of eleven Arab States, in a letter dated 13 August 1957,⁶ requested, under Article 35 of the Charter, the convening of the Security Council to consider "The armed aggression by the United Kingdom of Great Britain and Northern Ireland against the independence, sovereignty and the territorial integrity of the Imamate of Oman".

⁶ *Official Records of the Security Council, Twelfth Year, Supplement for July, August and September 1957, documents S/3865 and Add.1.*

102. The Sultan of Muscat and Oman protested against this proposal, stating in a telegram dated 17 August 1957⁷ that the matters referred to in this request lay exclusively within his internal jurisdiction.

103. In pressing for the inclusion of Oman on the agenda of the Security Council, the representative of Iraq, speaking on behalf of the Arab States, said on 20 August 1957⁸ that Oman had enjoyed an independent status for a long time. This status had been recognized by the Treaty of Sib in 1920 which represented a treaty between two sovereign States. The recent military intervention of the United Kingdom, in collaboration with the forces of the Sultan, was a violation of Oman's independent status. The Security Council was being asked to investigate the question, as provided by Article 34 of the United Nations Charter, as a dispute or situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation was likely to endanger the maintenance of international peace and security. He explained that the Arab States reserved their position on the measures that should be taken and whether they should be taken under Chapter VI or Chapter VII of the Charter.

104. In opposing the inscription of the item on the Security Council's agenda, the representative of the United Kingdom stated that there was no independent sovereign state of Oman, that the district of Oman was part of the dominions of the Sultan of Muscat and Oman, and that the Sultan's sovereignty over the coastal areas of Muscat and the mountainous districts of Oman had been recognized in various international treaties. The Sib Agreement of 1920 was not an international treaty between two separate States, but an agreement concluded between the Sultan and a number of tribal leaders after certain troubles in the interior of Oman had been put down. It allowed the tribes a measure of autonomy but in no way recognized Oman as independent. The military action of the United Kingdom had been undertaken at the request of the Sultan to help him restore order in the face of a revolt against his authority which had been aided and encouraged from without.

105. At its 784th meeting, the Security Council decided—by a vote of 4 in favour and 5 against, with 1 abstention and 1 member present but not voting—not to place the question of Oman on its agenda. The voting was as follows:

In favour: Iraq, Philippines, Sweden, Union of Soviet Socialist Republics.

Against: Australia, Colombia, Cuba, France, United Kingdom of Great Britain and Northern Ireland.

Abstaining: United States of America.

Present and not voting: China.

2. *General Assembly (fifteenth session)*

106. In September 1960, ten Arab States requested that an item entitled "Question of Oman" be placed on the agenda of the General Assembly's fifteenth session. (see A/4521). In an explanatory memorandum attached to their request, they stated that the Imamate of Oman, described as the hinterland of "what is erroneously called the Sultanate of Muscat and Oman", had been invaded by British-led forces, and its capital occupied in December 1955, because of the refusal of the Imams

⁷ *Ibid.*, document S/3866.

⁸ *Ibid.*, Twelfth Year, 783rd and 784th meetings.

of Oman to grant oil concessions to British companies in their territory. British aggression against the independence of Oman had been brought to the attention of the Security Council in 1957 and, since then, British intervention had continued unabated. This aggression, the memorandum concluded, threatened peace and security in the Middle East and constituted a breach of the Charter of the United Nations and the rules of international law.

107. The question was allocated to the Special Political Committee and was considered by that Committee at its 255th to 259th meetings. At the 259th meeting, the representative of Indonesia introduced a draft resolution co-sponsored by Afghanistan, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Tunisia, United Arab Republic, Yemen and Yugoslavia (A/SPC/L.67). By this draft resolution, the General Assembly, recalling its resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, would recognize the right of the people of Oman to self-determination and independence, call for the withdrawal of foreign forces from Oman, and invite the parties concerned to settle peacefully their differences with a view to restoring normal conditions in Oman. At the same meeting, the Committee decided, because of lack of time, to postpone further consideration of the question of Oman until the sixteenth session.

3. General Assembly (sixteenth session)

108. At the sixteenth session of the General Assembly, the Special Political Committee considered the question of Oman at its 299th to 306th meetings, inclusive. By a roll-call vote of 40 to 26, with 23 abstentions, it decided to grant a request for a hearing made on behalf of an Omani delegation. (A/SPC/59). This delegation consisted of Sheikh Talib bin Ali, Sheikh Sulaiman bin Himyar and Mr. Mohammed Al-Amin Abdullah. At the 300th meeting, Mr. Mohammed Al-Amin Abdullah addressed the Committee and stated that Oman had enjoyed its freedom and independence for centuries. He added that this independence had been confirmed by the Treaty of Sib in 1920. The United Kingdom had intervened in Oman because the Omani people had refused to surrender their sovereignty and resources to it. The Omani people would fight to the end for Omani independence and for the restoration of their rights.

109. The Committee also had before it a telegram from the Sultan of Muscat and Oman (A/SPC/62) in which he formally protested against the holding of any debate about Oman and against hearing any delegation, and stated that the matters involved fell exclusively under the internal jurisdiction of the Sultanate of Muscat and Oman and the United Nations had no right to concern itself with them at all.

110. In the general debate, it was stated by a number of representatives that Oman was one of the oldest fully independent and sovereign States, and that the Treaty of Sib of 1920 was not an internal agreement, as represented by the United Kingdom, but an international treaty. It was emphasized that the question of Oman involved a colonial war of aggression, inspired by greed for Arab oil, against the people of Oman who were struggling to liberate their country from foreign domination.

111. The representative of the United Kingdom stated that the sovereignty of the present dynasty over

the whole area known as Muscat and Oman had been recognized in international treaties. He reiterated that the Agreement of Sib was a purely internal arrangement. The rebellion of certain sheikhs in 1954-1955 had been put down in 1959 with the assistance of the United Kingdom, the rebel leaders had fled and the area had since been at peace. No British combat units were stationed in the Sultanate. He further stated that every Government had the right to seek such foreign assistance in asserting its lawful authority, especially when the rebellion was encouraged from abroad.

112. At its 306th meeting, the Special Political Committee, by a roll-call vote of 38 to 21 with 29 abstentions, approved a draft resolution (A/SPC/L.78 and Add.1) identical to that proposed at the fifteenth session (see paragraph 107 above). This draft resolution had been sponsored by Afghanistan, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia.

113. At its 1078th plenary meeting, the General Assembly failed to adopt the draft resolution submitted by the Special Political Committee because it did not receive the necessary two-thirds majority. The vote was 33 to 21, with 37 abstentions.

4. General Assembly (seventeenth session)

114. At its seventeenth session, at the request of eleven Arab States (A/5149), the General Assembly again considered the question of Oman. The explanatory memorandum accompanying the request stated that a renewed discussion of the problem was necessary in view of the continued policy of repression pursued by the United Kingdom Government and its failure to take steps for ending the conflict on the basis of the recognition of the rights of the people of Oman. It added that the situation was fraught with dangers, and, if allowed to continue, might imperil international peace and security.

115. The question was again allocated to the Special Political Committee and was considered by that Committee at its 351st to 357th meetings. At the 351st meeting, the Committee decided to grant a request for a hearing (A/SPC/73), made on behalf of Sheikh Talib bin Ali, by a roll-call vote of 51 to 9, with 26 abstentions. The Committee heard a statement by Sheikh Talib bin Ali at its 352nd meeting.

116. The Committee had before it a cable from the Sultan of Muscat and Oman (A/5284), in which he recalled that the General Assembly had the previous year declined to adopt a draft resolution concerned with the Sultanate, and adding that he was therefore unable to understand why it was necessary to discuss again a draft resolution which had already been rejected. He trusted that the Assembly would, as before, refuse to permit any further moves to intervene in matters which fell exclusively within the internal jurisdiction of the Sultanate of Muscat and Oman.

117. During the debate,⁹ a number of speakers reiterated previous arguments that Oman was a sovereign State, denounced British military intervention on behalf of the Sultan and charged that the United Kingdom was denying the Omani people their right to

⁹ For a full summary of the debate in the Special Political Committee, see *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 78, document A/5562, paras. 34-75.

self-determination and independence because of its interest in the oil of that region.

118. The representative of the United Kingdom again stated that the rebellion in Oman had been fomented from abroad, and that the United Kingdom had intervened at the Sultan's request, but that it had subsequently withdrawn all its combat troops from the region. He also stated that Oman had never been an independent State separate from Muscat; its people were of the same race and had the same language and religion, and the principle of self-determination was inapplicable in the case of Oman.

119. Some delegations stated that, as they lacked sufficient information about the situation, they were unable to reach any conclusion about the question of Oman. It was pointed out that all information on the question came from the Arab States and the United Kingdom and their accounts of it were contradictory in every respect. It was suggested that a United Nations commission or commissioner might be appointed to inquire into the question.

120. By a roll-call vote of 41 to 18, with 36 abstentions, the Special Political Committee approved a draft resolution which had been jointly sponsored by Afghanistan, Algeria, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Mali, Mauritania, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia (A/SPC/L.88). This draft resolution was identical to that proposed at the fifteenth and sixteenth sessions (see paragraphs 107 and 112 above).

121. At the 1191st plenary meeting of the General Assembly, the representative of the United Kingdom made a statement on behalf of the Sultan of Muscat and Oman to the effect that the latter, while preserving his position and not recognizing the right of the General Assembly to discuss the internal affairs of his country, was prepared, on the understanding that the General Assembly did not take any formal action at this stage, to invite on a personal basis a representative of the Secretary-General of the United Nations to visit the Sultanate during the coming year to obtain first-hand information on the situation there.

122. At the same meeting, the General Assembly failed to adopt the draft resolution submitted by the Special Political Committee. In a paragraph-by-paragraph vote, none of the paragraphs obtained the required two-thirds majority.

5. Report of the Special Representative of the Secretary-General on his visit to Oman (A/5562)

123. Following discussions with the Permanent Representative of the United Kingdom concerning the invitation issued at the 1191st plenary meeting, the Secretary-General appointed Mr. Herbert de Ribbing, Swedish Ambassador to Spain, as his Special Representative. He was instructed (see A/5562, paras. 81 and 82) that his primary task was to be a fact-finding one. He was to visit the area some time in May 1963 and report on such questions as the presence of foreign troops in Oman, any evidence of oppression, instances of sabotage and fighting, the existence of a "rebel movement", and the existence of any "rebel forces" actually in control of a particular area.

124. The Special Representative arrived in Salalah on 23 May. From 25 May to 9 June 1963, the mission was in Muscat for discussions of the programme and in Oman for its fact-finding assignment. The mission

met Imam Ghalib bin Ali in Saudi Arabia between 19 and 23 June and held discussions with officials of the Foreign Office in London before returning to New York on 1 July 1963. The report of the Special Representative was transmitted to the Secretary-General on 21 August 1963 and was made available to the General Assembly on 8 October 1963.

6. General Assembly (eighteenth session)

125. By a letter dated 9 September 1963, the Permanent Representatives of the thirteen Arab States requested the inclusion of an item entitled "Question of Oman" in the agenda of the eighteenth session (A/5492 and Add.1). The explanatory memorandum accompanying this request recalled that, in 1957, the Security Council had considered British armed aggression against the independence, sovereignty and territorial integrity of the Imamate of Oman and that at the sixteenth and seventeenth sessions of the General Assembly a substantial majority had recognized the right of the people of Oman to self-determination and independence and had called for the withdrawal of foreign forces from Oman. The memorandum pointed out that the people of Oman were still denied their right to freedom and independence, and stated that the United Nations could not remain indifferent to the fate of a people who, for years, had struggled for the attainment of their freedom and independence. In view of the continued policy of repression pursued by the Government of the United Kingdom and its failure to implement the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly must consider the question again and deal with it as an essentially colonial problem.

126. At its 153rd meeting, the General Committee of the General Assembly recommended, without a vote, the inclusion of the item in its agenda. At its 154th meeting, a discussion took place as to which Committee of the General Assembly should consider the item, and it was recommended, by a vote of 11 to 7, with 3 abstentions, that it should be allocated to the Fourth Committee. The representative of the United Kingdom, after expressing reservations concerning the inclusion of the item in the agenda, objected to its allocation to the Fourth Committee. At its 1210th plenary meeting, the General Assembly approved the recommendation of the General Committee.

127. The Fourth Committee granted requests for hearings to Mr. Faris Glubb, representing the Committee for the Rights of Oman, and to Sheikh Talib bin Ali, who made statements and answered questions put to them at the 1495th to 1498th meetings and at the 1505th meeting. The Committee had before it the above-mentioned report of the Special Representative of the Secretary-General, a memorandum entitled "The legal and historical aspects of the Oman question" (A/C.4/604/Add.1) submitted by the Chairman of the Committee for the Rights of Oman, and a telegram from the Sultan of Muscat and Oman (A/C.4/619). In his telegram, dated 26 October 1963, the Sultan recalled that, at its previous session, the General Assembly had again rejected a draft resolution expressing judgement on matters exclusively within his jurisdiction. He noted that the subject was again to be debated, and "even more incongruously", in the Committee dealing with trusteeship matters and Non-Self-Governing Territories. He reiterated that he continued to hold sole responsibility for all matters within his territories, which were sovereign and independent, not

subject to any form of trusteeship, nor in any sense non-self-governing. He referred members to the report of the Secretary-General's Special Representative, which he hoped would put an end to the matter.

128. In the general debate in the Fourth Committee, representatives adopted one of three main positions on the question:

(a) Some representatives stated that the question of Oman was a colonial one and they were prepared to support measures that would deal with it as a colonial problem;

(b) Some representatives stated that the question of Oman was an internal one, and that therefore no action was necessary;

(c) Some representatives felt that they could not support either of these two contentions and that before any decisions were made a further elucidation of the problem was necessary.

A brief outline of the main arguments presented in support of these three positions follows.

Outline of the main arguments put forward by those representatives stating that the question was a colonial one

129. It was stated that the question of Oman could not be properly understood except in the light of the colonial régime maintained by the United Kingdom in the southern and eastern parts of the Arabian Peninsula. The presence of oil and strategic considerations explained United Kingdom colonialism in the area which manifested itself in various forms. Some areas were known as colonies, others were controlled under the name of protectorates or pseudo-legal arrangements imposed by the United Kingdom in the nineteenth century. In all cases the people were dominated by foreign rule which exploited their resources and deprived them of their political, economic and human rights.

130. The manifestations of colonialism apparent in Oman were, first, a series of treaties imposing heavy and unreasonable obligations on the Territory. In support of this, the following treaties and agreements were cited:

1798 Treaty between the Sovereign of Muscat and the East India Company.

1800 Treaty between the Sovereign of Muscat and the United Kingdom.

1839 Trade agreement between Muscat and the United Kingdom by which privileges and extra-territorial rights were granted.

1862 Declaration by the United Kingdom and France guaranteeing independence of Muscat and Zanzibar. It was stated that this was designed to prevent France from interfering and thus enable the United Kingdom to separate Muscat from Zanzibar. It was also stated that this Declaration was violated when Zanzibar was made a British Protectorate in 1890 and when, in 1891, the Sultan signed the "Non-Alienation Bond" which was simply a protectorate agreement.

1951 Treaty of Friendship, Commerce and Navigation. It was stated that annexes to the Treaty showed that the British Consul-General was the only foreign representative in the Sultanate and he continued to enjoy certain extra-territorial rights and privileges.

1958 Agreement with the United Kingdom providing military assistance in return for continued use of military air bases by the United Kingdom.

131. The heavy obligations imposed in these treaties, it was stated, tended to transform the Sultanate into

a *de facto* protectorate or quasi-protectorate, if not a *de jure* protectorate. It was also pointed out that the fact that the Sultanate had entered into agreements or treaties of limited scope did not prove that it was an independent state. It was further pointed out that jurists, including Oppenheim, agreed that, while the status of a British protectorate was not clear, the relationship between sovereign and vassal and protector and protectorate did not prevent the vassal and protectorate from concluding agreements of limited scope.

132. A second manifestation of colonialism referred to was "the attempt by the United Kingdom to dismember Oman". Greater Oman had been divided by the British into nine entities, namely, the Imamate of Oman, the Sultanate of Muscat and the seven sheikhdoms known as Trucial Oman. Moreover, in 1854, the Sultan was forced to cede to the British the islands of Kuria Muria.

133. A third manifestation of colonialism pointed out was the repression in the Territory. Indications of repression, it was stated, could be gathered from the Special Representative's report (A/5562), as for example in paragraphs 110, 115, 117, 120, 121, 123, 125, 130 and 131.

134. A fourth manifestation was the successive armed British attacks on the people, the most recent having taken place in 1957.

135. A fifth manifestation was British presence and domination in the Territory. This was attested by the long list of Britons intimately associated with the Territory's affairs from 1800 to the present day. This list included Captain John Malcolm, who concluded the treaty of 1800; Captain Freemantle, who requested the Kuria Muria Islands in 1854; Major Rae, British Consular and Political Agent in Muscat, 1922; Captain Eccles, who commanded the Sultan's forces; Captain Cox, Political Agent in Muscat; Captain Hart of the Royal Navy; Colonel Ross, British Political Resident in the Persian Gulf; Sir Ronald Wingate, British Consul and Political Agent in Muscat, in 1920; Bertram Thomas, the *wazir* of the present Sultan's father; Basil Woods Ballard, Minister for Foreign Affairs at the time of the signing of the Indo-Muscat treaty in 1953; Brigadier Waterfield, present Secretary of Defence; and Major F. C. L. Chauncy, special or personal adviser. Today, this British presence and domination could be discerned in at least three essential fields of government: foreign affairs, military affairs, and economic affairs.

136. The existence of these manifestations of colonialism indicated that the Territory was of the colonial type, a *de facto*, if not *de jure*, protectorate; that in its state of subjugation the Territory had no complete international responsibility for acts relating either to external sovereignty or internal administration; and that the repressive measures and armed attacks inflicted on the people deprived them of their prerogative of exercising the right of self-determination in peace and freedom and the right to independence.

137. Some representatives paid particular attention to the question of the status of Oman. They pointed to the long history of the Imamate as a religious and temporal entity, and to the illegality of the actions leading to the establishment of the Sultanate of Muscat, which had been able to maintain its independence only through British support. They laid particular stress

on the Treaty of Sib as confirmation of the independent status of Oman. This treaty had governed the relations of the two states until it was broken by British armed intervention and Oman was forcibly annexed to the Sultanate of Muscat.

138. Most representatives who supported this point of view drew attention to limitations imposed on the mission of the Special Representative of the Secretary-General which, they believed, reduced its importance. They pointed out that the mission had been carried out on the basis of a personal invitation from the Sultan. As a result, for instance, the Special Representative had stated that he could not include in his report the discussion he had had with the Imam. Also, it had not been possible for a representative of the Imam to accompany the Special Representative. These representatives also drew attention to the following statements in the report of the Special Representative (A/5562) which, they stated, indicated its incompleteness:

"I have tried to approach these questions with the utmost care, but a thorough evaluation of them would require much more time and experience than the mission had at its disposal." (Letter of transmittal.)

"The mission is well aware that in spite of all assistance and co-operation it received, its observation could not be fully comprehensive." (Para. 90.)

"The mission did not have the time, nor did it consider itself to be competent, to evaluate the territorial, historical and political issues involved." (Para. 136.)

"A judgement on the question of which interpretation of the Treaty (Agreement) of Sib is correct falls outside the specific terms of reference of the mission." (Para. 149.)

139. In determining what action should be taken, one representative stated that the fundamental aspect of the question was not whether Oman had the right to be independent of Muscat, but whether the people of Oman should be assisted in throwing off the British colonialist yoke imposed on them by recent armed attacks and, in doing so, liberating their brothers of Muscat. If, as the United Kingdom had maintained, the question of Oman could not be considered independently of the question of Muscat, then both questions could be examined by the United Nations.

140. Representatives who believed that the question was a colonial one stated that it should be referred to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and gave the following reasons:

(a) That Committee was called upon by its terms of reference to examine the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) The Declaration applied not only to Trust Territories and Non-Self-Governing Territories, but to any other Territories which had not yet achieved independence. Moreover, it was pointed out that the Declaration proclaimed the necessity of bringing colonialism, in all its forms and manifestations, to a speedy and unconditional end;

(c) It was desirable that the body to which this question was referred should take a comprehensive view of the problem. The Special Committee was especially suitable as it already had the questions of Aden and Zanzibar before it.

Outline of the main arguments put forward by representatives stating that the question was an internal one

141. The representative of the United Kingdom stated that Oman was neither a British colony nor part of a British colony. The familiar legislative and executive features of the British colonial system did not exist in relation to the Sultanate of Muscat and Oman. Parliament had no right to legislate, there was no British Governor to whom instructions might be issued and the Sultan conducted his own foreign policy.

142. The basis of the relationship between the United Kingdom and the Sultanate was outlined in the Treaty of 1951, which superseded all previous treaties of this kind. This was clearly a treaty between two independent countries; it contained no provisions infringing the independence of Muscat and Oman; it had no provisions requiring the Sultan to accept the advice of British advisers; nor did it contain any delegation to the United Kingdom of the conduct of the Sultanate's foreign relations. The fact that a British subject held the post of Secretary of Defence in the Sultan's Government did not prove that Muscat and Oman was a British dependency. It was common practice in many parts of the world for persons to be employed in important offices in countries which were not their countries of origin and no one assumed that they took their orders from their own country rather than from the Government that employed them. The Sultan was under no obligation to accept British advice in regard to his foreign affairs, although, purely on an *ad hoc* basis, he did ask the United Kingdom Government to undertake the conduct of certain affairs or negotiations on his behalf. The independence of Muscat and Oman was also recognized by The Hague judgement of 1905 and in the treaties contracted with other sovereign countries.

143. It had been alleged that if Muscat and Oman was not a colony then a "colonial situation" existed in Muscat and Oman with which the Committee should deal. It was true that the United Kingdom provided economic and military assistance under the 1951 Treaty and a subsequent agreement in 1958; but this in no way diminished the sovereign status of the Sultanate. No one could seriously suggest that the acceptance of such aid established a colonial situation.

144. With regard to the charge of British armed aggression in the area, the situation was that the United Kingdom Government, at the request of the Sultan, had come to the aid of the Sultanate in 1957; and subsequently, when the territorial integrity of the country was threatened with armed rebellion by tribesmen from the interior, supported by aid from outside the country. There was nothing illegal about this action.

145. The representative of the United Kingdom said that it should be made clear that armed rebellion against a legitimate Government did not establish the right to self-determination on the part of the rebels, nor did it bring into play on their behalf the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

146. He reiterated that Oman never had a separate existence and that no international treaties or agreements existed between it and other countries. With regard to the claim that the Agreement of Sib of 1920 proved conclusively the existence of the Imamate of Oman as an independent State, he said that the agreement merely granted autonomy over certain internal

affairs to the tribal leaders of the interior, and neither its substance nor its form bore out the claim that it was an international agreement. If the British Government exercised colonial rule in the Sultanate of Muscat and Oman, the Agreement of Sib, being made between the inhabitants of a colony, could not have any international significance. If, however, it was argued that the agreement was an international treaty between two sovereign States, then equally clearly Muscat and Oman was not a British colony.

147. With regard to the report of the Special Representative of the Secretary-General, the representative of the United Kingdom stated that, contrary to what had been said about the limitations on the mission, it had had complete freedom of movement, visiting all the principal inhabited places, including Nazwa, the centre of the revolt. The report could therefore be considered as thoroughly up-to-date and authoritative.

148. The representative of the United Kingdom said that the report made it plain that the people of the territory did not recognize the existence of the Imamate as a separate State and that the rebel cause enjoyed little or no support today. The report also stated, in paragraph 95, that there had been no fighting recently, and no active warfare had been going on since January 1959. There was therefore no truth in the allegation that extensive warfare was continuing. The truth was that the whole question had been subjected to intense exaggeration. The country was at peace and there had been no fighting for more than four years. Therefore nothing remained of the so-called question of Oman and the Committee should refuse to recommend further discussion of the matter inside the United Nations.

149. Other representatives also said that in their view the question was not a colonial one.

Outline of the main arguments of those representatives desiring further information

150. A number of representatives stated that the report by the Special Representative of the Secretary-General was an honest one that was useful to those delegations which desired impartial information. The report, however, was not complete, as had been pointed out by the author himself. One representative recalled that it had been stated that the defects of the report were due to the lack of precise terms of reference, but he did not believe this to be the case. While the Fourth Committee felt it to be imprecise and vague in some respects, the Special Political Committee would not have regarded it in the same light. He pointed out that the mission had arisen from discussions where the question was posed from a different viewpoint. Previously, the question of Oman had been considered as a question of aggression by one State, Muscat, against another State, Oman, which had been deprived of its independence, and the parties had been urged to solve their differences. Now, however, the problem was posed in different terms. What was sought was the end of colonialism, not only in Oman, but also in Muscat. Whereas previously self-determination and independence had been sought for Oman, now self-determination and unification were desired. This had changed the aspect of the problem and explained why it had been referred to the Fourth Committee and might explain some of the omissions in the de Ribbing report. In view of this change, he wondered whether the invoking of the Treaty of Sib was as important as it had been last year.

151. A number of representatives felt compelled to be cautious in the case of Oman because of their opposition to intervention in the domestic affairs of a State. They also felt that the problem of Oman was still obscure, still confused, whether it was viewed as an international problem, as a domestic problem or as a colonial problem. They had not yet arrived at any definite opinion, nor did they wish to take any hasty decisions. That did not mean that the case of Oman should be left to one side. But they believed that the report of Mr. de Ribbing, as he himself had admitted, had not exhausted the subject.

152. One representative wondered whether British intervention was still continuing and, in this respect, noted that the de Ribbing report indicated a British presence rather than intervention. Another representative said that an attempt had been made to oversimplify the problem; some speakers had said it was a typical colonial problem, while the United Kingdom seemed to consider that there was no such question as the question of Oman. There were many questions that were not clear:

(1) The term "Oman" was sometimes used in its broad sense to include the Trucial States and Muscat and sometimes in a narrower sense.

(2) Did Muscat and Oman constitute two entities or one?

(3) Was it desirable to encourage the separation of Oman from Muscat, even in the name of self-determination, if, in fact, the two areas constituted a single entity?

(4) If the situation was not a case of colonialism, was it a case of neo-colonialism and was it within the province of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples?

One thing that was clear was that the problem constituted a genuine international problem which should continue to receive the attention of the United Nations. However, he was not sure that the Special Committee was the appropriate body to examine the problem as this seemed to prejudge the question. The best solution would be to establish an *ad hoc* committee to consider and elucidate those aspects which were still confusing.

Action taken by the General Assembly

153. At the 1503rd meeting of the Fourth Committee, the representative of Tunisia introduced a draft resolution sponsored by Afghanistan, Algeria, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia (A/C.4/L.783 and Corr. 1). By this draft resolution, which recalled resolution 1514 (XV) of 14 December 1960, the General Assembly would: (1) recognize the right of the people of Oman to self-determination and independence; and (2) invite the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to examine the situation in Oman and to submit a report to the General Assembly at its nineteenth session.

154. At the 1504th meeting, the representative of Tunisia introduced on behalf of the co-sponsors a revised text of the joint draft resolution (A/C.4/L.783/Rev. 1), which deleted operative paragraph 1 of the original draft resolution.

155. At the 1506th meeting, the representative of Brazil introduced a draft resolution which was sponsored by Argentina, Brazil, Costa Rica, Ecuador, El

Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru, Uruguay and Venezuela. (A/C.4/L.784). This draft resolution proposed the establishment of an *ad hoc* committee to examine the question of Oman.

156. Introducing the draft resolution on behalf of the thirteen Latin American sponsors, the representative of Brazil said that the draft, without prejudging the question in any way, made provision for an exhaustive study of the matter which would enable the General Assembly at its nineteenth session to take a decision in full knowledge of the facts. In a further clarification he said that it was the intention of the sponsors that the proposed *ad hoc* committee should not only be a fact-finding body, but should also undertake a study of the question of Oman. The sponsors had therefore asked the parties concerned to extend all possible facilities, including facilities for visits to the area. "Area" was the most comprehensive term which could be employed in order to leave it to the discretion of the proposed *ad hoc* committee to decide what Member States and non-member States in the Arab world or outside it were legitimately concerned in the problem.

157. At the same meeting, the Committee decided to give priority to the thirteen-Power draft resolution (A/C.4/L.784), which it then approved by a roll-call vote of 95 to 1, with 7 abstentions.

158. The General Assembly, at its 1277th plenary meeting on 11 December 1963, adopted this draft resolution as resolution 1948 (XVIII) by a roll-call vote of 96 to 1, with 4 abstentions.

Chapter III. Information gathered by the Committee

A. TERMINOLOGY

159. In reporting on the question of Oman, not the least of the problems concerns the use of the term "Oman". As the Secretary-General's Special Representative noted in his report on his visit to Oman (A/5562, para. 1), it is a name that has been used in different ways depending on who is referring to it and on the context in which it is being used. In one sense the term has been used to describe a broad geographical area; used in another sense, it has meant a narrower geographical area; and in yet another sense, it has been used to designate a political unit. Often it has been used in a general sense, with no clear indication as to whether a reference to a geographical or a political entity is intended and sometimes it is apparent that it is meant to cover a mixture of both.

160. The term itself derives from early writers who distinguish Oman as one of the main politico-geographical entities in South Arabia between the sea and the desert. Although it is impossible to ascribe any precise boundaries for Oman used in this general sense, it is apparent that early writers had in mind the area between the sea and the desert from the borders of the Hadhramaut in the south, to the shores of the Persian Gulf¹⁰ in the north. This is in keeping with the description of Oman given to the Secretary-General's Special Representative during his visit there in 1963, and appearing in paragraph 1 of his report:

¹⁰ The Committee notes that some delegations use the term "Arabian Gulf" rather than "Persian Gulf". The Committee's use of the term "Persian Gulf" throughout this report is based on a standard reference work entitled *Limits of Oceans and Seas*, published by the International Hydrographic Bureau in Monaco, in 1953. The nomenclature used in this source is "Gulf of Iran" (Persian Gulf).

"It corresponds to the whole area from Zufar [Dhofar] in the south to Qatar in the north, with the sea and the desert as ultimate frontiers".

161. The area delimited in these terms has also been called "Greater Oman". This term was used, for instance, by one representative speaking in the Fourth Committee at the eighteenth session who referred to "Greater Oman" as including nine political units, namely the seven Trucial States, Oman and Muscat.

162. When an identifiable political unit developed in the Oman area in the first and second centuries A.D., it became known as the "Province of Oman" or simply "Oman". When later it became independent, the term "Oman" was used to describe this political unit, a practice that was continued until some time in the late eighteenth century. The boundaries of the political entity known as Oman during this period are impossible to define with any exactness. They varied from one time to another and, in any case, were probably never marked or known with any degree of precision.

163. In the eighteenth century, when Europeans began to take an active interest in the area and came into contact with the port of Muscat, the term "Muscat" began to be used by Europeans to describe the political unit ruled from Muscat. For a time, both "Oman" and "Muscat" were used interchangeably by Europeans. As the nineteenth century progressed, the use of the term "Muscat" became more common. The term "Oman" was used in European literature to describe either the area generally or the area inland from Muscat. However, when describing the people of the whole area, the word "Omani" continued to be used.

164. The use of the term "Muscat and Oman" by Europeans, to describe the political entity ruled over by the Sultans, dates at least as far back as 1891 when it was used in a treaty with the United Kingdom. Since then, it has been used by the Sultans in the treaties concluded by them.

165. The term "Oman" as the name of a political entity came into common use again in European literature with the election of an Imam in 1913. It has been used since then to describe a political entity, separate from "Muscat" and "Oman", occupying the inland area behind Muscat and covering parts of the mountains and their western slopes to the desert.

166. Throughout this report, the Committee will use the terminology which is most apt and clear and which is applicable to the *de facto* situation at a given time. It does this on the clear understanding that the use of such terminology in no way prejudices any of the questions at issue, including the question of sovereignty.

B. DESCRIPTION OF OMAN

1. Geography

167. Physically, Oman consists of three geographical divisions: a mountain range, a coastal plain and a plateau. The mountain range stretches in a crescent from the north-west to the south-east. Though almost continuous, the mountain range is partially broken by a stream-bed, the Wadi Sumail, which runs into the Gulf of Oman. The north-western section of the range is called the Western Hajar, its most prominent feature being Jabal al Akhdar or Green Mountain. The south-eastern section is called the Eastern Hajar. The highest peak of the mountain range is over 9,000 feet.

168. The coastal plain, the Batinah, lies between the mountain range and the Gulf of Oman. This narrow plain, about 150 miles long, begins near the Sheikdom

of Fujairah in the north and ends near Muscat where the mountains descend abruptly to the sea.

169. The plateau region lies to the west of the mountain range and stretches to the edge of the desert. This region has an average height of 1,000 feet above sea level. It is barren and rock-strewn and crossed by numerous *wadis* or stream-beds. As it approaches the desert, it gives way to gravel plains which eventually merge with the Rub'al Khali (the Empty Quarter). The north-western section of this region is called the Dhahirah; and the south-eastern, the Sharqiyah.

170. In addition to the areas already mentioned, there is a region south-east of the Sharqiyah which is called the Ja'lan. South of the Ja'lan, and separated from it by the desert which at this point reaches to the coast, is Dhofar. Unlike other areas, Dhofar is fertile: rain comes yearly with the south-west monsoon and it is protected from the dry hot wind which blows from the desert by the Jabal Qara.

171. The total area of Oman has been estimated at 82,000 square miles. Estimates of its population range from 500,000 to 2 million. The population is concentrated in the Jabal al Akhdar area, the Batinah and Dhofar. Muscat, the capital, is also the main port and has an estimated population of about 6,000.

172. The climate of Oman is generally very hot, with the temperature ranging from 54 degrees F. in the cold season to 130 degrees F. in the hot season. From May to October the temperature seldom falls below 100 degrees F. Oman, excluding Dhofar, receives an average of four inches of rain a year. On account of the south-west monsoon Dhofar has received as much as twenty-five inches of rain in the rainy season of June to October. Generally, the higher regions of the mountain receive more rain than the plains. Except for Dhofar, the higher regions and along the Batinah coast, most of Oman is spare and dry. In these areas, desert shrubs and desert grass abound. Apart from rain, water for cultivation is obtained from wells which are numerous along the Batinah coast. The numerous *wadis* that flow down the western slope of the mountain range are also exploited for water by a system of underground water channels called "*jalaj*".

2. Economy

173. The economy of Oman is mainly pastoral and agricultural. The chief products are dates and fish and cereals, the latter being grown for local consumption. The main exports are dates, fish and fish products, limes and other fruit. Animal husbandry is widely, though not intensively, practised. In recent years two experimental farms have been established, one at Nazwa and one at Suhar where research on irrigation and fertilization techniques is being carried out. Oil exploration is being carried out by two companies, one British and one American, in the Dhahirah and Dhofar respectively.

174. According to the latest figures the annual revenue is about 11 million rupees.¹¹ The principal sources of revenue are customs duties and payments from petroleum concessions. Payments from petroleum concessions amount to about £100,000 annually. In addition, the United Kingdom Government pays an annual

fee of £6,000 for the use of the airfields at Salalah and Masirah.

175. Trade is mainly with the United Kingdom,¹² India, Pakistan and the Gulf States. In the fiscal year ending 31 March 1961, imports amounted to 356 million rupees and exports to 78 million rupees. The main items of imports are rice (8,705,300 Rs.), wheat and wheat-flour (2,196,300 Rs.), sugar (1,441,100 Rs.), cement (718,900 Rs.), coffee (3,474,300 Rs.), vehicles and accessories (940,800 Rs.), and cigarettes and tobacco (578,500 Rs.). The principal items of exports are dates, fish and fish products, limes and other fruit, firewood, vegetables, hides, goat hair and wool.

176. The only roads of good standard run from Muscat to Matrah. Otherwise most of the country is traversed by motorable tracks. Stream-beds or *wadis* are also used as avenues of transport and inland travel is mostly by pack animals. Muscat is on the main shipping route between Bombay and Basra. In 1962, 208 ocean-going ships entered and cleared Muscat. Other coastal towns are served by small vessels. There is a twice-weekly plane service between Muscat and Bahrain. The airport of Bait al Falaj is five miles outside of Muscat. There are also airports at Masirah and Salalah in Dhofar.

3. The People

177. The people are mainly of Arab stock, although, in the coastal areas in particular, the population is of mixed origin owing to the presence of Asian and African elements in the past. A majority of the people is settled in villages but there is a sizable group of nomads.

178. With the exception of those living in Muscat, the people are organized into tribes. There are said to be over 200 distinguishable tribes. One petitioner informed the Committee that the largest tribe was the Bani Riyam, which numbered 50,000. Other large tribes and their number were as follows: the Wahibah (about 20,000), the Siyabiyin (about 20,000), the Janubah (over 10,000), the Bani Hina (about 20,000), the Bani Ruwaha (about 20,000), the Bani Bu Ali (about 20,000), the Hajriyin (about 20,000), the Harth (about 20,000) and the Duru (about 50,000).

179. Historically, the tribes have formed themselves into two main groups, the Hinawi and the Ghafiri. The basis for this grouping is said to be partly related to differences in origin and partly to differences of religion.

180. It is generally agreed that Oman was populated as a result of two principal migrations. The first migration was from Yemen and began some time before the beginning of the Christian era. These migrants settled largely in the south-eastern portions. Their descendants are largely identified with the Hinawi group of tribes. The second migration occurred in the fifth or sixth century A.D. and came from the north-west. These migrants settled on the shores of the Gulf and in the Dhahirah and moved southwards and eastwards into the mountains. Their descendants are largely identified with the Ghafiri group of tribes.

181. With the exception of a small group of people in the Qara mountains in the province of Dhofar, all are Moslems. There are two main Moslem sects, Sunni and Ibadhi. The majority of the Ghafiri tribes are Sunni while the majority of the Hinawi tribes are

¹¹ All figures are for the fiscal year ending 31 March 1962 and have been obtained from *The Statesman's Year-book, 1963*, pp. 1264-1266. The exchange rate is 13.3 rupees to the pound sterling.

¹² Additional information on trade with the United Kingdom is included in paragraph 539 below.

Ibadhi. The Committee was informed by a petitioner of some education that Oman was divided equally between Sunnis and Ibadhis and that there was very little difference between the two sects in matters of Islamic law.

C. GENERAL VIEWS ON THE QUESTION PRESENTED TO THE COMMITTEE BY MEMBER STATES AND BY THE SULTAN AND THE IMAM

1. *United Kingdom*

182. The view of the United Kingdom on the question and information on it was contained in the statement made to the Committee and in a memorandum. In his statement (annex VI), the representative of the United Kingdom said, at the outset, that any information which his Government gave to the Committee about Muscat and Oman could only properly be related to the matter of the relations of Her Majesty's Government with that country and with its ruler, His Highness Sultan Said bin Taimur. His Government's memorandum (annex VII), therefore, dealt with the British relationship with the Sultanate and only mentioned other relationships and the Sultanate's domestic affairs in so far as these were required to clarify the relations of the United Kingdom with Muscat and Oman. Accordingly, the memorandum would not set out to describe the domestic affairs of Muscat and Oman, which were solely the concern of the Sultan and his Government. He then informed the Committee that the United Kingdom's relationship with the Sultanate had at all times been one between two sovereign Powers. At no time in history had Muscat and Oman been a dependency of the United Kingdom or had the status of a Protectorate, a Protected State or a Colony. In the eighteenth century and throughout the nineteenth century, Britain's interest in the trade route to India and in the suppression of piracy, the slave-trade and gun-running in the Indian Ocean and the Persian Gulf had much to do with the character of the relationship between it and Muscat and Oman. At that time Britain, which had no reason or desire to derogate from the sovereignty of the Sultan, had an interest in ensuring that other Powers equally respected that sovereignty. It was in recognition of this interest that the then Sultan of Muscat and Oman had agreed with the British Government in 1891 not to alienate his territory to any third Power. The position today, as it had been in the past, was that British assistance, whether economic, military or political, had been provided to the Sultanate as a fully independent sovereign State.

183. The representative of the United Kingdom then drew attention to specific matters relating to the status of the Sultanate. These matters and other matters on which information was provided in his Government's memorandum during the Committee's discussions in London are set out in appropriate sections of this chapter.

2. *Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic and Yemen*

184. The Arab States, in their memorandum (annex IX), drew attention to the previous consideration of the question in the United Nations since 1957 and stated that since the views of the Arab delegations regarding the various aspects of the problem had been fully and elaborately expressed on these occasions, they

would not restate their views on the merits of the question, but would stress certain points and submit a few suggestions, which had, in their view, great and significant bearing on both the issue at stake and the task entrusted to the *Ad Hoc* Committee. They pointed out that the existence of Oman as an independent and sovereign State under the Imamate system, a democratic form of authority chosen by the people, had been a historical fact for over twelve centuries. This independence and sovereignty had not only been acknowledged by jurists, historians, and writers, but also recognized as well as confirmed, in words and deeds, by officials of the United Kingdom Government in both their interactions with officials of the Imamate and other political entities.

185. Attention was drawn to the Treaty of Sib signed on 25 September 1920, which, it was stated, was an unequivocal recognition by the Sultan of the independence of the Imamate and the existence of Oman as a distinct entity. Moreover, the fact that the Sultan had refused so far to produce the original text of the Treaty confirmed the argument that, under the provisions of the Treaty, the Imamate was recognized as independent and sovereign.

186. In spite of British attempts during the past two hundred years to subjugate Oman to colonial rule, the people of Oman had been able to defend their independence. Nevertheless, certain parts had been detached from Oman, amongst which was what had become the Sultanate of Muscat, and subjugated, under various forms and names, to British colonial rule. Because of the refusal of the Imam to sanction the granting of an oil concession to a British company and because of his opposition to British colonial interests in the strategic area, the United Kingdom had found it opportune in 1955 and 1957 to extend, through military aggression, the Sultan's rule to the Imamate. Since then, British colonial rule had been extended to Oman under the guise of the Sultan's nominal authority, and the people of Oman had been denied their right to freedom and self-determination.

187. The Arab delegations wished to draw the attention of the Committee to the fact that the Sultanate of Muscat had neither complete international responsibility with respect to acts inherent in the exercise of sovereignty in external affairs, nor for corresponding acts relating to domestic administration, especially in the fields of economy and security. All external affairs of the Sultanate had been conducted by the United Kingdom Government, and the latter had at all times been the spokesman of the Sultan of Muscat in the United Nations. Decisions relating to economic and security affairs were either directly or indirectly made by officials of the United Kingdom Government or British advisers. British military bases were established in the territory, and British officers dominated the Sultan's army. In view of the foregoing and in accordance with the provisions of the various treaties concluded between the United Kingdom Government and the Sultanate of Muscat, it was obvious that the territory was of the colonial type.

188. Continuing, the memorandum stated that the present situation in Oman was that of a country deprived of its independence and freedom as a result of an invasion by the armed forces of a colonial Power. Such a situation should no longer be tolerated, particularly since the adoption of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples. The United Nations, which had ass

a primary responsibility for the total liquidation of the colonial system, should not be indifferent to the fate of the people of Oman, and could not but adopt specific measures to help the Omani people in regaining their freedom and independence. The United Nations should take steps to end British colonial rule, and to transfer all sovereign power to the true representatives of the people in accordance with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples. To that end, the Arab delegations deemed it necessary that the question be referred to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

189. The memorandum also stated that the continued policy of repression pursued by the United Kingdom Government had forced thousands of Omani citizens and many nationalist leaders to leave their country and to seek refuge in neighbouring countries and territories. The views of the representatives of these Omani communities on the question were of paramount importance, especially if the Committee was not allowed to visit the territory. The Arab delegations, therefore, hoped that the Committee, in pursuance of operative paragraph 2 of General Assembly resolution 1948 (XVIII) of 11 December 1963, would arrange visits to as many areas as possible.

190. Finally, it was pointed out that the people of Oman had on numerous occasions shown their faith in the United Nations as the guarantee for the solution of their problem. It was that same faith which led them to believe that the Committee would embody in its report specific recommendations on the restoration of their inalienable right to independence and sovereignty.

191. In a statement (annex VIII) to the Committee on behalf of the Arab States which presented the joint memorandum, the representative of Morocco said that the status of the Sultanate of Muscat was not the problem that was of direct interest to the Committee. The Sultanate of Muscat was a colonized country which needed emancipation and which should be allowed to make use of its natural resources and to enjoy its sovereignty. But the problem which was of interest at the present time was the Imamate of Oman, and the countries he represented thought that the United Nations had a very important part to play in helping this people to experience peace, tranquillity and freedom.

192. He also stated that the Imamate of Oman was undoubtedly one of the countries on the United Nations list of "colonial countries". It was also the considered opinion of the Arab States that the action by the General Assembly last year in deciding to bring the matter before the Fourth Committee was adequate proof that it was a typically colonial problem and that it did not fall "within the purview of one State—of a so-called independent State—namely, the Sultanate of Muscat and Oman".

3. Yugoslavia

193. In his statement to the Committee, the representative of Yugoslavia said that his delegation had expressed its views previously in the United Nations, but because it was a member of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples it felt an obligation to come before the Committee at this time.

194. His delegation had maintained since 1957 that the question of Oman was basically a colonial one.

The people of Oman had been deprived of their right to manage their own affairs by foreign intervention, which was contrary to the principles of the United Nations Charter. The people of Oman on many occasions had expressed their desire to be free, through petitioners appearing before the General Assembly or in public statements by their leaders. His delegation had in previous statements called for wider and more thorough consultations with the people of Oman and felt that this was the most appropriate way to obtain pertinent information from colonies and Non-Self-Governing Territories. For these same reasons it supported the idea of sending visiting missions to such territories. The people of Oman must be given the opportunity to speak for themselves. After their wishes had been expressed, he hoped that the Committee could draw corresponding conclusions and recommendations to report to the next session of the General Assembly. His delegation also believed that the question of Oman should be brought before the Special Committee.

195. The history of the people of Oman was one of a people who had lost their independence and who were anxious to regain it. His delegation hoped that the rights of these people would be restored without delay.

4. Bulgaria

196. In his statement to the Committee, the representative of Bulgaria said his Government welcomed the opportunity to speak about the question of Oman because it supported the struggle of colonial and oppressed people for self-determination and independence and because of his country's sympathy with the struggles of the Arab peoples for national independence. His delegation had always maintained that the question of Oman was a colonial question and that it should be dealt with by those United Nations bodies concerned with such questions.

197. It was striking that the United Kingdom, a Member of the United Nations and a permanent member of the Security Council, had imposed its colonial rule over a backward country at a time when the colonial system was under attack and becoming difficult to justify to public opinion. This action had been taken to satisfy the selfish interests of certain monopolistic groups. It was only recently, and because of its petroleum resources, that Oman had become important to the United Kingdom. Moreover, the United Kingdom had acted behind the façade of a puppet government, through the so-called Sultan, instead of attempting direct subjugation. It was interesting to note that the expenditures for military and war material far exceeded the entire budget of this so-called Sultan. His Defence Minister was a British subject and his army was made up of hirelings recruited by British authorities and commanded by British officers.

198. The Bulgarian delegation believed that the United Kingdom was trying to confuse the situation even more by using documents and treaties as legal arguments to support fictions. The United Kingdom had tried to deny that it was because of oil or through the interests of the oil monopolies that it had become interested in the area. Many delegations, however, especially those from Arab countries, maintained that the United Kingdom's actions were dictated only by the powerful influence, upon the monopolistic circles of Great Britain, of the eventual possibility of exploiting the rich underground oil deposits in Oman. Under these circumstances, it would be useful for the *Ad Hoc* Committee on Oman to elucidate the interests of the

petroleum companies and establish: (1) the nature of the deposits discovered; (2) what concessions had been requested and granted, and to whom; and (3) what profits had been drawn from the territory of Oman by the various petroleum companies.

199. It was clear, he contended, that the United Kingdom had intervened militarily several times in Oman. The United Kingdom representative had said that these interventions had occurred to help a friend, or on the request of the Sultan who was threatened, or to re-establish the Sultan's authority over the whole country. The United Kingdom representative had also said that, under Article 2, paragraph 7, of the Chapter, the United Nations did not have the right to intervene in the internal affairs of independent countries. The Bulgarian delegation believed that this principle should also apply to Member countries of the United Nations.

200. He felt that it would be a good idea to establish: (1) against what "external enemies" the United Kingdom had assisted the Sultan to fight; and (2) whether the liberty the United Kingdom took in intervening showed that it regarded the Sultanate as its colony.

201. Concerning the treaties and documents used in the discussion of the question, he thought it would be useful for the Committee to undertake a detailed study of all the relevant treaties to ascertain to whose advantage and in what interest they had been concluded and whether there were inequitable clauses in them and if so what they were.

202. In conclusion, the representative of Bulgaria wanted to assure the Committee that, in taking part as it had in this examination of the question of Oman, his delegation had been guided by the desire to contribute to a solution of this problem which was troubling peace in the Middle East and had done so with only the interests of the people of Oman at heart.

5. The Sultan

203. In the course of the meetings between the Chairman and the Sultan in London, the Sultan expressed the following views on the question in general.

204. The Sultan stated that he had explained his position on the question in his communications with the United Nations in previous years. His views had also been set out in paragraph 132 of the report of the Secretary-General's Special Representative on his visit to Oman (A/5562). The question was an internal matter, entirely within his jurisdiction as the ruler of a sovereign and independent country. It was not a matter for the United Nations. He pointed out that it was not a dispute between his Government and another but between him and his own subjects, and no ruler could be expected to sit in court as the equal of his subjects. He wondered whether the ruler of any other Middle Eastern country would like to have the United Nations set up as a court between him and his subjects. He did not expect the United Nations to solve the question or give any judgement on it, since it was not a question for the United Nations to consider.

205. The Sultan pointed out that in the course of his country's history there had been, from time to time, differences between the tribes. But his country was run on the basis of customs and understandings that had grown up over the years and which together made up the country's Constitution. People from outside did not understand this and tried to speak of the affairs of Muscat and Oman in modern terms, which did not

apply. The present matter had to do with the internal affairs of his country and if it had been left to be settled according to his country's ways and customs, it would have been settled and there would have been no occasion for the United Nations to be concerned.

206. The Sultan also said that the trouble in his country had been created by certain outside parties which had seized on a rebellion by a few self-interested tribal leaders in order to further their own interests and desires. He doubted whether those outside parties had the slightest genuine interest in his country or in the welfare of his people.

207. Other information supplied by the Sultan, as well as his views on various aspects of the question, are set out in appropriate sections of this chapter.

6. The Imam

208. At its first meeting with the Imam in Dammam, the Committee heard a statement by the Imam, which he described as a brief picture of the situation in Oman. He said that Oman had been under the rule of the Imamate since the eighth century A.D. Since the first Imam, Julanda bin Mas'ud, Imams had continued to be elected. Oman had a system of democratic rule and the people of Oman would only accept rule by an elected person.

209. He said that in former times the Imamate of Oman had been attacked and invaded by many nations, including the Portuguese whom Nasir bin Murshid had driven away. His work had been completed by his successor, Sultan bin Seif. Oman had then been invaded by Holland, France, Britain and Iran. Throughout all these troubled times the Imamate remained unified and these invaders were defeated. But later Britain came again and started to interfere in the affairs of Oman. Britain first separated off the Trucial States and then again invaded Muscat and set it up as a separate state. This had come about through the British accepting the Omani *wali* at Muscat as the ruler. Muscat was then separated from Oman by force. There remained, therefore, the Trucial sheikhdoms, Muscat separated from the interior, and the Imamate.

210. In 1863 Imam Azzan bin Kais brought Muscat back and ruled the whole of Oman. But again the British came, fought the Imam and the Omanis, separated Muscat again and set up another ruler. From then on Muscat remained separated from Oman.

211. The Imam said that during the reign of Salim bin Rashid al-Kharusi, in 1913, the Omanis made another attempt to recapture Muscat and restore the unity of the country. They reached to within three kilometres of Muscat but British troops from Bombay arrived and defeated the Imam's forces. There was then war between the British and the Sultanate on the one hand and the Imamate of Oman on the other from 1913 to 1920.

212. At that time a treaty was made at Sib. Although the Omanis were compelled to make this treaty under threat of force by the British, they respected it and peace returned to the country. During the period after 1920 there were three Imams, Imam Salim bin Rashid, Imam Mohammed bin Abdullah and Imam Ghalib bin Ali.

213. In 1955 the British returned and, together with the Sultan of Muscat, attacked Oman and established the Sultan as ruler of Muscat and Oman by force. The Omanis did not have the military forces or material in 1955 and were defeated. In spite of this weakness and

because of their strong faith and the conviction that they were in the right, even with their small rifles they were able to recapture their capital and their country which had been taken from them by the British and the Sultan.

214. The Imam stated that the British returned in 1957 with strong forces and captured Oman again. The Omanis put up a very strong fight in the towns, villages, mountains and in the desert. But after two years their ammunition was gone and they retired to the mountains. Since then the Omani people had been carrying on guerrilla warfare against the British and the Sultan according to their strength.

215. The Imam also pointed out that the people of Oman were like all people under colonial rule and turned to the United Nations for support in their struggle.

216. Other information supplied by the Imam, as well as his views on various aspects of the question, are set out in appropriate sections of this chapter.

D. HISTORY

1. From the eighth century A.D. to 1741

217. There appears to be little disagreement about the essential facts of the early history of Oman. The Imamate was founded in the eighth century A.D. when Julanda bin Mas'ud was elected as the first Imam of Oman. The Imam was a spiritual and temporal leader and he was elected to office by the important learned and religious people of Oman. The office was not hereditary and an Imam could be deposed. The limits of the territory over which the Imam ruled were never clearly defined. In practice his authority extended over the area occupied by the people who acknowledged his leadership. The extent of sovereignty was probably defined primarily in terms of the people he ruled rather than in terms of territory. There is no doubt, however, that Muscat and the coastal areas were included in the territory ruled by the Imams.

218. In the years that followed the foundation of the Imamate there were periods when there was no Imam. Some of these periods were short but others were long. For example, between the twelfth and the fifteenth centuries there is no record of any Imams, the country being ruled by *maliks* or kings. At other times the whole country, or parts of it, was occupied by foreign Powers. Despite these difficulties, the Imamate as a political entity and the office of Imam maintained their existence. Speaking of the invasions, the present Imam said, "throughout all these troubled times, the Imamate remained unified and these invaders were defeated".

219. The Portuguese, who had occupied towns along the coast, including Muscat, were expelled in 1652; territories were acquired in the Gulf and along the Persian coast, a lucrative trade with India and Africa was built up and settlements were established along the East African coast. One of the persons interviewed by the Committee gave the following assessment of the strength of Oman in the eighteenth century: "In the middle of the eighteenth century, Oman, as described by an important foreign authority, was the strongest Arab State and dominated Zanzibar, East Africa, the coast of Kenya and the ports of Persia and Baluchistan".

2. From 1741 to 1913

220. The controversial period of Oman's history begins with the election of Ahmed bin Said as Imam

of Oman in 1741. This Imam was an ancestor of the present Sultan and was the first member of the Al Bu Said family to hold the office of Imam. The legitimacy of his rule was challenged by only one petitioner, but, with that exception, the historical works consulted by the Committee and the people it interviewed, including the Imam, accepted Ahmed bin Said as having been the legitimate ruler of Oman.

221. This Imam died in 1775 and the Imamate was conferred on his son, Said bin Ahmed. The legitimacy of his rule is also generally accepted. However, there is controversy over the course and nature of events during his reign and lifetime. In particular, the controversy concerns the establishment of the Sultanate.

222. It will be recalled that conflicting versions of this period of Oman's history have already been presented to the General Assembly. On the one hand, it has been argued that the establishment of the Sultanate was an illegal act and that the Sultanate remained in existence only through British support. According to this version, Sultan bin Ahmed, a brother of the Imam, seized power in the Omani coastal town of Muscat in 1792. His action was completely illegal and constituted an act of rebellion against the established Omani State. But he was given recognition for strategic reasons by the British Government and, by the Treaty of 1798, was given British protection. Later the British separated the seven Trucial Sheikhdoms from Oman. Having illegally separated Muscat from the Omani Imamate, the new dynasty attempted, often with British help, to dominate the rest of Oman and other areas. But the dynasty never succeeded in dominating Oman; and in 1868 the Omani Imam, Azzan bin Kais, drove out the Sultan of Muscat (to whom he was distantly related) and restored Oman's unity. But the British Government of the time, by unjustifiable interference in Oman's affairs, restored the dynasty and the Imam died in battle. As a result of this interference, the country was plunged into a state of confusion which lasted until 1913, when order was finally restored and the Imamate reconstituted.

223. On the other hand, it has been argued that the establishment of the Sultanate represented a separation of temporal and spiritual powers which, until that time, had both been exercised by the Imam. The Sultanate therefore represented the continuation of temporal authority over the whole of Oman and not the establishment of a new and separate state. There were not two States, but only one, the Sultanate. Moreover, there was no Imam at all in the ninety years prior to 1913, except for a brief three-year period from 1868 to 1871.

224. The Committee therefore sought information on the following matters in relation to this period (1741-1913):

(1) The circumstances leading to the establishment of the Sultanate;

(2) The question of the existence of one or two states in Oman during this period and their international status;

(3) The relationship between the Sultanate and the United Kingdom Government;

(4) The extent and nature of action taken by the United Kingdom in Oman, including the question of whether the United Kingdom intervened during the reign of Imam Azzan bin Kais (1868-1871);

(5) The extent of the effective authority of the Sultans.

The information related to these matters that the Committee was able to gather about this period of Oman's history through its own researches (see paragraphs 24-28) is set out chronologically in summary form below. This is followed by sections setting out the views of the Imam, the Sultan and the United Kingdom Government. The treaties with foreign Powers are dealt with in detail separately in section E below.

Outline of events

225. It is stated in Salil ibn Razik's account that, about the year 1779, the Imam Said bin Ahmed made over to his son Hamed "all the forts of Oman which were under his authority" as a result of which "the administration of affairs was now wholly in the hands of his son Hamed".¹³ Thereafter Hamed ruled from Muscat and his father, the Imam, continued to reside in the interior, at Rustaq. In 1792, on the death of his son Hamed, the Imam appointed another of his sons as *Wali* or Governor of Muscat and a nephew as *Wali* at Barka. Shortly afterwards, one of the Imam's brothers, Sultan bin Ahmed, seized Barka, Muscat and a number of other important towns. He was unsuccessfully opposed by the Imam and his other brothers. It is stated that "subsequently the people of Oman and the esh-Sharkiyyah, the Bedu and those of Jaaslan, together with all the other districts, recognized Sultan".¹⁴ Sultan bin Ahmed then conquered Sharbah and Qishm on the Persian coast, and the islands of Hormuz and Bahrain, but he lost Bahrain shortly afterwards.¹⁵

226. In 1798, Sultan bin Ahmed concluded an agreement with a representative of the English East India Company. This was the first of a series of treaties with the United Kingdom and with foreign Powers entered into by the Sultans (the title by which Sultan bin Ahmed and his successors came to be known).

227. According to Salil ibn Razik, on the death of Sultan bin Ahmed in 1804 a struggle for power took place between the Imam's brothers and nephews, and the Imam himself. At this time, the Wahabis, a group of religious reformers from the Nejd in central Arabia, who had made an incursion into Omani territory between 1800 and 1803, again invaded Oman and became actively involved in the struggle for power. By 1807, Said bin Sultan, a younger son of Sultan bin Ahmed, had overcome his rivals by battle and intrigue. Although it was not for some years that his leadership is said to have been generally accepted throughout Oman, none of the sources available to the Committee states that his power was limited to Muscat or to the coastal areas. There are references in Salil ibn Razik's account to Said appointing *walis* to towns in the interior and of his levying troops from various parts of the interior.

228. During this period the Imam was at Rustaq where he stayed until his death in about 1821. Salil ibn Razik does not record any attempt to depose him as Imam and does not indicate that he exercised any effective power or influence on affairs from 1792, when he appointed two *walis*, until his death in 1821.

229. In 1809, the combined forces of the British and of Said attacked and razed the town of Ras al Khaimah, situated on the southern shores of the Persian Gulf. This town was an important port of the Jawasmi tribe, which is described as having a loose alliance with the Wahabis, and which for some years is said to have been engaged in piracy in the Gulf of Oman and in the Indian Ocean, and in raids on towns on the Batinah coast. In 1808, Said and his uncle had made an unsuccessful attempt to dislodge the Jawasmi from a town on the Batinah coast.

230. In 1810, Said requested and was given naval assistance by the British against an ally of the Wahabis who was in control of the coastal town of Shinas and who is also said to have been engaged in piracy. The combined forces of Said and the British captured Shinas but, when the Wahabis appeared on the scene, the British withdrew their forces and the town was retaken by the Wahabis.

231. The next British intervention took place in 1819, again with Said's assistance, when the vessels and principal strongholds of the Jawasmi along the coast were destroyed or captured. In 1820, the British signed a general treaty of peace with nearly all the Sheikhs along this coast. Thereafter, this portion of the coast, which had previously been regarded as a part of Oman, appears to have ceased to be regarded by Said as part of his dominions.

232. In 1820 and 1821, combined forces of the British and Said fought the Bani Bu Ali tribe in the Ja'lan. This tribe is stated to have accepted Wahabi doctrines and to have been spreading them throughout the Sharqiyah and the Ja'lan. They had also been suspected of plundering a British ship wrecked on the coast. The first move against the Bani Bu Ali in 1820 was repulsed, but the second, in 1821, resulted in the razing of their forts and the capture of their leaders.

233. Throughout Said's reign, he was intermittently threatened with, or actually experienced, invasions by the Wahabis. On four occasions he concluded agreements with the Wahabis whereby he was to pay annual tribute and, in return, was promised immunity from attack. These agreements were made in 1810, 1833, 1845 and 1853. From the contemporary British accounts of these treaties or agreements, several points emerge:

(1) The agreements of 1833 and 1853 included references to boundaries. By the 1833 treaty it was agreed—according to a British account quoted by Badger—"that each should hold possession of his own coast, according to the limits then existing—the Imaum's [the Seyyid's] extending to Jaalan and the Wahabee's to Kateef...".¹⁶ By the 1853 agreement, "the boundaries of the dominions of either remained as before".¹⁷

(2) When the Wahabis invaded Oman in 1845, a request by Said for British military assistance was refused. However, following a British Note to the Wahabi Amir and a display of naval force, an agreement was secured.¹⁸ British assistance also seems to have played an important part in the conclusion of the agreement in 1853. The contemporary British account refers to "the active intervention of the Resident [in the Persian Gulf] at this period, and the moral support

¹³ Salil ibn Razik, *History of the Imams and Seyyids of Oman*, translated and edited by George Percy Badger (New York, Burt Franklin), p. 201. (This work will be cited hereafter by the name of the translator and editor. Page references in Roman numerals refer to Badger's Introduction, while those in Arabic numerals refer to the text of Salil ibn Razik's chronicle.)

¹⁴ Badger, *op. cit.*, pp. 225-226.

¹⁵ *Ibid.*, pp. 226-227.

¹⁶ *Ibid.*, p. lxxxvi.

¹⁷ *Ibid.*, p. xciii.

¹⁸ J. B. Kelly, *Eastern Arabian Frontiers* (London, Faber and Faber, 1964), p. 68.

afforded to the Government of Muscat by the appearance of a war vessel on the Arabian coast".¹⁹

234. According to Salil ibn Razik's account, Said's principal internal difficulties appear to have been with the ruler of Suhar, his cousin Hamud bin Azzan, who, from 1830 to 1850, actively opposed him. The fact that Said spent an increasingly greater amount of his time in Zanzibar than in Muscat is said to have contributed to his difficulties at home. The British also appear to have assisted Said in his difficulties with his cousin. However, there is no record of military assistance. Following an agreement signed between Said and Hamud in 1832, the British appear to have acted in some way as a guarantor that each party to the agreement abided by its terms.

235. In 1844 or 1845, it is recorded that the leaders of the Saad tribe "proposed to set up an Imam of their own" and "offered the dignity to Hamud" (bin Azzan). He at first agreed, but later refused to accept the offer, "whereupon the Benu-Sa'ad dispersed to their several homes".²⁰ No more information on this event is available.

236. Following Said's death in 1856, a dispute concerning the succession developed between three of his sons, Majid at Zanzibar, Thuwaini at Muscat, and Turki at Suhar. After the three brothers had agreed to accept the arbitration of Lord Canning, the Governor-General of India, he proposed the separation of Zanzibar from the Arabian territories, the former to be ruled by Majid and the latter by Thuwaini. In his letter dated 29 June 1861 accepting the award, Majid stated:

"I accept and am satisfied with the terms of the decision, and they are binding on me, and it is the desire of the British Government (Javabel Sircar) that each of us, that is, myself and my brother Thowaynee, shall be independent of each other in his own dominions, and Sultan over his own subjects, that is to say, that Zanzibar and the Islands (Pemba and Monfea), and the dominions on the continent of Africa dependent upon it, shall be subject to me, and that Muscat and its dependencies, with the land of Oman, shall be subject to my brother Thowaynee bin Saeed, and that we should dwell in peace and friendly alliance the one with the other, as is customary between brothers."²¹

237. Thuwaini ruled from 1856 to 1866. During his reign he faced opposition from his brother Turki, who, Badger states, had been disappointed by the Canning award, and from his distant cousin Azzan bin Kais, who, in 1868, was to become Imam. In 1866, the Wahabis invaded Oman again, and in the same year Thuwaini was assassinated by his son Salim. According to Badger, Salim then established himself as ruler with the support of the Wahabis, although he too faced opposition from Turki bin Said and Azzan bin Kais. Turki's effective opposition ceased when, in 1868, he was persuaded by the British to retire to India on a pension. However, in the same year, Salim was driven into exile by Azzan bin Kais.

238. Azzan bin Kais who, according to Kelly, had the support of the Ibadhi *mutawwas* and the paramount sheikh or *tamima* of the Harth tribe, Saleh bin Ali, Amir of the Sharqiyah, was then elected Imam. Almost immediately, the new Imam faced a challenge from

the Wahabis who sought to influence the Sheikhs of the Trucial Coast to join with them to overthrow the Imam. The Imam, however, with the support of the Naim tribe at Buraimi, attacked the Wahabis and drove them out of Buraimi.²²

239. In the latter half of 1870, the Imam Azzan bin Kais was faced with a challenge from Turki bin Said who had reached Oman from India by way of the Trucial Sheikhdoms. Badger believes that Turki reached Oman by managing to escape the vigilance of British cruisers. He also claims that Turki received financial support from his brother Majid at Zanzibar.²³ Turki gathered support from some of the northern tribes and met the Imam in battle at Buraimi. The Imam was defeated and Turki pursued him to Muscat, where he slew him. The sources available to the Committee did not indicate that the British were involved in the dispute between the Imam and Turki bin Said. The Imam corresponded with the British Political Agent at Muscat and the portions of this correspondence quoted by Kelly²⁴ do not indicate bad relations between them.

240. In 1888, Turki bin Said died and was succeeded as Sultan by his son, Faisal bin Turki, who ruled until 1913. Kelly notes that within Oman during this period "the power of the Sultan was narrowly circumscribed".²⁵ Thomas states that the tribes of the interior were dissatisfied with the manumission of escaped slaves and the curbing of the arms trade by Sultan Faisal; he notes that these policies were being carried out by the Sultan at the insistence of the British Government.²⁶

241. In 1895 the interior tribes, led by Saleh bin Ali al-Harhi, attacked and occupied Muscat.²⁷ Kelly states that the immediate cause was the imposition by the Sultan of heavier customs duties on goods passing through Muscat to and from the interior, but that more significant was the growing agitation for the revival of the Imamate. He adds that religious inspiration was provided by the blind Ibadhi historian, Abdullah bin Humayyid al-Salimi.²⁸ Thomas states that Sultan Faisal was saved only by the arrival of the Ghafiri tribes, who were paid some 12,000 Maria Theresa dollars for their assistance.²⁹

242. Kelly states that Sheikh Saleh bin Ali al-Harhi died in 1896, and was succeeded by his son, Isa bin Saleh, as *Tamima* of the Harth tribe, Amir of the Sharqiyah and leader of the Hinawi group of tribes. The other powerful figure in inner Oman was Himyar bin Nasir al-Nabhani, *Tamima* of the Bani Riyam of the Jabal al Akhdar and leader of the Ghafiri group of tribes. With the support of these two powerful leaders, the movement begun by the blind historian reached its climax in May 1913, when his nephew Salim bin Rashid al-Kharusi was elected Imam.³⁰

¹⁹ J. B. Kelly, *Eastern Arabian Frontiers*, pp. 85-87.

²⁰ Badger, op. cit., p. cxvi.

²¹ J. B. Kelly, *Eastern Arabian Frontiers*, p. 87.

²² J. B. Kelly, *Sultanate and Imamate in Oman*, Chatham House Memoranda (Oxford University Press, 1959), p. 6.

²³ Bertram Thomas, "Arab Rule under the Al Bu Sa'id Dynasty of Oman, 1741-1937", *Proceedings of the British Academy*, vol. XXIV (1938), pp. 46-47.

²⁴ J. B. Kelly, *Sultanate and Imamate in Oman*, p. 7, and Thomas, op. cit., p. 46.

²⁵ J. B. Kelly, *Sultanate and Imamate in Oman*, p. 7.

²⁶ Thomas, op. cit., p. 46.

²⁷ J. B. Kelly, *Sultanate and Imamate in Oman*, p. 7.

¹⁹ Badger, op. cit., p. xcii.

²⁰ *Ibid.*, p. 361.

²¹ *British and Foreign State Papers* (London, William Ridgway, 1870), vol. LVI (1865-1866), p. 1399.

Views of the Imam

243. The view of the present Imam about this period of history, as stated by him to the Committee, was that the British had first separated the Trucial Sheikhdoms from Oman and had then invaded Muscat and set it up as an independent state. This had come about through the British accepting the Omani *Wali* or Governor at Muscat as the ruler. The British had separated Muscat from Oman by force. There remained therefore the Trucial Sheikhdoms, Muscat (separated from the interior) and the Imamate. Then, in 1863, Imam Azzan bin Kais had regained Muscat and ruled the whole of Oman. But the British had again fought the Imam and the Omanis, had separated Muscat and set up another ruler. From that time, however, Muscat had remained separate from Oman.

244. Speaking of this period, Sheikh Saleh bin Isa stated to the Committee:

"Muscat remained subject to foreign interference which was hated by the people of Oman. The military troops of Oman could always have captured Muscat if it had not been for British interference and defence of Muscat. Oman was completely sovereign in its affairs and even had domination over Muscat itself in 1895. Despite that fact, Sultan Said bin Taimur believes wrongly that he is the legal ruler of this area."

Views of the petitioners

245. Other Omanis interviewed by the Committee agreed with the Imam's account in general terms. A typical statement was that there had been one state, Oman, of which Muscat had been a part, but that the British had interfered and had separated Muscat and established their influence over it.

246. When questioned as to whether there were two independent states or one during this period, petitioners gave a variety of opinions. Some believed that there were two independent states while others said that there was only one legitimate state, the Imamate, and that the Sultanate was an illegal administration. Others, who came from the coastal areas, said that the Sultanate was the only state.

Views of the Sultan

247. The Sultan was asked by the Committee for his comments on the claim that, in 1792, Sultan bin Ahmed had illegally seized power from the Imam, Said bin Ahmed, and that the rule of Sultan bin Ahmed's successors at Muscat, with the exception of Azzan bin Kais, had been unconstitutional since they had not been elected. Commenting on this and on a number of other historical points that were raised with him, the Sultan said that it was difficult for him to give any information on historical questions since he was not alive when some of the events mentioned had happened and therefore he did not know about them. However, he added, the main points were clear: his family had been in power in Muscat and Oman for over 220 years and all the people of Oman were his subjects. Furthermore, there never had been two states.

Views of the United Kingdom

248. The position of the United Kingdom with regard to the claims made that it had interfered in Omani affairs and had, at the least, played a leading part in establishing the Sultanate and had maintained the Sultanate by armed support, is contained in the

memorandum submitted to the Committee entitled "The relationship between the United Kingdom and the Sultanate of Muscat and Oman" (annex VII), and in the statement made to the Committee by the representative of the United Kingdom on 12 August 1964 (annex VI).

249. In his statement to the Committee, the representative of the United Kingdom told the Committee that the United Kingdom's relationship with the Sultanate had at all times been one between two sovereign Powers. He also said that, in the eighteenth century and throughout the nineteenth century, Britain's interest in the trade route to India and in the suppression of piracy, the slave-trade and gun-running in the Indian Ocean and the Persian Gulf had much to do with the character of the relationship between it and Muscat and Oman. In the memorandum it was stated that British relations with Muscat and Oman dated effectively from an Agreement of 1798 which had been concluded in order to protect the sea routes to India from privateers during the Napoleonic Wars. Privateering had been endemic in the southern Persian Gulf at the time and its suppression had continued to be a major British and Muscati interest after the close of the Napoleonic Wars. On several occasions, British naval support had been given to the Imam and later to the Sayid of Muscat and Oman against the seafaring tribes of the Pirate Coast who made a living from plundering shipping. In 1809, and again in 1819, military expeditions had been sent by the Government of India to rout out these pirates based on the coast, and in 1820 and 1821 an expedition had also been made into the interior of Muscat and Oman against a tribe guilty of complicity in piracy. In the years that followed, British interest in suppressing the slave-trade and in regulating its commercial relations with Muscat and Oman had led to the conclusion of a number of treaties.

250. Continuing, the memorandum stated that the next important British contact with Muscat and Oman's affairs had been in 1858, when the Sayid of Muscat and Oman had prepared an expedition against Zanzibar in pursuance of his claim to Zanzibar. The British authorities in India had made active representations for restraint in the interest of stability in the Indian Ocean. The Sayid had agreed to accept the arbitration of the Governor-General of India over his claim to Zanzibar and, in 1861, acknowledged recognition of Lord Canning's award by which Zanzibar was separated from Muscat and Oman.

251. This settlement had been followed by the Anglo-French Declaration of 1862 in which both Governments, "taking into consideration the importance of maintaining the independence of His Highness the Sultan of Muscat and His Highness the Sultan of Zanzibar, have thought it right to engage reciprocally to respect the independence of these Sovereigns". Frequent references to this Agreement in Anglo-French exchanges over the ensuing years showed the determination of both parties that its terms should be scrupulously observed. The significance of the Declaration, the memorandum continued, was not only in its respect for the independence of Muscat and Oman, but also in the manner in which two major Powers recorded that independence as a fact and as something which it was important to preserve.

252. On the question of the relations between the United Kingdom and Muscat and Oman, particularly

towards the end of the nineteenth century, the memorandum (annex VII) stated:

"It has been recognized, however, that in the conditions of the nineteenth century a major Power enjoyed a position to which smaller Powers of unquestioned independence were inclined to defer. An example of this is available from 1890, when the Political Resident in the Persian Gulf conveyed Her Majesty's Government's formal recognition of Sultan Faisal's accession. The Sultan of Muscat and Oman was informed that Her Majesty's Government hoped 'to continue with Your Highness the same relations of friendship that have existed between the two States'. No conditions attached to this. In reply, Sultan Faisal indicated that he intended to maintain the good relations that had existed in his father's time, and to keep his father's and predecessor's engagements. He added, of his own volition, that it was his 'earnest desire to be guided in all important matters of policy by the advice of the British Government, and so to conduct his Government as to secure the continued friendship and approbation of His Excellency the Viceroy and the British Government'. Similarly the Sultan signed an Agreement in 1891, by which he bound himself, his heirs, and his successors, 'never to cede, to sell, to mortgage, or otherwise give for occupation, save to the British Government, the dominions of Muscat and Oman or any of their dependencies'. The essence of this Agreement was that while the Government of India sought no derogation of the Sultanate's independence, the Sultan deferred to Her Majesty's Government in ensuring that no other Power should derogate from that independence to British disadvantage. (As circumstances changed, this particular Agreement lost its force. It was finally terminated by an exchange of letters between the present Sultan and Her Majesty's Government in 1958, after having long been regarded as a dead letter.)"

253. The memorandum also stated that the suppression of arms smuggling in Muscati vessels had been a subject of great concern to the British Government during the first fifteen years of the twentieth century. In 1903, the Sultan had accepted the co-operation of British (and also Italian) ships in searching Muscati vessels suspected of carrying arms and this service was continued until the outbreak of world war in 1914. These precautions were strengthened in 1912 when the Sultan decided, in agreement with the British authorities, to establish in Muscat a bonded warehouse in which all arms and ammunition would be deposited on importation. Exports from it were only to be made on the issue of a "no-objection certificate" by the Sultan personally.

254. In view of the claims that had been made concerning British interference in Muscat and Oman during this period, the Committee addressed a number of questions on this matter to the United Kingdom which were discussed by the Committee with officials of the Foreign Office.

255. In answer to these questions, the representative of the United Kingdom stated that his Government's interest in the area was based on historical reasons which emerged clearly from his Government's memorandum to the Committee. The United Kingdom was concerned with maintaining peace and stability in that area and its historical connexions with the rulers had given it the opportunity to help the rulers to that end.

256. The Committee was also informed that there was no doubt that the Sultans had requested assistance from the United Kingdom Government on a number of occasions. It was pointed out, however, that this assistance had been given on a friendly basis, as between two States. In answer to a question as to whether

British intervention had been based on the terms of an agreement, or simply on friendly relations that existed between the two countries, the Committee was informed that assistance had been provided partly on the basis of an agreement, and partly on the basis of requests to it. There had been an agreement which had been entered into in 1895 by which the United Kingdom had promised to come to the assistance of the Sultan in the event of any attacks on the two principal towns of his country, Muscat and Matrah. However, the United Kingdom Government did not feel that it was a significant question whether its help had been given on the basis of an agreement or an appeal. The fact was that the United Kingdom Government had maintained close relations with the Sultans and had responded to requests for assistance on a number of occasions. These responses had been genuine and there had been no ulterior motives. In answer to a question as to whether the promises given had been directed to external threats or whether there had been a promise to maintain the Sultan in power against his people, the Committee was informed that it would be wrong to conclude that the United Kingdom had given a general promise of protection. The United Kingdom's responses to requests for help had not been limited to one kind of threat. The United Kingdom had maintained a friendly relationship with the Sultans and had been ready to give help at different times and for different purposes.

257. Since the Committee had not seen the Agreement of 1895 mentioned in these discussions, it requested a copy of the text. Subsequently, the Committee was informed by the representative of the United Kingdom that, while references to this agreement had been found in correspondence, the text of the Agreement had not been discovered. He did not think that a formal text had ever been communicated to the Sultan although there was no doubt that an undertaking had been given to the Sultan.

258. In answer to a question raised by it, the Committee was informed that the United Kingdom Government, through the Government of India, had granted recognition to the rulers of Muscat and Oman. The United Kingdom representative could not say whether recognition had been granted to all the rulers in the last 200 years, since the records for the first 100 years were not good enough to be certain. However, within the last 100 years recognition had only been withheld from 1868 to 1871, when conflict was taking place and when it was not clear who was the ruler.

259. Since this period of 1868-1871 was the period ascribed to the rule of Azzan bin Kais, the Committee asked whether it was true, as had been claimed, that the United Kingdom Government had been opposed to the Imam Azzan bin Kais and had assisted in bringing about his downfall. The Committee was informed that the reign of Azzan bin Kais had been marked by civil strife between two branches of the family and that the United Kingdom had played no part in that strife. The Committee asked whether that meant that the United Kingdom Government had never thought it necessary to take part in civil strife, and was informed that the United Kingdom Government took part only when requested and that in this particular case it had played no part.

260. With regard to the claim that two separate states had existed, one Oman and the other Muscat, the Committee was informed that the United Kingdom

Government had only had relations with Muscat and Oman and with the rulers of the whole Territory.

261. The Committee also asked for more details concerning the British Political Agent at Muscat. It inquired about his functions, whether he was also Consul, to which department in the United Kingdom he was responsible, and about his relationship with the Resident in the Persian Gulf. In reply, the Committee was informed that the title of this officer was similar to the title that had been used in British India. The title of this officer had varied from time to time: sometimes he was referred to as "Political Agent" and sometimes as "Political Agent and Consul". The duties of this officer had been both consular and diplomatic and he had been responsible to the Government of India, which had been the agent of the United Kingdom Government. The Political Resident in the Persian Gulf had been the superior officer in the chain of command and had been stationed at Bushire until 1946, when the office had been transferred to Bahrain.

262. It was pointed out by the Committee that since Residents in the Indian States of British India had the role of advisers, and since the Resident in the Persian Gulf had the same title and belonged to the same service, could it not be assumed that they had the same functions. In reply, the Committee was told that the name did not imply that the Resident in the Persian Gulf was an adviser to Government of the country in which he was stationed. Further, the appointment of such an officer was no reflection on the sovereignty or status of the country. When it asked if there were similar arrangements with other sovereign countries, the Committee was told that there were probably none, since the combination of circumstances in the Gulf area did not arise elsewhere.

3. From 1913 to 1920

263. The debate in the Fourth Committee revealed wide differences about this period of Oman's history. These differences were mainly concerned with the question of whether one or two states existed in Oman, namely the Sultanate and the Imamate, particularly in view of the revival of the office of Imam in 1913. Related to this question was the interpretation of an agreement or treaty which was concluded at Sib in 1920. The Committee therefore addressed its inquiries to those matters.

The election of an Imam in 1913

264. The Committee's own researches indicate that the election of Salim bin Rashid al-Kharusi as Imam in May 1913 was followed almost immediately by an attempt to overthrow the Sultan at Muscat. Kelly states that, in June and July 1913, the Sultan's garrisons were expelled from Nazwa and Izki and that, in August, the fortress of Sumail, commanding the road to the Batinah coast, was taken.³¹ In October 1913, the Sultan died and was succeeded by his son Taimur bin Faisal who, Kelly states, tried unsuccessfully to come to terms with the leaders of the revolt. According to Thomas, some time in 1913, the British sent a garrison of Indian troops to Muscat to defend the capital.³² In January 1915, the Imam's forces, which Thomas numbers at 3,000, attacked Muscat but were repulsed with heavy losses. Sultan Taimur continued to seek

a settlement but this was not finally achieved until September 1920, when the agreement or treaty was signed at Sib.

265. Thomas comments on the situation at the end of World War I in the following terms:

"When the Great War ended there were thus two mutually antipathetic governments in Oman, a coastal one and an interior one: the former under the Al Bu Sa'id Sultan of Muscat, the latter, superficially at least, of theocratic form."³³

266. When discussing these events with the Chairman, the Sultan denied that the election of an Imam in 1913 implied the existence of another state. He emphasized that there never had been two states.

267. The view expressed to the Committee by the United Kingdom was that the election of an Imam in 1913 was an internal affair of the Sultanate. The United Kingdom had had no relationship with the Imams except years before, when they had been rulers of the country as a whole. Further, the position of the Imam was a domestic matter of the Sultanate and was not a matter for the British Government. When attention was drawn to a claim that the British Consul at Muscat had referred to the Imam in correspondence and that this constituted recognition by the United Kingdom, the Committee was informed that this argument could not be accepted. To refer to a person as Imam had no bearing on whether he was recognized as sovereign of Oman. So far as the United Kingdom was concerned, it considered that the Imam's functions were a matter of domestic concern. In those days the Sultan had agreed that there was an Imam, but it was for the Sultan to decide what his functions were. The position was that the United Kingdom took the Imam for what he claimed to be, provided this was satisfactory to the Sultan as ruler. However this did not mean that the United Kingdom accepted the Imam's claim that he was ruler of Oman. The Committee was also informed that the British Agent at Muscat had had no official relationship with the Imam, although he had no doubt met him from time to time. The United Kingdom memorandum (annex VII) described the events of 1913 and 1914 as follows:

"When, in 1913, the leaders of the Hinawi and Ghafari factions combined to appoint an Imam in Inner Oman and, in 1914, moved to attack Muscat, the Sultan called for British assistance, as promised in the Declaration of 1895, and the Government of India complied by sending troops."

268. Referring to this period, the Imam stated to the Committee that during the reign of Salim bin Rashid al-Kharusi, in 1913, the Omanis made another attempt to recapture Muscat and restore the unity of the country. They reached to within two miles (three kilometres) of Muscat, but British troops from Bombay arrived and defeated the Imam's forces. There was then war between the British and the Sultanate on the one hand and the Imam on the other from 1913 until 1920, when the Treaty of Sib was signed.

The circumstances leading to the signing of the Treaty (Agreement) of Sib

269. The present Imam and his supporters drew attention to the part played by the British in the events leading to the negotiations at Sib in 1920. They claimed that the British had conducted the preliminary negotia-

³¹ *Ibid.*

³² Thomas, *op. cit.*, p. 47.

³³ *Ibid.*, pp. 49 and 50.

tions with the Imam and that this indicated that the British recognized the Imam and the Imamate and regarded the Imam as one of the parties. They also claimed that the leading part played by the British in the preliminary negotiations showed that the British were one of the parties to the treaty that was subsequently signed. They also claimed that the Omanis were threatened by the British.

270. In support of these claims, Sheikh Saleh handed to the Committee letters from the British Political Agent and Consul at Muscat. The first was dated 9 April 1915 and was addressed to "The Honourable Salim bin Rashid al-Kharusi", who was, in fact, the Imam, although his title is not used in the letter. It reads as follows:

"There have been several days during which relations between the ruler and the interior have been deteriorating. Great Britain regrets this situation very much. The continuation of this dispute is useless and it should be obvious to you and to all. Peace is one of the primary pillars of the Sharia of God. It should have been clear from past experiences that the Government of Great Britain wants justice and peace and sincerely wishes that good relations shall prevail between the two parties. We believe that this uprising was the result of misunderstanding. If the causes of the misunderstanding were removed, it would be easy to resume good relations. I sincerely trust that it will result in a mutually acceptable solution. For this reason I wish to explain to you in this letter the views of the British Government and its hopes. Particularly I wish to advise you that you should not delay informing us fully about your intentions regarding this matter, so that we can understand whether there is a serious problem that requires a solution. I look forward to your reply. We shall receive it and consider it thoroughly and shall take appropriate measures to end the problem. We wish the reply to be given to the bearer of our letter. This is what we wanted to explain. Greetings.

(Signed) "Colonel Robert Arthur Edward BAINE
Political Agent of His Britannic Majesty
and Consul in Muscat"

271. The second is dated 10 September 1915 and is addressed to "His Excellency, the Honourable Sheikh Isa bin Saleh, Deputy Imam" and reads as follows:

"I arrived at Sib this morning in accordance with the promise which was agreed upon. Then I received a letter signed by the Imam and from you in which you wanted me to arrive in Sib on the 4 or 5 Thel-Alkada. The fourth day will correspond to the date of my arrival at Sib. I hope that you will not be delayed from arriving on that date to meet me in Sib in the place which I shall have arranged for the parties to meet. I have sent assurances to the Imam and to you and to His Highness the Sultan guaranteeing safety during your coming and returning as you wish to the place which has been arranged by me. I have written to the Imam a separate letter informing him that 4 Thel-Alkada will be agreeable to the two parties.

"In conclusion I send you my greetings.

"Dated 29 Shawwal 1333 H, corresponding to 10 September 1915.

(Signed) "Lieutenant-Colonel RAE, R.E.C.A.E.
Consul of Great Britain in Muscat"

272. The third was written in March 1919 and was addressed to "the Honourable Sheikh Isa bin Saleh bin Ali Allsamri al-Harhi" and reads as follows:

"I have not written to you for a long time, and now that the war is over I wish to communicate with you and explain to you all our thoughts regarding these affairs. As you know, and thanks to God, Great Britain and her allies have been victorious over the enemy who has surrendered. We are,

today, occupying Germany, Austria, Bulgaria and Turkey. Germany has surrendered its fleet and most of her ships are in our custody in England. The situation in Germany itself is one of confusion and drought. We have also occupied Istanbul from the Turks; and, as you know, Baghdad has been in our hands for quite some time. We are now installing in Baghdad and Basra an Arab Government; we shall put the whole of Iraq under an Arab Government, and will not permit the Turks to rule it any more. Our friend and ally, Al-Sharif Hussain, in the Hijaz, has become very strong and has been named as the King of the Hijaz. According to the conditions of the truce which we have granted the Turks, the city of Al Madina Al-Monawara is now in the hands of the King of Al-Hijaz. In Yemen also, Said Pasha has surrendered and he is now a prisoner in our hands. Undoubtedly, you will soon receive confirmation of this news from other sources, if you have not yet already received it.

"I am writing you now these lines specially in order to advise you of our wish to help form an Arab Government in all Arab lands to rule according to their own traditions. As the Arabs have been freed from the Turkish yoke, there is a high hope that they will progress in their affairs according to the good Arab way. Now that we can turn our attention to Oman, I must try to explain to you our position towards Oman so that you may understand our viewpoint.

"Muscat is one of the harbours at which our ships stop on their way back and forth to and from Abu Shahr and Al-Basra. It is necessary for the purposes of world trade that such harbours be peaceful and safe. If the Government of the land is unstable and hostile, then the ports will be unsafe and there will be no shelter for the ships that come to it, and their merchandise will be in danger if unloaded.

"Oman still has wars, upheavals and conflicts, particularly when an Imam or Sultan dies and another is elected. We have been accustomed to become allies of the ruler of the land but as soon as we do so, another person claims power and attacks him. As you know, these circumstances forced us to announce to all the Heads and Sheikhs of Oman in 1895 A.D. corresponding to 1313 H, that we would help the Sultan and the power with which we were allied in the harbours. For this purpose we have helped the Sultans Turki and Faisal and now we are helping Taimur.

"This is the only reason I wish to meet with you and discuss with you what should be done in order to improve things, because meeting and discussing under these circumstances is the only means to enable two disputants to understand each other's demands and to seek the possibility of resolving their conflicts in a satisfactory way. No one has ever heard that we have caused damage by force and injustice to anyone, but we shall be forced to treat you differently from heretofore if you do not invite us to discuss matters satisfactorily, or if you do not show willingness to deal with us in a friendly way. We do not want to impose a bad government on a nation contrary to its tradition.

"I hear these days that you have plans to attack Sur and I do not know the truth of what has been said. May God forbid the happening of such a thing, because if it were true, it would lead to our fighting against the Omanis.

"I have tried for years to make it impossible for such things to happen. I am writing to you to say do not do this thing, if you have thought about it or started to do it, or if it is in the mind of anyone to do that, because an action such as this will cause you great damage and we do not wish to harm you; indeed, our wish is the opposite of that, and it is for your benefit. If we wished to cause you damage it would have been easy for us to send one of our airplanes and it is sufficient to destroy your cities and damage your forts, and for sure you know that you cannot resist us.

"We have 500,000 trained soldiers who have now terminated their operations in Iraq and we have no need for them there. A few thousand of them would suffice to occupy the whole of Oman had we wished to harm you. Taimur has always acted differently in that he has tried to be on friendly terms

with us and you know that. You also know that the ruler who has control over the coast is able to levy heavy duties upon the merchandise going to and from your country at all times, and you cannot do anything about it. You also know that the control of the seas is in our hands. So if you imagine that you can become our enemy then we shall not permit anything such as rice, wheat or clothing to be sold to you, and will not permit you to sell your dates, knowing that all your trade is with our countries. But if you prefer our friendship and communicate with us in your affairs, we shall help you as we are now helping Taimur. Yes, if you insist on gaining our enmity, then the consequences will be grave and they will befall upon you and not upon us, as I stated to you before. It is impossible to be friends with those who do not wish our friendship. I appeal to you to explain the present situation to your Imam and point out to him that conditions cannot continue this way for ever, and that your meeting and communicating with us will not hurt him but it will benefit him. But by his refusal it will become impossible for us to help you and therefore the result will be harmful to you and to him. I have also written this to Sheikh Himyar bin Nasser bin Sulaiman Al-Nabhani and Sheikh Nasser bin Rashid Al-Kharusi to inform his brother."

273. From other letters produced by Sheikh Saleh, it appears that during 1919 attempts were made to arrange a meeting between the British Consul and Sheikh Isa. The arrangements that were made and the matters for discussion are contained in the following extracts from the correspondence. In each case the letter is signed by Major Haworth, British Political Agent and Consul at Muscat, and is addressed to His Excellency, Sheikh Isa bin Saleh bin Ali al-Harhi:

(1) "Regarding your letter of 2 Jaamadi Al-Thani, I am writing to request you if it is possible for you to meet me as soon as possible because I am not staying here except for meeting with you. Otherwise I shall be going to India, escaping from the heat for a short period. Likewise the Chief of the Gulf will arrive tomorrow so that we may meet together and he will not be able to stay here for too long due to his busy schedule. I shall be very grateful to you if you could come as soon as possible for the meeting and reply to this letter with bearer thereof. I renew my greetings." (From letter dated 6 May 1919)

(2) "Regarding your question about the conditions which you mentioned, it is not difficult to write down the conditions so that you can consult with your people. But it is difficult to decide upon something before we meet. However you will become acquainted with all the facts when we meet. I am not a man who would impose conditions on his enemy for the sake of peace. I am someone who has seen a misunderstanding and, having started to oppose and resist, has wanted to know the causes of that misunderstanding in order to see what should be done to remove them.

"In reality, there is no conflict between our attitude and yours except a minor difference. Under such circumstances we must reach in our negotiations a point of agreement between us. But what could be done and what could not be done, and what could be agreed upon and what could not be agreed upon, may not be settled except after meeting and negotiating in a friendly way and trying to reach a solution.

"We have concrete evidence and firm proof that our wish is justice and keeping our promise. Our word is that we have not used the force which has been at our disposal. Accordingly it is better that we negotiate together first, after which you may present the results of our negotiations to your Consultative Assembly, as you wish.

"But it is more important that you should always treat us in good faith and amity.

"We wish that you would do your utmost to bring to an end this misunderstanding. I wish to renew my greetings." (From letter dated 13 May 1919.)

(3) "I have received your two letters after my return from India. I am very happy about meeting you in Sib, as you

wish, at the end of this month. I shall be very happy if you would settle these problems to the satisfaction of both sides. Thanks to God, the war is now over, and our problem is to bring stability and security to Oman. This will be the best thing we can do for God and the whole world. Otherwise the situation in the country will deteriorate day after day so that I am afraid commerce will stop and even food supplies will not be found. I wish to renew my greetings." (From letter dated 20 August 1919.)

(4) "I sent you a letter yesterday and now I have your letter. If you meet your Imam on the way to Sib please greet him for me and inform him that I hope that our meeting will be fruitful for all. I hope that the situation will be improved and peace which is now prevailing all over the world will be found in Oman too. I renew my greetings." (From letter dated 21 August 1919.)

(5) "Your letter of 28 Thel-Haja arrived today. I am very sorry that we did not meet as we had planned at the end of last month because of a delay in my return from India. But, God willing, we shall meet and correct the situation. The day of our meeting will have to be after the Feast on 18 Thel-Haja or 14 September, Sunday. But I will not be able to go to Al-Khawdh because I am not permitted by the Government. It is easy for you to come to Al-Khawdh and I shall stay in Sib. The meeting will be outside Sib. There we shall set up tents, some large ones, for the meeting. As for the Honourable Said Ibn Nasser Al-Kandi, I shall talk to the Sultan Al-Said Taymoor. I renew my greetings." (From letter dated 29 August 1919.)

274. The meeting referred to in (5) above between the Consul and Sheikh Isa apparently took place, as it is referred to in a letter to Sheikh Isa from Mr. Wingate, Major Haworth's successor as Consul at Muscat. This letter also makes reference to permission having been granted to the British Consul by his Government, to act as mediator. The letter, dated 8 January 1920, reads as follows:

"We have received your letter of 6 Safar which you had written to Major Haworth. You may know that Major Haworth has left and that I have taken his place. I learned from him all that happened in the meetings at Sib and, as you know, I have written to Sheikh Said Ibn Nasser Al-Kandi to arrange the question of the orchards and the release of the prisoners, safely. I am sure that this will be accomplished according to your promise in Sib. I am pleased to inform you that our Government has authorized me to work as a mediator, as requested in the meeting of Sib. Now I am waiting to hear from you if you want to return the orchards, for I can prove officially the other problems requested by you. I did not write you before this, expecting to hear from you regarding the orchards. Also I was awaiting a reply from our Government and now, thanks to God, there is no need for delay, and we request your reply as soon as possible and a speedy settlement so that the benefit will be for all. I renew my greetings."

275. The last letter in this file of correspondence written by Mr. Wingate to Sheikh Isa before the negotiations took place at Sib, reads as follows:

"Your letter of 20 Jaamadi Al-Akhar has arrived with a letter from Sheikh Said Ibn Nasser. I was happy to know of your good health. I have understood the content of the letter. I am glad to know that you have gone to Nazwa with the Sheikhs and with Sheikh Said Ibn Nasser. I trust that your efforts will solve this problem. It has been said that where there is a will there is a way and that the pursuance of good is better than the good itself. Since we have not heard from Sheikh Said Ibn Nasser for some time and do not know the cause of the delay, my Government has asked me strongly to provide them with a reply as soon as possible, in order to complete your requests which you had demanded at Sib. We have written to Said Ibn Nasser a letter and sent it by a special messenger asking him to bring us a reply. The reply was to deal with the investigation of the Imam regarding the

return of the orchards. Also we wrote to Sheikh Said Ibn Nasser to show you that letter. I trust that before this letter reaches you you will have dealt with their requests. Meanwhile, the first messenger whom I sent will return with the requested reply. But if these things do not happen as I expect because of the meeting of the Sheikhs, Your Honour could send me a letter with the Imam's confirmation concerning the return of the orchards. That letter could be sent by this messenger so that your demands will be fulfilled. This was what we wanted to explain. I renew my greetings." (From letter of 17 February 1920.)

276. Apart from these letters, the only other source of information on the circumstance leading to the signing of the Treaty (Agreement), and on the actual course of negotiations, is the account by Sir Ronald Wingate.⁸⁴ In this account, he states that he carried out the preliminary negotiations with Sheikh Isa, whom he describes as "the Imam's Lieutenant". He states that Sheikh Isa demanded "impossible" conditions, and the expulsion of the Sultan. His account continues:

"But there appeared to be one method by which the Omanis could be brought to see reason. They had to export their dates to live. If the export of their dates could be made almost impossible, or at least very costly, and they could not retaliate, then they might be prepared to meet me and to talk terms for a reasonable settlement."⁸⁵

Wingate stated that he then persuaded the Sultan to impose a duty of 20 per cent on the export of dates and that as a result the Omani leaders agreed to negotiate.

277. Wingate's account of the negotiations at Sib in September 1920 is as follows:

"Finally, what would be called in modern parlance 'the heads of agreement' were agreed. They were briefly that the Imam and the tribal leaders and their tribes would live at peace with the Sultan and not interfere with his administration in Muscat and on the coast, and that the Sultan would not interfere in their internal affairs. The Sultan would also reduce the *sakat*, of export duty, on dates to the customary five per cent which had been in force before. There were some other minor provisions of only local interest.

"So far so good, but on the morning of the third day an unexpected difficulty arose. The sheikhs insisted that the agreement should go between the Sultan on one side and the Imam al Muslimin on the other. This was fatal, and I knew that I could not possibly agree to it on behalf of the Sultan, for this would mean that the Sultan acknowledged another ruler, and a ruler who was already an elected spiritual leader and an admitted temporal representative of the tribes. From such an acknowledgement it was only one step further for the spiritual leadership and temporal representation of the tribes to develop into a claim for the spiritual and temporal leadership of all Oman. Every argument was used; that there were millions of Moslems for whom their Imam was not Imam; that this was a political, not a religious matter, and so on. But the tribal leaders were adamant, and the deadlock seemed complete till Ehtisham whispered to me in English: 'Tell them the story of the Prophet and his negotiations with the people of Mecca'

"In those days I knew a little history, and I understood his suggestion.

"So I told them the story which, of course, they knew. The Prophet at Hadaibiyah had negotiated an agreement with the people of Mecca and had then attempted to sign the agreement as between the people of Mecca and 'Mohammed, the Prophet of God'. The delegates of Mecca had pointed out very reasonably that if Mohammed was the Prophet of God then there was no object in signing a peace with him in that capacity. How could the Prophet of God be a party to an agreement with mere mortals? The Prophet saw the point

and his part in the agreement was as 'Mohammed, the Son of Abdullah'. (This incident is mentioned in Gibbon in his famous chapter on the rise of Islam, where he says that Mohammed 'Waived in the treaty his title of "Apostle of God".') The sheikhs, after a solemn confabulation, smiled. The word Imam was omitted from the body of the document, which simply read as conditions arranged between the Sultan's Government and Isa bin Salih as representing the Omani tribes.

"The document was in Arabic and began, traditionally, *In the name of God, the Compassionate, the Merciful*. So there was the Agreement of Sib. It was signed by me on behalf of the Sultan, with his full authority, and granted to the tribal leaders of Oman, all of whom signed individually, the right of self-government, or non-interference by the Sultan in their internal affairs in return for peace, and for the payment of the customary dues at the ports in the territory controlled by the Sultan. The question of sovereignty was never mentioned. Had it been, there would have been no agreement. It recognized the facts of the situation, a situation which was not a new one, but had been a source of controversy and conflict for three quarters of a century. For in Arabia allegiance is tribal, and the tribe has no defined boundaries. Yet the existence of a Coastal Sultanate, a tribal confederation, and a religious leader, who could claim through election the temporal allegiance of the tribes, had, up till then, made impossible a *modus vivendi*, where, by agreement, the coast and the interior each looked after its own affairs, while remaining in friendly contact."⁸⁶

The text of the Treaty (Agreement) of Sib

278. It was apparent to the Committee that it was important that it obtain or see the original text of this Treaty (Agreement). The Committee therefore asked the Sultan, the United Kingdom and the Imam whether they could help by furnishing the original text.

279. When the Sultan was asked whether it would be possible to see the text, he said that it was not available and that, even if he wished to let the Chairman see it, he did not have it with him in London or even in Salalah.

280. When the representative of the United Kingdom was asked whether it was a fact that the United Kingdom had no copy, he stated that he would not say that his Government had no copy, but, as it had not been a principal, it was not in a position to release it. This was a matter of domestic jurisdiction concerning the Sultanate.

281. The Imam informed the Committee that an original of the treaty had been kept in the house of a certain Suffin bin Hamed in Oman but that he had been attacked in his house and all the documents, including the treaty, had been taken. The Imam had a copy which he was sure was a true copy and which he would give to the Committee. Subsequently the Committee was given a photostat copy of a letter which contained the text of the treaty (annex XI).

282. Sheikh Saleh bin Isa informed the Committee that to his knowledge there had been three original signed copies; the Sultan had received one, the Imam the second, and his father, Sheikh Isa bin Saleh, the third. The text belonging to his father had been handed on to him, but he had not been able to bring it with him from Oman when he left. He explained that he had kept his father's documents in houses in two towns and that he had been able to collect the documents from one house but had been unable to get the remainder from the other house. However, he had a copy, the

⁸⁴ Sir Ronald Wingate, *Not in the Limelight* (Hutchinson of London, 1959), p. 86.

⁸⁵ *Ibid.*, p. 87.

⁸⁶ *Ibid.*, pp. 89-90.

text of which was incorporated in a memorandum he subsequently handed to the Committee (annex XII).

283. Having been unsuccessful in obtaining an original of the Treaty (Agreement), the Committee was obliged to use the texts available to it. These were: (1) the text appearing as an annex to the report of the Secretary-General's Special Representative on Oman (A/5562), which was identical to the text issued in publications by the Arab Information Center in New York (annex XIII); (2) the text supplied by the Imam; (3) the text supplied by Sheikh Saleh.

284. The text supplied by the Imam contains four conditions applying to both sides, which are described as "the people of Oman" and "the Government of the Sultan". It also includes the following certifications and ratifications by the parties:

"As a deputy of the Imam Muslimeen Mohammed bin Abdullah Al-Khalili, I declare that I have accepted the conditions laid down therein by virtue of an authorization from the Imam Al-Muslimeen. Written by Isa bin Saleh and by Sulaiman bin Himyar in their handwriting.

"I have completed what Sheikh Isa bin Saleh has done on my behalf regarding these provisions. Certified by Imam Al-Muslimeen, Imam Mohammed bin Abdullah in his own handwriting.

"This is the treaty which was signed between the Government of His Highness Sultan Taimur bin Faisal and the Omanis in my presence: Ihtishom Al-Munshi, 12 September 1920 corresponding to 26 Muharram 1339.

"Certified by Mr. WINGATE, I.C.S.

"Political Agent and Consul of Great Britain in Muscat"

285. The text provided by Sheikh Saleh also contains the four conditions applying to both sides and, with a minor exception, the original Arabic wording of these provisions is identical. Sheikh Saleh's text also includes the following certifications and ratifications:

"I have accepted what has been done on my behalf by Sheikh Isa bin Saleh regarding the above-mentioned conditions: Imam Al-Muslimeen, Mohammed bin Abdullah Al-Khalili. I have agreed to the conditions laid down herein by virtue of a mandate from the Imam Al-Muslimeen, Mohammed bin Abdullah Al-Khalili: Isa bin Saleh in his own handwriting."

286. The translated text used by the Committee contained the same four conditions applying to both sides, and although the Committee has some doubts about the accuracy of this translation, the Arabic text from which it was made is probably identical with the texts supplied by the Imam and Sheikh Saleh.

287. The major differences between the text used by the Committee and those supplied by the Imam and Sheikh Saleh are that: (1) it contains no certifications and ratifications; and (2) it includes the following preamble:

"This is the peace agreed upon between the Government of the Sultan, Taimur ibn Faisal, and Sheikh Iso ibn Salih ibn Ali on behalf of the people of Oman whose names are signed hereto, through the mediation of Mr. Wingate, I.C.S., political agent and consul for Great Britain in Muscat, who is empowered by his Government in this respect and to be an intermediary between them. Of the conditions set forth below, four pertain to the Government of the Sultan and four pertain to the people of Oman."

The parties to the Treaty (Agreement) of Sib

288. One of the main points of controversy about the Treaty (Agreement) of Sib concerns the parties to it. Some information on this aspect of the question is contained in the preceding paragraphs in connexion with

the text itself. Additional information obtained by the Committee during its interviews is set out below.

289. The position taken by the Imam on the question of the parties to the Treaty (Agreement) was that it had been signed as between two States, the Imam on one side and the British and the Sultan on the other.

290. Sheikh Sulaiman bin Himyar, who had been present at the signing, said that he had signed the Treaty as a representative of the Imam and as a witness and not on his own behalf. The British representative and the Imam's Foreign Minister, Sheikh Isa bin Saleh al-Harathi, had signed the Treaty. It had then been ratified by the Imam and the Sultan. Sheikh Sulaiman could not remember how many witnesses there had been for the Imam and for the Sultan. He remembered the names of two sheikhs who witnessed the Treaty on behalf of the British and the Sultan, namely Ihtesham al-Monshi and Rashid bin Azziz.

291. Sheikh Saleh bin Isa informed the Committee that in a letter sent by Consul Wingate to his father, Sheikh Isa bin Saleh, the Consul had stated that he was mediating between the Sultan and the Imam as the protector of the Sultan and as the representative of the United Kingdom. Mr. Wingate had signed the Treaty as the representative of the Government of Muscat. The British had signed the Treaty for the Sultan. It was a treaty between Oman and the United Kingdom.

292. In the course of the Committee's interviews, the question arose as to whether Sheikh Isa had negotiated and signed the Treaty (Agreement) during a period when there was no Imam. The Committee therefore sought additional clarifications. It was informed by both the Imam and Sheikh Saleh that this was not so. The Imam informed the Committee that the Treaty of Sib had been signed on 25 September 1920 during the rule of Imam Mohammed bin Abdullah al-Khalili, who had been chosen as the successor to the late Imam Salim bin Rashid al-Kharusi. Imam Mohammed had assumed the Imamate after the people of Oman had elected him on 13 Thel-Alheja 1338 H. Sheikh Saleh confirmed this and stated that the negotiations had stopped while the election of the new Imam was going on, but that after the Imam had been elected, the negotiations had been resumed and continued until the Treaty was concluded. His father had then been asked by the Imam to sign the Treaty of Sib on behalf of the Imam, Mohammed bin Abdullah, who had ratified the Treaty in his capacity as Imam of Oman and the legitimate representative of the people of Oman.

293. The representative of the United Kingdom stated that the part played by the British Political Agent was that of using his good offices. He had not acted for the Sultan but as mediator. He had not been a principal, but had acted merely to bring the two parties together. The representative of the United Kingdom noted that, in his book, Sir Ronald Wingate had stated that he had signed for the Sultan (see paragraph 277 above). However, the position was that the different tribal leaders had signed on behalf of the Sultan while, on the other side, the sheikhs of the interior had signed. The representative of the United Kingdom added that Sir Ronald Wingate had signed as a witness and that his memory was at fault in saying otherwise.

Interpretation of the Treaty (Agreement) of Sib

294. The position taken by the Sultan with regard to the Treaty (Agreement) of Sib was that there had been some trouble in 1918 which had been terminated

by an arrangement in 1919 by which a few sheikhs had signed a paper with the Government of the Sultan. This arrangement had not been made binding on the Sultan's successors, therefore it had ended with his father's death and he did not regard it as binding on him. Moreover, all the sheikhs who had signed it were now dead, except one, Sulaiman bin Himyar, who had fled the country and as a result was no longer a sheikh or leader. This "arrangement" was not a treaty: it was simply a temporary arrangement to stop the fighting. It was not possible to have a treaty between a ruler and his subjects; a treaty had to be between two Governments. There had been similar arrangements in Arabia in olden days and also in the days of Turkish rule. The agreement did not confer the status of a Government on the other party. Moreover, his father had not signed it, but had had other people sign it for him. His father had been in India at the time.

295. The Imam denied that in Oman a treaty was valid only for the lifetime of the person making it. Sheikh Saleh also said that this was not so. It was stated by the Imam and the members of his Higher Council that although the Omanis had been forced to sign the Treaty in the face of threats, they had regarded the Treaty of Sib as remaining valid until it had been broken by the British. Sheikh Saleh informed the Committee that when he had been sent by the Imam to Bahrain in 1953 to discuss certain changes in the Treaty, the Resident had said the United Kingdom insisted on the full text of the Treaty. In this connexion he produced a letter dated 21 March 1953 from A. R. Hay, the British Resident at Bahrain, addressed to "His Excellency Imam Mohammed bin Abdullah al-Khalili", which reads as follows:

"I have received with pleasure your letter dated 11 Jamady Al-Awwal 1372 and I have discussed with Sheikh Saleh bin Isa the peace agreement signed by his father Sheikh Isa bin Saleh and the other related matters. He will undoubtedly inform you about what was said. The British Government is always anxious to see that good relations between His Excellency the Sultan and the Omanis are maintained and it will do everything possible to improve them."

296. Sheikh Saleh also informed the Committee that he had seen the Sultan at Dhofar in 1954, following the attack on Ibri, and had asked him whether he regarded the Treaty of Sib as a valid treaty. The Sultan had told him that this was so, but that he could not send away the British army that had occupied the country.

297. As has been stated earlier, the Imam and his supporters claimed that the Treaty was between the Imam of Oman on the one side, and the British representing the Sultan of Muscat on the other (see paragraph 289). The Imam and his supporters also claimed that since the Imam of Oman was one of the parties, this was proof of British and international recognition of the existence of the Imamate of Oman as a sovereign independent State. Sheikh Saleh, for instance, informed the Committee that by the Treaty of Sib the British Government had recognized the independence of his country on behalf of the Sultan of Muscat. The Treaty was clear in its recognition of the independence of Oman from Muscat. The British who had signed this treaty for the Sultan had acknowledged that all Omanis should have complete freedom and authority in all matters and that the Sultan of Muscat should not harbour criminals and would hand over guilty persons

as soon as he was requested to do so. He quoted from an article by Captain Eccles stating the opinion of the author that the Treaty of Sib completely recognized the independence of the Imamate of Oman.³⁷ Sheikh Saleh pointed out to the Committee that the signing of the Treaty of Sib and all the agreements signed in the ten years following the conclusion of the Treaty of Sib, referred to the Sultan as the Sultan of Muscat and not as the Sultan of Muscat and Oman. Sheikh Saleh referred to the file of correspondence he had handed to the Committee and stated that there were letters in it which proved that the British recognized the independence of the Imamate (see paragraphs 303-313).

298. In putting questions on this aspect of the matter to the persons it interviewed, the Committee was hampered by the absence of an agreed text as a basis for discussion. However, two points were raised and discussed which arose from portions of the text on which there was agreement.

299. The first point concerned the use of the term "the people of Oman" in the Treaty. The Committee drew attention to the fact that when setting out to whom the provisions pertained the term "the people of Oman" was used on one side, while the term "the Government of the Sultan" was used on the other. The Committee asked why a term such as "the Government of the Imam" had not been used. Was it because there had been no Imam at the time? The reply to the latter part of this question has already been covered in paragraph 292 above. With regard to the first part of the question, the Committee was informed by the Imam that the system of government in Oman was based on democratic Islamic principles, according to which sovereignty belonged to the people who ruled themselves, by themselves, and who had the right to choose their Imam and disqualify him from his office, in accordance with legally established rules. Therefore, the reference to the people in the Treaty was to emphasize that the Treaty had been signed in accordance with the wishes of the people and not in the interest of the ruler alone, thus upholding the principle of sovereignty and not the will of an individual. It was also pointed out that Sheikh Isa had conducted the negotiations on behalf of the Imam and that the Treaty had been ratified by the Imam. Sheikh Talib stated that the Sultan had also ratified the Treaty, although he had refused to do so until the Imam had first ratified it.

300. The second point concerned the use of the term "all the sheikhs and tribes" in the first paragraph of the second part of the Treaty, which reads as follows:

"1. All the tribes and sheikhs shall be at peace with the Sultan. They shall not attack the towns of the coast and shall not interfere in his Government."

The Committee asked why the Omanis had accepted this term instead of "the Imam" or "the people of the Imam". In reply, Sheikh Saleh denied that this provision appeared in the authentic text. He believed the Committee was using a translation that had been supplied by the British, who would not stop short at creating any lie. In reply to the same question, the Imam informed the Committee that this paragraph did

³⁷ Sheikh Saleh was probably referring to the article by Captain G. J. Eccles in the *Journal of the Central Asian Society*, vol. XIV, part I (1927), "The Sultanate of Muscat and Oman". The relevant passage reads as follows:

"We must remember that the interior has been in open rebellion since 1913, that a treaty has been signed between Muscat and Shaikh 'Isa, which is a virtual acknowledgment of his independence...." (p. 24)

not mean that the Imam had no jurisdiction; the contrary was evidenced by the Treaty as a whole. The Treaty had been concluded between the representative of the Imam and the representative of Britain, who was representing the Sultan of Muscat and had acted as an intermediary between the two parties. The words "the sheikhs and tribes" were synonymous in fact with "the people", as the people were organized into the families which were represented in tribes and it was their sheikhs who chose the Imam as the legal ruler of the country. Accordingly, the term "the sheikhs and tribes" was intended to emphasize the agreement of the people and also that there would be no objection by any of the Omanis.

301. The Committee also asked whether the signing of the Treaty (Agreement) represented recognition of the Sultanate of Muscat as an independent sovereign State by the Imamate. The Imam replied that according to the Islamic religion it was necessary to respect any agreement, whether one liked it or not. However, in this case Muscat had not been recognized as an independent State: the only independent State on the other side was Britain. Muscat was considered as having been separated from Oman by the British Army. It had been accepted as a separate territory, but one that was under the colonial rule of Britain. It was not an independent state. The Imam also recalled that the Omanis had been threatened at the time of the agreement.

302. The Committee also asked the Imam whether the Treaty (Agreement) of Sib had brought peace to the tribes of the interior of Oman. The Imam replied that the Treaty of Sib did not affect the tribes of Oman: they were always at peace.

303. As mentioned in paragraph 297 above, Sheikh Saleh handed to the Committee a file of correspondence from the British political agents and consuls at Muscat to his father, Sheikh Isa bin Saleh al-Harhi. Also included in the file were two letters from the British Resident in the Persian Gulf. He stated that this correspondence proved that the United Kingdom recognized the independence of the Imamate of Oman.

304. This correspondence covers the following four subjects:

(1) Problems apparently concerning the "Agreement of Sib" raised by Sheikh Isa with the consuls.

(2) Problems concerning the Treaty (Agreement) of Sib raised by the consuls with Sheikh Isa mostly at the instance of the Government of the Sultan.

(3) Questions on a variety of matters raised directly by the consuls with Sheikh Isa.

(4) Relations between the British Residents in the Persian Gulf with Sheikh Isa and Imam Mohammed.

305. Problems apparently concerning the Treaty (Agreement) of Sib raised by Sheikh Isa with the British consuls include a question of taxes in certain villages, a question of weights at Matrah, a threat by a ruler of a tribe, a threat by another ruler against Rustaq, a conflict between a decision by the Sultan and the Treaty (Agreement) of Sib, and excessive import duties at Sur contrary to the Treaty (Agreement) of Sib. The action taken by the Consul in response to these complaints was as follows: in the first case he said that the Sultan had made the necessary arrangements. In the second case, he said that he had written to the Government of the Sultan. In the third case, the Consul said that he did not understand what the problem

was and asked the Sheikh to inform him as to what he wanted. In the fourth case he stated the following:

"You had written that Said Ahmed bin Ibrahim bin Ali had certain designs over Rastaq, but you did not show whether he had done anything or what was his intention. If you write to me saying that he has done something contrary to the agreement and against public security and peace, then I shall write to the Government of the Sultan regarding that matter."

In the other two cases, the Consul explained that the matters raised were not contrary to the Agreement of Sib.

306. The problems concerning the Treaty (Agreement) of Sib raised by the consuls with Sheikh Isa, mostly at the instance of the Government of the Sultan, were the appointment by Sheikh Isa of a *wali* to the Bani Bat-tash, the murder of a soldier of the *wali* at Sur, interference with the property of an official of the Government of the Sultan, and disturbances by the Wahibah tribe. Extracts from the letters relating to these matters are set out below.

(1) *The Bani Bat-tash question*

"I read your letter of 30 Thel-Aikada several days ago after my return from India, but I did not understand its content. I remember that last year the Bani Bat-tash claimed to have agreed with the Sultan. Accordingly, the Government of the Sultan had exempted them from *Zakat alsaida* (extra tithes). We recall that one of the provisions of the agreement was that you would not interfere in the affairs of the Government of the Sultan. Yet I have information that you have sent a *wali* to them, but I cannot believe that such a thing could happen because I know that you would not violate the agreement. I am sure that I shall hear from you all good results." (Letter dated 20 September 1921 from Wingate.)

"Your letter of Muharram 25 in reply to our letter was received. I understand its content but I believe that the misunderstanding remains. We remember that he was a *Cadi* for the Bani Bat-tash, as you mentioned, several years ago. But he left after His Highness the Sultan brought them back under his rule. Nowadays the conditions are very much different and it is necessary to make all efforts to maintain the agreement. Till this date, we have been able to delay the Government of Muscat from taking the necessary measures as I was sure that that problem was the result of misunderstanding, and as I was the mediator in that agreement. However, it would be difficult for us to prevent the Government of the Sultan from taking the necessary measures, if you interfere in his affairs." (Letter dated 19 October 1921 from Wingate.)

(2) *The incident at Sur*

"The Government of His Highness the Sultan Said Taimur bin Faisal have informed me about the incident at Sur wherein a man from Oman from the family of Omer related to Alhojarin has murdered a man from the army of the *wali* in Sur. We hereby wish to advise you that this act about which I had been informed is an act of aggression by the Omanis against the Government of Muscat. It is also a violation of the agreement and a source of disturbance resulting in insecurity between the parties. Therefore the Omanis are obliged to capture the man who committed the act for retribution, so that such incidents will not take place in the future. The Government of the Sultan have advised us that they would not proceed to impose punishment before consulting us and receiving our reply, as we do not want any conflicts to arise between the parties." (Letter dated 8 March 1922 from Major Rae.)

(3) *Interference with the property of the official of the Government of the Sultan*

"We have received a letter from the Government of His Highness the Sultan stating that you have interfered with the property which belongs to Said bin Khamis bin Holeen,

who is a clerk in his Government. Your interference with him was in two places: one, Alrasa, and the second, Jalabt Alwakaf, which are located in Al-Khawadh. The first one of them was a grant from the late Sultan Said Faisal, and the second a trust (*waqf*) from his ancestors for the poor. I do not know the reason for your seizing this property because they had been in the hands of Said bin Khamis for a long time. Since Said bin Khamis is an official of the Government of His Highness the Sultan, and since that property has been in his hands for years, the Government of the Sultan has referred the question to me and I request you therefore not to interfere in matters like this because they lead to disputes and breach of the agreement. You are hereby requested to return that property to the hands of its possessor, Said bin Khamis." (Letter dated 12 April 1922 from Major Rae.)

(4) *Disturbances by the Wahibahs*

"I wish to inform you that the Cabinet of His Excellency the Sultan of Muscat and Oman has presented to us a letter which stated that he had received correspondence from the *walis* of the interior regions complaining about the Bedouins of the Wahibah tribe committing disturbances, looting and robbing in those regions. As these groups are related to you, it is your obligation to deter and stop these activities which disturb public security.

"We wish you would inform us about the measures taken in this connexion." (Letter dated 14 April 1930 from Major Murphy.)

307. The questions raised in this correspondence by the Consul directly with Sheikh Isa included an attempt by a purchaser of a property and an inheritance situated in the interior to take possession of them. These sales had involved the British Political Agents in Muscat and in Zanzibar. In one letter (Wingate to Sheikh Isa dated 1921) the Consul states that he hopes Sheikh Isa "will find a way to solve this problem under Sharia law in Oman or in Muscat". The correspondence also indicated that the Consul asked Sheikh Isa to make arrangements for his own travel in Oman and for that of other foreigners.

308. There were two letters from the British Residents in the Persian Gulf. One was addressed to Sheikh Isa, the other to the Imam. The letter to the Imam has already been quoted (see paragraph 295 above). The letter to Sheikh Isa refers to a projected visit by the Resident to Muscat during which he "would be happy to meet with you". The letter continues:

"During this period I trust that peace and friendship will prevail and that you will maintain good relations with the Government of Muscat as it is of mutual benefit." (Letter dated 19 December 1928 from Sir Frederick Johnston.)

309. Since the Committee received this correspondence on the eve of its departure from Cairo, it was not possible to seek any clarifications from Sheikh Saleh concerning it. When the correspondence was given to the Committee, it was informed that these letters contained proof that the United Kingdom recognized the independence and sovereignty of the Imamate of Oman.

310. Only one of these letters, that of 8 March 1922 (see paragraph 306, (2) above), had previously been made public and was available to the Committee at the time it held its discussions with officials of the United Kingdom Foreign Office. It was therefore possible to bring only this letter to the attention of the United Kingdom Government. In raising the question of this letter with the United Kingdom, the Committee noted that its attention had been drawn to the following passage in a letter written on 8 March 1922 by Major

Rae, British Consul at Muscat to the Deputy Imam:

"The Government of His Highness, the Sultan Taimur bin Faisal, has notified me about events happening in Sur to the effect that a man from Oman has killed a soldier of the Sultan in Sur. This is to inform your Excellency that this act is aggression on the part of Oman along the borders of the State of Muscat and an abrogation of treaty obligations."

The Committee also noted that the following questions had been asked:

"(1) Why was it the British Consul who approached the Deputy Imam on this matter?

"(2) Does not the wording of the letter clearly indicate the existence of two States bound by treaty obligations?"

It then requested the comments of the United Kingdom.

311. In reply, the Committee was informed that the United Kingdom Government's only previous knowledge of this letter was of an Arabic text produced by the Omani dissidents in 1957. This text appeared to have been on official stationery and might be genuine but, as the United Kingdom Government had no other record of it, it could not be sure. It did not know, furthermore, if the Arabic text was the original, assuming the letter to be genuine. The United Kingdom then submitted "an accurate translation in English" of the letter in question which reads as follows:

"From the Agent and Consul of the Government of Great Britain in Muscat to Sheikh 'Isa bin 'Ali al-Harithi

"After Salutations:

"The Government of His Highness the Sultan, al-Sayyid Taimur bin Faisal, have written to me about the incident at Sur when a man of the people of Oman, of the Al 'Amm belonging to the Hijri'in, murdered one of the Wali's soldiers in Sur. We inform you that this act, as reported to me, is an offence by Omanis within the territories of the Government of Muscat and a breach of the agreement and a renewal of discord and bad faith which will result in a loss of confidence between the two sides. It is therefore necessary that the Omanis arrest the man who did this for punishment so that there will be no similar occurrence in the future. I have the word of the Sultan's Government that they will not take any steps to capture him before they get news and receive the reply from me; for we do not want the least bad faith between the two sides.

"Salutations,

"Your friend,

"(Signed) M. E. RAE

"Major,

"Agent and Consul of the Government of Great Britain in Muscat"

312. It was pointed out that the translation quoted by the Committee was tendentious. In particular there was no mention of "aggression... along the borders of the State of Muscat", nor of "an abrogation of treaty relations", but simply of "an offence... within the territories of the Government of Muscat" and "a breach of the agreement". It was quite an incorrect interpretation to suggest that this letter implied British recognition of an independent State of Oman.

313. It was also pointed out to the Committee that the "agreement" (*'ittifaq*) referred to in the letter was, no doubt, the Agreement of Sib, but since this was a domestic affair of the Sultanate, it would be wrong for the United Kingdom Government to comment on it. From a general knowledge, however, of the manner of the exercise of authority in tribal country, it seemed to the United Kingdom Government perfectly natural

that the central government should hold a local Sheikh accountable for the deed of his follower, within the pattern of partial devolution of central authority. In this connexion, attention was drawn to the fact that the letter was addressed to Sheikh Isa bin Saleh by name. It was stated that the letter ascribed no title to him, and certainly not that of "Deputy Imam", which would in any case be meaningless within the concept of an Imamate. Finally, the United Kingdom Government did not know why the British Consul should have approached Sheikh Isa in this way. He might simply have offered to write the letter as a personal good turn when he heard of the incident. It would have been outside his normal British functions, but the circumstances were unknown to the United Kingdom Government.

314. The Committee's attention was also drawn to opinions about the Treaty (Agreement) of Sib expressed in various publications and by a number of authors. Some of these opinions support the view that the arrangement was a treaty and draw attention to the provision relating to the people of Oman whereby the Government of the Sultan agreed to return persons "fleeing from the justice of the people of Oman" and not to "interfere in their internal affairs". Other opinions support the view that the arrangement was merely an internal agreement between the Sultan and his subjects and point to the absence of any reference to the Imam or to a Government of the Imam.

4. From 1920 to 1954

General outline

315. Following the conclusion of the Treaty (Agreement) of Sib, it is generally agreed that the fighting ceased. It is also generally agreed that the Sultanate continued to exist as a political entity, but there is disagreement as to whether it was an independent sovereign State or a colony of the United Kingdom. It is further agreed that there was an Imam in the interior, but there is a dispute as to whether he was the ruler of the interior or whether he was simply a religious leader among a number of tribal leaders. There is therefore no agreement about the existence of the Imamate as a political entity in the interior, nor as to whether it was an independent sovereign State.

316. There is also agreement about the main events between 1920 and 1954 and, in particular, that there was no overt trouble between the Sultan and the Imam.

317. According to information supplied by the United Kingdom, during 1918-1920, the British Government of India made two financial loans to assist the Sultan in a programme of reform, including financial reorganization and the improvement of the administration of justice. It subsequently assisted this reorganization by enabling the Sultan to engage Mr. Bertram Thomas as Financial Adviser.

318. In 1923, the Sultan entered into an undertaking with the United Kingdom not to grant permission for the exploitation of oil in his Territories without consulting the Political Agent at Muscat and without the approval of the Government of India (see paragraphs 398 and 399 below).

319. In 1925 representatives of Ibn Saud are stated to have arrived in the Dhahirah and to have begun collecting *zakat*, a form of tax. This event is noted by Bertram Thomas³⁸ and by Captain G. J. Eccles, who

describes the reaction of Sheikh Isa and the subsequent events as follows:

"... but last year Shaikh 'Isa, alarmed at threats of Wahhabi invasion, determined to advance into the Dhahirah, and bring by force or persuasion all the tribes of that district, both Ghafiri and Hinawi, up to and including the Biraimi oasis, into his confederacy. All went well at first. Dariz, 'Ibri, and Dhank submitted, but a severe attack of dropsy and a quarrel with one of his most powerful allied tribes caused him to break up the expedition and hurry back to 'Oman. This ignominious retreat so humiliated the Imam under whose banner the tribes had been united that he offered to resign the Imamate, but was persuaded to carry on by the leading Shaikhs."³⁹

320. In 1932, Sultan Taimur bin Faisal abdicated and was succeeded by his son Said bin Taimur, the present Sultan.

321. In 1937 the Sultan granted a concession to a British company, Petroleum Concessions Limited, by the terms of which the Sultan, on behalf of himself, his heirs and successors, granted the company and its successors exclusive rights to search for, refine and export oil in all parts of the Sultan's territories, except the province of Dhofar (see paragraphs 400-403 below). According to one source, the company did not begin active exploration west of the mountains until "after 1945, when the appearance of prospecting parties excited unfavourable reactions on the part of the more fanatical tribes".⁴⁰ A similar concession to search for oil in Dhofar was granted by the Sultan in 1951 to an American company, Cities Service.

322. The United Kingdom informed the Committee that, in 1934, a Civil Air Agreement was concluded which granted the United Kingdom permission to establish aerodromes in the Sultan's territory. At the outbreak of war in 1939, the Sultan promised the United Kingdom all the assistance in his power and prohibited all trading with Germany and granted naval and air facilities to the United Kingdom. Also in 1939, the Sultan concluded a Treaty of Commerce and Navigation with the United Kingdom (see paragraph 404 below). On the expiry of this treaty in 1951, a new treaty was concluded (see paragraphs 504 and 505 below).

323. In 1946, Sheikh Isa bin Saleh, the leader of the Harth tribe and Amir of the Sharqiyah, died and was succeeded in these capacities by his son, Saleh.

324. In 1949, the Government of Saudi Arabia put forward a claim to sovereignty of an area which included Buraimi. In the face of this claim, the Sultan asserted his rights over the Dhahirah (in which area Buraimi is situated) while the ruler of the Trucial Sheikhdom of Abu Dhabi asserted his rights in Buraimi and other areas affected by the claim. An attempt to settle these claims was made at a series of conferences between Saudi Arabia and the United Kingdom, which was acting on behalf of both the Sultan of Muscat and Oman and the Sheikh of Abu Dhabi. In 1952, Saudi forces are stated to have occupied part of Buraimi. This led to further negotiations as a result of which, in 1954, the parties to the dispute agreed to submit their claims to an international tribunal for arbitration.

325. The occupation of Buraimi by Saudi forces in 1952 and its effect on affairs in Oman was raised by the Committee with the Sultan. He stated that in

³⁸ Bertram Thomas, *Alarms and Excursions in Arabia* (London, George Allen and Unwin Ltd., 1931), p. 174.

³⁹ Eccles, *op. cit.*, p. 23.

⁴⁰ J. B. Kelly, *Sultanate and Imamate in Oman*, p. 11.

1952 many Sheikhs had come forward to offer help over Buraimi and (Imam) Mohammed was one of them. This had been a threat from outside so everybody had co-operated.

326. The matter was also raised with Sheikh Saleh and he was asked how the Imam reacted to the occupation of the Buraimi oasis. He informed the Committee that the whole affair was a plot by the British to spread the seeds of separation and dissension among the people of the area, whether they were of Muscat, Saudi Arabia or Oman. He was the leader of a large army on behalf of the Imam and he had taken his army to Nazwa to defend the western frontier near Ibri. But then the United States of America had interfered on the side of Saudi Arabia and Britain on the side of Muscat and no fighting had taken place. The reason for the interference by the British was their ambition for oil. Asked whether the United States and British interference had involved troops or whether it was mainly diplomatic intervention, Sheikh Saleh replied that the British had had troops but that the United States had not; it had been mainly a matter of diplomatic intervention. Asked whether the Sultan had requested the Sheikhs for assistance and whether they had made any contribution, Sheikh Saleh said that there were no Sheikhs, there was only the State and the Imam. Asked whether the Imam had received any such request and whether he had complied with it, Sheikh Saleh replied that the Imam had done nothing but defend his own country. As for himself, he had been the leader of the Imam's army.⁴¹

327. In 1953, the Sultan concluded a Treaty of Friendship, Navigation and Commerce with India.

328. In 1954, Imam Mohammed bin Abdullah al-Khalili died and Ghalib bin Ali al-Hinawi was elected as his successor.

Areas controlled by the Sultan and the Imam, 1920-1954

329. The information in this section is derived from books and articles by English travellers in the area (see annex IV). Captain Eccles, who was the British officer in charge of the Sultan's forces in the 1920's, published an account of his visit to the Interior in 1925. Bertram Thomas, the Sultan's Financial Adviser in the 1920's, also published accounts of his journeys in the coastal areas and in the interior. Finally, Wilfred Thesiger travelled through the interior of Oman in 1949 and published accounts of his journeys. The Committee also received information from the persons it interviewed on its mission.

330. According to these sources, the areas controlled by the Sultan began in the north and included the tip of Cape Musandam known as Ru'us al Jibal. The Sultan's territory continued south along the coast, excluding the two towns of Kalba and Fujairah (which were part of the Trucial Sheikdoms) to Ras al Hadd, then south to Dhofar and the border with the Protectorate of South Arabia. The present Imam claimed that the Sultan's territories along the coast ended near Sur and that the coast from Sur to the border of Dhofar at Ras Naws was Imamate territory. Thomas' account of his journey through this area in 1928 contains no

indication of any control being exercised by the Imam. Eccles, in his article written in 1926, mentions that the Sultan's *Wali* at Sur had little authority and that Sur was under the control of the Sheikh of the Bani Bu Ali who called himself the Amir of the Ja'lan. Eccles states that this Sheikh had been writing to the Government of India, objecting to receiving letters from the Political Agent at Muscat, and insisting on corresponding as an independent sovereign direct with the Government.⁴²

331. With regard to the extent inland of the areas effectively administered by the Sultan during this period, Eccles states that "at the present time [1926] the Sultan in reality has authority only in Muscat and a stretch of coast to the north and south, which can be intimidated by British gunboats."⁴³ Thomas, in his accounts of his journeys, indicates that the Sultan controlled Dhofar province, including the mountain areas, but that in other areas his control did not extend beyond the limits of the coastal plain.

332. With regard to the area controlled by the Imam, the present Imam claimed that all of the areas except the coastal plain areas and Dhofar belonged to the Imamate. This would include the Ja'lan, the Sharqiyah, and the Jabal al Akhdar regions. However, the western borders in the desert were not defined to the Committee. Nor was it made clear just how much of the Dhahirah region was claimed. The Imam stated that, in the period from 1920 to 1955, the Imam's jurisdiction had extended over 75 per cent of the whole country.

333. With regard to the Dhahirah, Eccles indicates that Ibri and towns further north were not controlled by the Imam (see quotation in paragraph 319 above). Eccles also visited some of the towns in the Dhahirah, such as Yanqul, and was accompanied by the Sultan's *Wali* from Suhar. Eccles makes it clear that the Dhahirah was beyond the administrative boundary of Suhar, but he also indicates that the Sheikh at Yanqul was "loyal to Muscat"⁴⁴ and that the *Wali* was consulted by the Sheikh at Suhar on a question of punishment. Furthermore, Eccles indicates that the Imam had no influence among the Naim tribe in the vicinity of Buraimi nor among the Kaab tribe who occupied the portion of the Dhahirah north and east of Buraimi.

334. Thomas, who visited this area at almost the same time, makes no mention of the Imam having any influence there. He also refers to a place called Burj as Shukhairi in the Wadi al Jizi which cuts through the mountains, as marking the "frontier of the Muscat State".⁴⁵ With regard to the Kaab tribe, whose area lay beyond this "frontier", Thomas refers to having previously secured the precarious attachment of the Kaab people to the State. On this same journey, Thomas received a letter from the Naim Sheikh at Buraimi informing him that "'these places are within the territory of Ibn Sa'ud'" and asking him not to proceed.⁴⁶ Thomas also states he met the authors of this letter a year later after the Saudi *zakat* collectors had gone, and indicates that they did not regard the letter seriously.

335. A more recent observer, Wilfred Thesiger, who was in the area in 1949, states that Ibri marked

⁴¹ Before leaving Cairo, the Committee forwarded additional questions to the Imam on this matter. The Committee was later informed by cable that the answers to these questions "would be delivered by the Omani delegation before debate of issue". The answers to these questions, which were received after the Committee had adopted its report, are contained in annex XV.

⁴² Eccles, *op. cit.*, p. 22.

⁴³ *Ibid.*, p. 23.

⁴⁴ *Ibid.*, p. 32.

⁴⁵ Thomas, *Alarms and Excursions in Arabia*, p. 171.

⁴⁶ *Ibid.*, p. 174.

the northern limit of the area controlled by the Imam. He also states that the Imam's rule was accepted by the main tribes south of Ibri and west of the mountains, including those of the Ja'lan and those of the coast and hinterland, the area between Ras al Hadd and Dhofar. The relevant passage from Thesiger's account is as follows:

"We were now entering territory which is effectively administered by the Imam, Muhammad bin Abdullah, who is recognized as ruler of inner Oman by all the settled tribes, both Ghafari and Hanawi, between Ibri and the Bani Bu Hasan villages in Ja'alan, and by the Badu tribes of Duru', the western Junuba, the Wahiba and Harasis. He has, temporarily at least, composed the feud between the Ghafaris and the Hanawis and his representatives are to be found in every group of villages where they administer justice and collect taxes. The Imam's hold over the Badu is, of course, weak and he does not tax them;... The Badu do however recognize the Imam as their overlord and the expression 'God lengthen the life of the Imam' is frequently heard amongst them and sincerely meant, since by affording them a tribunal and by composing their differences he has brought to them security and justice. Here a man can walk unarmed and leave his camels untended without fear that he will be robbed."⁴⁷

336. Almost all the petitioners who expressed views on this subject believed that the Imam had been the supreme authority in the interior. However, one petitioner, who came from the coastal area, explained the division of authority in this way. He said that the Sultan had ruled the areas of the Batinah, Sur and Dhofar and that in the interior, which was made up of mountains, valleys and rivers, each tribal chief was independent of the other. The Imam was a spiritual leader in the interior and had political leadership over a limited area. The Jabal al Akhdar was under the political control of Sheikh Sulaiman bin Himyar but under the Imam spiritually. The eastern area was under the control of the Harth tribe. As far as he could recall, the Imam ruled specially only in Nazwa and Rustaq. He felt that the government of the Imam had been weak and that if it had been strong, it could have controlled all the tribes. When this petitioner was asked whether the Imam had possessed the right to control all the tribes, he replied that each Sheikh was different and the answer depended on the personal relationship between the Sheikh and the Imam.

The Imamate system

337. The Imamate system of government and administration was described to the Committee by the Imam, members of the Higher Council, members of the Revolutionary Council and petitioners. It was stated that this system had been the one followed in Oman for hundreds of years and that it was still the legitimate system today.

338. Under this system the Head of State is the Imam and he is elected. The method of election and the qualifications for office were described by the present Imam as follows:

"In Oman, upon the death of the Imam or his dismissal, the leaders, elders and notables of the people from various levels and tribes meet. Likewise

religious leaders meet with them several times for consultations to elect a person from the people. This person may be one of the relatives of the previous Imam or not related to him. But he must be well known for his just and impartial ruling, honesty in his deeds, truthfulness in his words and faithfulness to his people. If these qualifications are found in several persons then priority will be given to the person who enjoys the greatest virtue and upon whom there is a unanimous or majority consent to take the office of the Imam. Those elders, notables and religious leaders meet with him and present him to the people as their Imam. In that way the new Imam ascends to power throughout the country and it becomes obligatory upon the people to obey him."

339. In this connexion, Sheikh Saleh quoted the pledge to which the people asked the new Imam to subscribe on the election of Azzan bin Kais in 1868. It reads as follows:

"We have elected you on the basis of obedience to God, respect to good and the prohibition of evil. We have elected you our Imam and the Imam of all people for their defence and on condition that you take no decision, pass no judgment, and carry out no decision without the approval of the Moslems and according to their advice. We have elected you on the condition that you obey the will of God and that you impose His teaching, collect the taxes, read prayers and provide relief for the oppressed. Let nothing interfere and deter you from the service of God. Let the strong be weak until the rights belonging to God are given by him and let the powerful be meek until the judgment they deserve has been passed. You shall continue in the path of right and shall give your soul to it. We ask you to give us your pledge to this for all Moslems."

Sheikh Saleh added that these principles were based on piety, defence of the right, relief of the oppressed, defence of the country and the will of the people. This, he said was the best system known by mankind; it was real democracy. This system was opposed to that in Muscat because there the ruler took his inspiration and instructions from the British Foreign Office, whereas in Oman, rule was inspired by the people and the Imam was subject to the will and decision of the people.

340. Sheikh Sulaiman bin Himyar said that the system of electing an Imam was not based on Ibadhi doctrines and traditions alone, but on general Islamic traditions. All the people participated and not only Ibadhis. A petitioner from the coast said that after the election of an Imam, the Sultan's agreement had to be obtained. This was denied by people from the interior.

341. The Imam holds office until his death or until he is deposed. He may be dismissed if he fails to live up to the requirements on the basis of which he was elected. In such a case, a committee of those who elected him asks him twice to alter his ways. If, when he is asked a third time, he fails to do so, his dismissal is announced. His Imamate is thereby over, there is no longer any obligation on the people to obey him and he is thereafter considered as one of the people. The present Imam stated that dismissals took place in a peaceful way and did not give rise to violence.

342. As well as being regarded as the Head of State, the Imam is the *ulal amer* or the legitimate repository of all authority and is mentioned in prayers in this capacity. His authority embraces all fields,

⁴⁷ Wilfred Thesiger, "Desert Borderlands of Oman", *The Geographical Journal*, vol. CXVI, Nos. 4-6 (October-December 1950), pp. 151-152.

religious, political and judicial, and he exercises it in accordance with Islamic law. The Imam is responsible for the collection of *zakat*, which was described as a system by which rich people contributed money for distribution to the poor. It is also his responsibility to use this money in the interests of the State and for the relief of the poor. The Imam also leads his people in the face of aggression.

343. On the death of an Imam a caretaker (*mohtes-sor*) carries on the government until a new Imam is chosen. The caretaker is chosen by the *walis* (governors) and the leaders of the tribes. If an Imam is sick or away from his capital he may nominate a person to act for him. However, neither a deputy nor a caretaker has the full authority of the Imam. The authority given to these persons depends on the circumstances.

344. In the exercise of his powers, the Imam is assisted by a Higher Council (*Majlis al Shora*). In the period before 1955 it consisted of fifteen members. The Council is presided over by the Imam; and the members are either Ministers (*wasara*) or advisers. The Council meets whenever necessary, sometimes weekly, sometimes monthly. The Imam can take no action without consulting the Higher Council. This system was termed by Sheikh Saleh as "consultative democracy". All decisions are made on the basis of unanimity.

345. There is also an Assembly (*Majlis al A'm*), which consists of the members of the Higher Council, *walis* and tribal leaders. It meets whenever the Imam feels it necessary and considers matters put before it by the Imam. Important matters are not decided until the tribal leaders consult their people. In this way the people shared power on major questions with their leaders.

346. The Administration of the country is carried out by the Imam through *walis* and tribal leaders. *Walis* are appointed by the Imam with the assistance of the Higher Council. After a *wali* has been chosen the people of his province (*manatiq*) are asked if they accept him. If they do not, another is chosen in his place. The function of a *wali* is to keep the peace in his province. To assist him, a *wali* has a council, police, tax collectors (*garki*), and a clerk who registers complaints and keeps the records. There is also a *cadi* or judge, although sometimes the two offices are combined in the one person. *Walis* report directly to the Imam and may consult with him at any time.

347. A tribal leader reaches his position in accordance with the practices of his tribe. Sheikh Saleh, who referred to himself as an elected Prince, told the Committee that on the death of his father, his tribe, the Harth, and all the tribes loyal to it, had elected him as their spokesman and leader. Another tribal leader said that he had inherited his office. In affairs concerning his people, Sheikh Saleh said that the Imam always worked through him. He himself had no freedom of action but he worked under the authority of the Imam.

348. Justice is administered in accordance with the Sharia by the Imam through *cadi* appointed by him. Cases between persons are heard by the *cadi* but trouble between tribes is settled by the Imam. *Cadi* may impose a death sentence but it cannot be carried out without the approval of the "*ulal amer*", i.e. the Imam. Some petitioners from the interior believed that the Imam was the highest judicial authority in both Muscat and Oman.

External relations of the Imamate, 1920-1954

349. The Committee was informed that the Imamate's external relations were in the hands of a Minister who was a member of the Higher Council. Sheikh Isa bin Saleh had been Imam Mohammed bin Abdullah's Minister for Foreign Affairs and on his death, in 1946, he had been succeeded in that position by his son, Sheikh Saleh bin Isa, whom the Committee interviewed. One petitioner, a former *wali* of a part of Nazwa, said that the Imamate Minister for Foreign Affairs worked within a fairly narrow field. He had, for instance, been concerned with the Conference held in Mecca during the war between the Saudi King and the Sharif of Mecca in the 1920's, and a delegation had been sent to this conference.

350. Sheikh Saleh said that the relations of the Imamate with foreign countries had been limited because the British had surrounded the country and would allow none. He recalled that, in 1953, he had gone to Cairo to join the League of Arab States, but that Oman's application had been opposed by one of the member States which at that time was supporting British imperialism and was acting under the orders of the British.

351. The Imam said that Oman had wished to join the Arab League and then to join the United Nations. However, before any decision was made his country had been invaded.

352. On the question of passports, the Committee was informed that passports had been issued in the name of Imam Mohammed. Passports were issued at the capital, Nazwa, but *walis* were also empowered to issue them.

353. Since it had been claimed that Imam Mohammed had not issued passports and that this practice had been introduced only after Imam Ghalib's election, the Committee asked whether any passports issued in the name of Imam Mohammed were available. Subsequently three such passports were given to the Committee.

354. These three passports are identical in form. At the top there is a heading "Government of Oman" and underneath is the word "Passport". The traveller's particulars, such as his name, nationality and description, are set out. Each is issued in the name of "His Excellency, the Imam of the Moslems, Mohammed bin Abdullah al-Khalili, Ruler of Oman". The following appears on each:

"The bearer of this passport is a subject of Imam Mohammed bin Abdullah al-Khalili. He is authorized to go to the above-mentioned countries. I ask all those concerned in the friendly kingdom to allow the bearer freedom of passage and to grant him the necessary facilities."

355. Two of the passports were issued at Nazwa and one at As-Salif (near Ibri). The two issued at Nazwa are numbered 12 and 15 and both were issued on 27/7/1373 (H), some five years before the death of Imam Mohammed. Each was valid for travel to Bahrain, Saudi Arabia, Qatar and Kuwait. Each was used to enter Saudi Arabia only. The passport issued at As-Salif is numbered 202 and was issued on 7/5/1373 (H) and was valid for travel to the same countries as the other two. It was renewed on the authority of Saleh bin Isa, Amir of Sharqiyah, on 11/4/1377 (H). Official stamps indicate that the passport was used to enter and leave Kuwait on

2/7/54 (AD) and 20/11/54 (AD) respectively. It was also used to enter Saudi Arabia.

Relations between the Sultanate and the Imamate, 1920-1954

356. The Sultan, who denied the existence of the Imamate as a political entity, informed the Committee that after he had become Sultan in 1932, he had corresponded with Mohammed bin Abdullah and had done so in exactly the same way he had corresponded with any other Sheikh. At no time had he ever described him as Imam of Oman. Mohammed bin Abdullah had never challenged the Sultan's rule nor had he questioned the Sultan's right to grant oil concessions. Nor could he do so, for the Sultan was the absolute ruler of Oman and this matter had nothing to do with the Sheikhs.

357. The Imam said that in accordance with the Treaty of Sib, which had been signed under a threat of force, the Imamate had accepted the existence of the Sultanate. A member of the Revolutionary Council added that the Omanis had continued to recognize the Sultan as ruler of a separate territory up to the time of the "British attack". Other petitioners said that, although the border was not marked, everyone knew where the Imam's territory ended and where the Sultan's began. They were able to go freely to Muscat and some of them had travelled there many times for trading purposes.

358. Some petitioners indicated that there were no difficulties placed in the way of persons wishing to bring complaints before the *cadis* in either territory. One petitioner, a member of the Revolutionary Council, said that during Imam Mohammed's time people from Muscat came to the Imamate for judgements. If a person in Muscat wanted a judgement according to Islamic law, he came to Oman. If he would be satisfied with a judgement according to civil law (*Kanun*), he could receive judgement in Muscat. If a person in Oman wanted a civil law judgement, he was free to go to Muscat. Asked whether it was possible to get a judgement according to Islamic law in Muscat, the petitioner said that it was claimed that this was so, but in fact it was not possible. The Imam denied that Omanis had asked for and accepted the decisions of the tribunals of the Sultanate and pointed out that they had their own courts and their own law.

359. The part played by the British Political Agent and Consul at Muscat in the relations between the Sultanate and Sheikh Isa is indicated in the correspondence referred to in paragraphs 303-309 above.

Educational and social conditions, 1920-1954

360. Education apparently consisted almost exclusively of the study of the Koran which, naturally, involved learning to read and write. Almost all the petitioners the Committee interviewed from the interior had received this type of education. A member of the Revolutionary Council, who had originally come from the Sultanate and who had received a broad education outside the country, remarked on the large numbers of persons who received the classic Koranic education in the interior. One effect of this was that there were many more learned people who were qualified to be *cadis* in the interior than in the coastal areas. In Muscat, Sur and Dhofar he said that there had been about twenty *cadis*, but inside Oman there were hundreds.

361. There were also Koranic schools in the Sultanate, although apparently not as many as in the interior. In addition, there was an elementary school at Muscat. One of the persons the Committee interviewed informed the Committee of the attempts he had made at Sur to establish a modern school but which, he stated, the Sultan had frustrated. He had started the school in 1942 with money provided by his uncle and the people, who had each contributed equal portions. There had been about 600 students and instruction had not gone beyond the primary level. The younger children had been taught in the day-time, while those between the ages of fifteen and twenty had been taught at night. The curriculum had included arithmetic, geography, Omani history and physical education. He had also given the children military training. The Sultan had visited the school in 1945 and had ordered it to be closed. The Sultan had objected to the military training and the modern system of education, especially the teaching of Oman's history.

362. The petitioners informed the Committee that the population was mostly Arab but that there were also other races. There were, for instance, Africans who were known as *Sud* or Blacks. A person of African origin interviewed by the Committee said that there were no distinctions between races in Oman, and that his people participated in all discussions, and could intermarry. They lived separately of their own choice to be closer together amongst themselves, but they were together with all Omanis in spirit.

363. Since the question of the existence of slavery had been raised in the Fourth Committee, the Committee inquired about this matter. Authors, such as Eccles, Thesiger and Morris, have mentioned the existence of slaves in both the coastal and interior areas. According to the petitioners, slavery had existed in both areas, but it had been forbidden many years ago and all the slaves had been set free.

364. Neither the Imamate nor the Sultanate issued their own currencies. In the Imamate, Maria Theresa dollars or rials were used. These were also used in the Sultanate, along with Indian rupees.

365. With reference to general conditions in the Sultanate before 1955, Sheikh Saleh stated that people were so "furious" about the domination of Muscat by the United Kingdom that many had left for Asian countries. Some had gone to Pakistan and had formed an association of "Free Omanis" in Karachi.

The election of Imam Ghalib in 1954

366. Since a number of questions had been raised concerning the election of Imam Ghalib in 1954, the Committee made inquiries concerning this event.

367. The present Imam himself, members of his Higher Council and many other persons the Committee interviewed, confirmed that Imam Ghalib had been properly elected as Imam. A number of these persons had been present at and participated in the election.

368. The Committee ascertained that, contrary to an assertion that had been made, the Sultan had not been a candidate for election. The Sultan himself termed this assertion as "nonsense", while Sheikh Saleh called it "false".

369. One petitioner stated that, before his election, Imam Ghalib had been a *cadis* at Rustaq and had been well known throughout Oman.

370. Asked whether the fact that Imam Ghalib belonged to a different tribe to that of the previous Imam had caused any difficulties, the Imam and a member of the Revolutionary Council said that no difficulties had arisen. It was pointed out that three nephews of the previous Imam had participated in the election of Imam Ghalib.

371. The Sultan informed the Committee that he had never recognized Ghalib as Imam and had had no relations with him except in his capacity as one of the Sheikhs.

E. TREATIES AND AGREEMENTS BETWEEN THE SULTANATE AND FOREIGN POWERS, 1798-1958

372. It will be recalled that at the eighteenth session of the General Assembly, considerable attention was given in the Fourth Committee to the treaties entered into by the Sultans with foreign Powers. On the one hand, it was argued that the treaties concluded between the United Kingdom and the Sultanate imposed heavy and unreasonable obligations on the Sultanate and that this was one of the manifestations of colonialism in Oman. On the other hand it was argued that the treaties between the Sultanate and the United Kingdom and with other countries were international treaties and illustrated the independence of the Sultanate. In this connexion reference was also made to the Award made by The Hague Permanent Court of Arbitration in 1905 on the Muscat Dhows case.⁴⁸

373. The Committee therefore examined the following treaties and agreements concluded between the Sultanate and foreign Powers, as well as the Muscat Dhows Award:

- 1798 Treaty, Offensive and Defensive, between Muscat and the East India Company.
- 1800 Agreement between the Imam of Oman with Captain John Malcolm Bahader.
- 1822 Treaty between Governor Farquhar and the Imam for abolishing slave traffic.
- 1833 Treaty of Amity and Commerce between Muscat and the United States of America.
- 1839 Convention of Commerce and Navigation between Great Britain and Muscat.
- 1839 Additional Articles to the Treaty between Great Britain and Muscat, for the Prevention of Slave Trade.
- 1844 Treaty of Commerce between France and Muscat.
- 1845 Agreement between the United Kingdom and the Sultan for the termination of export of slaves.
- 1854 Deed of the Masqati Sultan Ceding the Kuria Muria Islands to the British Crown.
- 1862 Declaration between Great Britain and France, engaging reciprocally to Respect the Independence of the Sultans of Muscat and Zanzibar.
- 1873 Treaty between Great Britain and Muscat for the Abolition of the Slave Trade.
- 1877 Declaration between the Netherlands and Muscat, for the Development of Commercial Relations between the two Countries.
- 1891 Treaty of Friendship, Commerce and Navigation between Great Britain and Muscat.
- 1891 Agreement regarding the Cession of Territory by the Sultan of Oman, dated 20 March 1891.
- 1902 Undertaking given by the Sultan of Oman to the British Political Agent at Muscat, regarding the Sur Coal-fields.

⁴⁸ *The Muscat Dhows Case between France and Great Britain, Decided August 8, 1905, The Hague Court Reports (New York, Oxford University Press, 1916), pp. 93-109.*

- 1905 Agreement between the Sultan of Muscat and the Sponge Exploration Syndicate Ltd.
- 1923 Undertaking by the Sultan of Muscat regarding Oil.
- 1937 Agreement between Petroleum Concessions, Ltd. and Sultanate of Muscat and Oman.
- 1939 Treaty of Commerce and Navigation between His Majesty and the Sultan of Muscat and Oman.
- 1951 Treaty of Friendship, Commerce and Navigation between the United Kingdom of Great Britain and Northern Ireland and the Sultanate of Muscat and Oman, and exchange of letters.
- 1953 Treaty of Friendship, Commerce and Navigation between India and the Sultanate of Muscat and Oman.
- 1958 Treaty of Amity, Economic Relations and Consular Rights between the United States of America and the Sultanate of Muscat and Oman and Dependencies.
- 1958 Exchange of letters constituting an agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Sultan of Muscat and Oman concerning the Sultan's armed forces, civil aviation, Royal Air Force facilities and economic development in Muscat and Oman.

374. As a result of its examination of these treaties and agreements, the Committee sought information on a number of points concerning them. This and other information the Committee received is set out below.

1. *Treaties with the United Kingdom*

375. In their memorandum to the Committee (annex IX) the Arab States drew attention to the provisions of the various treaties concluded between the United Kingdom Government and the Sultanate of Muscat as one of the indications that the territory was of the colonial type.⁴⁹

376. The attitude of the Imam and his supporters with regard to these treaties was expressed to the Committee by Sheikh Saleh as follows:

"British domination over Muscat began in 1798 and extends to today. Between 1798 and 1929 there were 21 treaties and agreements which gave concessions to British subjects and gave them priority over all others in commercial and economic affairs and enabled them to establish economic offices and political consulates in Muscat. Britain ties the hands of the Muscat people and the Sultan and prevents them from performing any act inside of the country without British approval. But Britain has the freedom to play with the affairs of the country and its wealth, oil and other minerals. These agreements do not give freedom to Muscat to act because Britain is the ruler and Britain still follows the old methods of imperialism in a time when the signs of slavery are gone forever. Britain did not stop at this shameful situation but went beyond it when it signed an agreement in 1939 with the Sultanate of Muscat. All concessions given to Britain were reconfirmed and Britain obtained stronger domination over Oman. Oman was an aligned state to Britain for one and one half centuries. The interference of Britain in the affairs of Muscat even went to the extent that the parties to a treaty were both British. In the agreement of 11 February 1929, which extended the commercial and economic concessions given to the British, Mr. Thomas was one of two members who acted on behalf of the Sultan of Muscat. So a Britisher was negotiating with another Britisher. Has history known any

⁴⁹ For the detailed arguments put forward by the Arab States on this point, see paragraphs 129-140 above.

more shameful act than this? But the history of Britain is filled with shameful acts."

377. The position of the United Kingdom Government on its relations with the Sultanate of Muscat and Oman was set out in the statement its representative made to the Committee on 12 August 1964 (annex VI) and in its memorandum (annex VII). More information concerning the treaties between the United Kingdom and the Sultanate was given to the Committee during its meetings in London, at which detailed questions on this subject were answered by United Kingdom officials and discussed with them by the Committee.

378. As has already been noted, the representative of the United Kingdom stated to the Committee that in the eighteenth century and throughout the nineteenth century Britain's interest in the trade route to India, and in the suppression of piracy, the slave-trade and gun-running in the Indian Ocean and the Persian Gulf had much to do with the character of the relationship between it and Muscat and Oman. This relationship was between one sovereign country and another, and the main thread that ran through history was the United Kingdom's interest in maintaining the independence of Muscat and Oman.

379. The Committee was informed that until the end of World War I, and to a great extent until the end of the United Kingdom Government's responsibility for the government of the Indian subcontinent in 1947, British interests in Eastern Arabia had been handled by the Government of India and British diplomatic relations with Governments in the area, including those with the Sultanate of Muscat and Oman, had been conducted by members of the Indian Political Service, who employed styles and titles used by that Service (some of which have persisted to this day). This has been essentially a question of administrative practice in the days before modern communications. References to, for example, "the British authorities", "the Government of India", the "Political Agent" and "the Political Resident" should be read with this in mind.

380. Since the "East India Company" and the "Government of India" had been mentioned in a number of treaties, the Committee asked about the status of such agreements as international treaties. The Committee was informed that, before 1857-1858, the East India Company was the agent in the area for the British Government. In that year the Government of India was transferred to the Crown by an Act of Parliament and all treaties made by the Company were binding on Her Majesty. This had been done to ensure the continuity of the agreements made by the Company. After 1858, the Government of India was the agent for Her Majesty's Government in the area for the conduct of affairs between Governments. That did not imply any derogation from the sovereignty of these countries. When the Committee drew attention to the suggestion that the treaties concluded with Muscat and Oman by the British authorities were similar to those concluded by those same authorities with the Indian States, the Committee was informed that this was not so, and that the treaties were quite different.

381. The Committee asked both the Sultan and the representative of the United Kingdom for their comments on the claim that the treaties concluded between the Sultanate and the United Kingdom since

1798 imposed heavy and unreasonable obligations on the Sultanate and that they therefore indicated a colonial relationship. It drew attention in particular to the treaties concluded in 1798, 1800, 1839, 1891 and 1939, the Non-Alienation Bond of 1891, the agreement concerning the Sur Coal-fields of 1902, the concession to a Sponge Exploration Syndicate in 1905, the undertaking given by the Sultan concerning oil in 1923, and the agreement with Petroleum Concessions Ltd. in 1937.

382. The Sultan informed the Committee that, even if the treaties had been of the nature described in the question, they were now dead and did not apply any longer. He then described how he and his predecessors had concluded treaties. Some treaties were made for a fixed period and at the end of that period they expired, were revised or were renewed. Other treaties were made without any stated limitation in time. These treaties terminated with the death of the Sultan, unless it was stated that they were binding on his heirs and successors. The Non-Alienation Bond of 1891 had been binding on the Sultan's heirs and successors but it was now dead. He also informed the Committee that at the present time there were no treaties of this kind that were binding on his successors. The Oil Agreement of 1923, which had been entered into by his father, contained no clause making it binding on his successors. It had therefore ceased to have effect on his father's death and had not affected his freedom of action on this matter. That was why, in 1954, he had given an American oil company prospecting rights in Dhofar. If the agreement had still been binding, he would have had to go first to the United Kingdom Government. He also pointed out that the treaties he had concluded were not treaties between the Sultans and the United Kingdom Government; they had been made with the British Sovereigns. When the Treaty of 1951 was being negotiated, the United Kingdom had sent plenipotentiaries and after the Treaty had been concluded he and the King of England had exchanged ratifications. This was the normal procedure when treaties were being concluded between two sovereign States.

383. In answer to a similar question, the representative of the United Kingdom stated that: (1) the alleged inequalities in the treaties between the United Kingdom and Muscat and Oman were not considered to be such at the time; (2) they were considered reasonable by the rulers; and (3) although there did not appear to be many corresponding obligations on the British, the help the United Kingdom was able to give was clearly a part of the general *nexus* of relations between the United Kingdom and Muscat and Oman. This help took the form of efforts to preserve freedom of trade and shipping in the area, to protect the seas from piracy and to suppress gun-running. These considerations reduced the appearance of inequality. Moreover, the circumstances of the two countries were different. The United Kingdom was a country of wide interests and influence throughout the world, while Muscat and Oman was a relatively inward-looking country. The question did not arise of their seeking reciprocity. Even to this day, the Sultan did not always seek reciprocity. Reciprocity had not been provided for in the early agreements because it was not necessary. This represented differences in geography and political intentions. The fact that the treaties looked unequal in this respect did not imply that they were. They were all equal as

far as the status of the parties was concerned. It was true that there were some odd features to them; for instance, there was the gift of the Kuria Muria Islands for which the Sultan had refused to accept any payment. This had been a gift to Queen Victoria and the Sultan's motives in making this gift were not known. But certainly there had been nothing unequal about the dealings of the United Kingdom with the Sultan.

384. The Committee asked the representative of the United Kingdom what significance could be attached to the titles used to describe the parties to the treaties, and in this connexion it noted that the following titles had been used in the treaties and agreements indicated:

- (1) Imaum of Muscat (Treaty of 1798);
- (2) Imaum of the State of Oman (Agreement of 1800);
- (3) Sultan of Muscat (Treaty of 1839);
- (4) Sultan of Muscat and Oman (Treaty of 1891 and Agreement of 1891);
- (5) Sultan of Oman (Undertaking regarding the Sur Coal-fields, 1902);
- (6) Sultan of Muscat and Oman and Dependencies (Treaties of 1939 and 1951).

385. In reply, the representative of the United Kingdom said that no particular significance was attached to the titles used in the treaties. He drew attention to the memorandum submitted to the Committee by his Government in which it was stated that the rulers of Muscat and Oman had adopted different titles. In this memorandum it was stated that the rulers of Muscat and Oman had used the religious title "Imam" until the reign of Said (1807-1856), who preferred to be called "Sayid". The term "Sultan" had come into use in the early 1860's, as was shown by its use in the Anglo-French Declaration of 1862. Asked whether there was any significance to be attached to the different ways of describing the Sultan's territory, the Committee was informed that the Sultan himself in speaking of his country in Arabic called it "Oman". In English the translation of this was "Muscat and Oman". The differences in the treaties reflected the way people spoke about the country at the time; it was simply a matter of usage.

386. In answer to a question as to whether any significance should be attached to the title of "His Highness" which had been given to the Sultan by the British authorities, and apparently accepted by him, the Committee was informed that this again was simply a matter of usage and style. The United Kingdom used this title because the Sultan preferred it. When it asked for the title of the Sultan in Arabic, the Committee was informed that the Sultan used the title "Samu".

387. The Committee also drew attention to the fact that most of the treaties and agreements had been concluded by the Sultan himself whereas on the United Kingdom side there had always been a representative, and that this suggested an inequality between the two parties. In reply, the representative of the United Kingdom said that no inequality between the parties was implied. What was important was whether both parties had full power to conclude a treaty. For geographical reasons the United Kingdom had been represented by a person authorized by the Government. This was done at the Sultan's own

wish. Also it was purely a matter of convenience and there were no legal implications to it.

388. With regard to the Agreement of 1798, the Committee drew attention to the fact that it had been described as one-sided in that its articles imposed obligations on one party, the "Imaum", without corresponding obligations being imposed on the other party, and that most of these obligations were unreasonable. It was pointed out by the United Kingdom Government in its memorandum that this Agreement had been concluded in order to protect the sea routes to India from privateers during the Napoleonic Wars. The then Imam had been persuaded to promise to exclude French vessels, which had made Muscat a base for privateering attacks on British shipping, from the inner anchorage of Muscat's harbour; and also to deny to the Governments of France and the Netherlands a commercial or other foothold for the duration of the war. The representative of the United Kingdom also informed the Committee that he did not think the Imam at the time considered the obligations unacceptable or unequal. He reiterated that the United Kingdom was at war with France at this time and that this was what had given rise to the treaty.

389. The Committee also pointed out that it had been noted that, under the Agreement of 1800, provision was made for the appointment of a British agent in Muscat, but that there was no reciprocal provision for the appointment of an agent from Muscat in the United Kingdom or one of its territories. In reply, the Committee was informed that the Sultan had not wished to appoint a representative.

390. The Committee drew attention to the Treaty of 1839 with the United Kingdom, which made provision for extraterritorial rights for British subjects and gave the British Consul certain powers, and pointed out that these were not reciprocal provisions. It further noted that articles IX, X and XI of this Treaty imposed obligations on the Sultan in the matter of trade by British subjects in Muscat, although no similar obligations were imposed on the United Kingdom in the matter of trade by Muscat subjects in British territories. In reply, the representative of the United Kingdom said that provisions for extraterritorial rights were by no means unknown in the nineteenth century in other States, particularly in the East. Such agreements had been freely entered into and accepted and nothing in these arrangements reflected on the independence of the Sultanate. The reason for these provisions was that they had been sought by the rulers because their own legal systems in use did not provide adequately for the kind of cases that might arise when foreigners were conducting trade and business in the country. Such arrangements were helpful in avoiding difficulties with foreign companies and residents.

391. The Committee drew attention to the agreement by which the Sultan had ceded the Kuria Muria Islands to the United Kingdom in 1854, and referred to the statements that this agreement had been one-sided since the Sultan had received nothing in return. The Committee also noted that the question had been raised as to whether the Sultan exercised sovereignty over these islands and therefore whether he had had the power to cede them. In reply, the Committee was informed that the United Kingdom had taken the initiative in requesting these islands from the Sultan of Muscat and Oman because it had been prepared to

exploit the deposits of guano which were thought to be on the islands. The Government had informed the Sultan that it was prepared to pay for the islands but the Sultan himself, when he decided to cede the islands, insisted on offering them as a gift to Queen Victoria in a spirit of friendship and generosity. The United Kingdom had never considered these islands as having any military value or significance. So far as sovereignty was concerned, no question had arisen because the gift had been recorded at the time.

392. The Committee also drew the attention of the United Kingdom Government to the fact that it had been noted that in the Declaration of 1862 between France and the United Kingdom, the two parties had agreed to respect the independence of the sovereigns of Muscat and Zanzibar, but nothing was said about respecting their territorial integrity. In commenting on this, the representative of the United Kingdom said that the question of the territorial integrity of the two countries did not arise. The two parties had been interested in the independence of the States and had not been concerned about their extent. In its memorandum, the United Kingdom stated that frequent references to this agreement in Anglo-French exchanges over the ensuing years showed the determination of both parties that its terms should be scrupulously observed. The significance of the Declaration was not only in its respect for the independence of Muscat and Oman, but also in the manner in which the two major Powers recorded that independence as a fact and as something which it was important to preserve.

393. With reference to the Treaty of Friendship, Commerce and Navigation of 1891, the Committee pointed out that it included a number of provisions which imposed obligations on the Sultan alone, and that the reciprocal most-favoured-nation treatment which was provided for in the Treaty of 1839 was made unilateral and applying only to British subjects in Muscat. The Committee also pointed out that attention had been drawn to the requirement that the Sultan was not to impose export duties without the consent of the United Kingdom Government. In reply, the Committee was informed that it was not known why the reciprocal most-favoured-nation clause of the 1839 Treaty had been omitted in the Treaty of 1891. It had been a freely negotiated agreement and it represented what the parties wanted at the time. There had certainly been no desire on the part of the United Kingdom to evade reciprocity. The Sultan's trade at that time was limited and he did not seek reciprocity. The Sultans could have raised this point, but this was not done until 1939, when the Treaty was terminated.

394. During its discussion with representatives of the United Kingdom, the Committee asked whether it could be given examples of treaties between the United Kingdom and other States which were similar to those with Muscat and Oman. Subsequently, the Committee's attention was drawn to the Treaty of Bangkok concluded in 1855 and in particular to articles in it which, it was stated, were exactly parallel with the Muscat and Oman Treaty of 1891. The articles referred to were: article II, which provided extraterritorial privileges for British subjects in Siam (corresponding to article 13 of the 1891 Treaty); article IV, which gave British subjects freedom to trade at all Siamese ports, to reside permanently in Bangkok, and to own land within twenty-four hours' journey

of Bangkok (corresponding to article 4); article VI, which allowed the free exercise of the Christian religion (corresponding to article 20); and article VIII, which fixed entry duties at 3 per cent *ad valorem* (corresponding to article 6).

395. The Committee drew attention to the Non-Alienation Bond of 1891, and recalled that it had been stated that this was nothing more than a "protectorate agreement". The Committee also recalled that the representative of the United Kingdom had stated that Britain had had an interest in ensuring that other countries respected the sovereignty of the Sultan and that it was in recognition of this interest that the then Sultan of Muscat and Oman had agreed with the British Government in 1891 not to alienate his territory to any third Power. The Committee pointed out, however, that the view had been expressed that the undertaking given by the Sultan went beyond an agreement not to alienate to a third Power and clearly provided for cession of territory to the British Government. The Committee further pointed out that it had been stated that in so limiting his power in such an important matter, the Sultan had relinquished his sovereignty to the British Government. The Committee asked for the United Kingdom's views on these statements and also wished to know whether this agreement had been terminated. The views of the United Kingdom Government on this question were set out in its memorandum to the Committee (annex VII), as follows:

"The essence of this Agreement was that while the Government of India sought no derogation of the Sultanate's independence, the Sultan deferred to Her Majesty's Government in ensuring that no other Power should derogate from that independence to British disadvantage. (As circumstances changed, this particular Agreement lost its force. It was finally terminated by an exchange of letters between the present Sultan and Her Majesty's Government in 1958, after having long been regarded as a dead letter.)"

The representative of the United Kingdom said that although the wording of this Agreement provided for cession of territory to the British, this was never considered to be of practical consequence. He reiterated that the Agreement expressed the United Kingdom Government's concern that the Sultan's territorial integrity should be preserved.

396. The Committee drew attention to the Undertaking of 1902 regarding the Sur Coal-fields, and noted that the Sultan agreed not to grant permission to any Government or company to work these fields without first informing the British Government that they might take up the work if they felt so inclined. The Committee pointed out that it had been stated that no ruler claiming to be sovereign would conclude such an agreement. Moreover, the meaning of the sentence, "This is what had to be written", which appeared in the agreement seemed to call for some explanation. The Committee also inquired whether this agreement had been terminated. In reply, the Committee was informed that the parties could make whatever agreements they chose although agreements such as this one were less known now than they used to be. The words "This is what had to be written" had no particular significance. This was the style of wording used at the time to reflect the necessity of recording what had formally been agreed upon.

397. The Committee drew attention to the agreement by the Sultan in 1905 with the British Sponge Exploration Syndicate, whereby the Syndicate received certain privileges although there was no indication that the Sultan received anything in return. The Committee said that it would like to have more information on this aspect of the agreement and would like to know what part, if any, the United Kingdom Government played in a negotiation of the agreement. In reply, the Committee was informed that in 1905 the Sponge Exploration Syndicate Ltd. of London had sought concessions in the Gulf and had obtained them from the Shah of Persia and from the Sultan of Muscat and Oman. This syndicate was apparently a small private venture having a paid-up capital of £1,000. The Sultan had granted this concession on 19 November 1905 for a period of fifteen years. Under the terms of the concession the company was allowed to fish along parts of the Muscat coast up to a depth of ten miles. In return the company was to pay a royalty of 34 rupees per 24 Muscat maunds of dry sponge. There was no record that the Sultan had consulted the Government of India on this matter, the closest representative of the British Government. It seemed to have been purely a commercial matter between the Sultan and the company. The only connexion the British Government had with this matter was in October 1907, when it had expressed the view to the Syndicate and to the Sultan that it could not recognize any rights beyond the limits of territorial waters. In fact, it appeared that sponge fishing in the waters of Muscat was of little significance and that the company had done little to exploit its concession.

398. The Committee drew attention to the undertaking given by the Sultan in 1923 not to grant permission for the exploitation of oil in his territories without consulting the political agent at Muscat and without the approval of the Government of India. The Committee pointed out that it had been stated that no ruler claiming to be sovereign would conclude such an agreement. The Committee asked for the comments of the United Kingdom on this statement and also wished to know whether this agreement had been terminated. The Committee was informed that, in 1923, the then Sultan had offered the British Government what was in effect a first option on any oil discovered in his territories. There had been no formal termination, but it was not regarded as still being in force. This had not been an agreement but was simply an undertaking given by the Sultan. It might be considered to be a one-sided Declaration, but this had been something that the Sultan had offered to do. It was pointed out that this undertaking had not affected the Sultan's actions in the last twenty years, nor did it in any way derogate from the sovereignty of the ruler at that time who had given the option. Similar arrangements had been made by the Ottoman Empire. It was emphasized that the undertaking had been freely offered by the Sultan to a friendly government.

399. The Sultan informed the Committee that this undertaking, which had been made by his father, had not affected his own freedom of action. It will be recalled that he pointed out that this undertaking had not included a provision that it would be binding on his father's successors, and that therefore it had ceased to be of any effect when his father had ceased to be Sultan.

400. Although the agreement made in 1937 between the Sultan and Petroleum Oil Concessions Ltd. was an

agreement with a private company and not with the United Kingdom or its Government, it may be convenient to set out here the information concerning it.

401. The agreement was between "Sultan Saiyid Said bin Taimur, Sultan of the Sultanate of Muscat and Oman, South Eastern Arabia, in the exercise of His Highness's powers as Ruler of the Sultanate of Muscat and Oman on his own behalf and on behalf of and in the name of his heirs and successors and Petroleum Concessions Ltd., a company registered in Great Britain under the Companies Act, 1929, its successors and assigns". The agreement applied to all "that Territory within the boundaries of the Sultanate of Muscat and Oman", but excluding Dhofar and Gwadar. It may be noted that no definition of the boundaries of Muscat and Oman was included in the agreement. In return for a stated payment the company was granted the exclusive right to search and drill for natural gas, crude petroleum and related substances for the first five years. During this period the company could either terminate the agreement or take up the concession. On taking up the concession, the company would be granted the exclusive right to "explore, search for, drill for, produce, win, refine, transport, sell, export, and otherwise deal with or dispose of the substances and to do all things necessary for all or any of the above purposes within the Leased Area". In return, certain minimum annual payments or royalties on oil produced were set on the basis of a rate per ton. The company could terminate the agreement, for any reason, at any time after the first three years; the Sultan could terminate the agreement only on the failure of the company to make the agreed payments or to abide by any arbitration award.

402. The remainder of this agreement set out in detail the arrangements under which the company was to operate, and does not seem to be of any particular relevance. Two provisions, however, appear to be important. One of these, article 12, reads as follows:

"The Company recognizes that certain parts of the Sultan's Territory are not at present safe for its operations. The Sultan undertakes on his part to use his good offices with a view to making it possible for representatives of the Company to enter such parts and will inform the Company as soon as such parts become safe."

The other, part of article 27, reads as follows:

"Should the Sultan decide to grant permission for a Bank to open a Branch or Agency in Muscat, the Sultan shall consult with the Company as to which Bank shall be given the permission."

403. The Committee had intended to put to the Sultan, through its Chairman, a number of questions about this agreement, but for the reasons indicated earlier, this was not possible (see paragraphs 78-81 above).

404. The Treaty of 1939 with the United Kingdom is described as a treaty of commerce and navigation. It replaced the 1891 Treaty, which was due to expire in the same year. It appears to be similar to the one it replaced. As with the previous treaty, there are some reciprocal provisions, but most are unilateral in the sense that they confer privileges on the United Kingdom or its subjects alone and impose obligations on the Sultan alone. Among the provisions which are reciprocal are the ones providing for the appointment of consuls, for freedom of conscience and religious toleration, for freedom to trade, for equal treatment with other nations

in connexion with internal duties and taxes and prohibitions and restrictions on imports, and for assistance to distressed vessels and aircraft. The unilateral provisions conferring privileges on the United Kingdom or its citizens include most-favoured-nation treatment, the right to own property in the Sultan's territories, and extraterritorial rights in civil and criminal matters. Obligations imposed on the Sultan include that of not establishing a trade monopoly in such a way as to be detrimental to trade by British nationals, of using harbour dues for the improvement of harbours and the construction of lighthouses, and of avoiding delays and obstructions in customs procedures.

405. The Treaty of Friendship, Commerce and Navigation of 1951, the agreement relating to consular jurisdiction contained in an exchange of letters of the same year, and the agreement concerning the Sultan's armed forces, civil aviation, Royal Air Force facilities and economic development in Muscat and Oman, contained in an exchange of letters in 1958, are all still in force and concern the legal basis of the present relationship between Muscat and Oman and the United Kingdom. The information relating to them will therefore be set out in the separate section on that topic (see paragraphs 505 and 506 below).

2. Treaties with other foreign Powers

406. The Committee considered four treaties concluded between the Sultanate and foreign Powers other than the United Kingdom. Two of these were concluded with the United States of America, one in 1833, the other in 1958; one was concluded with France in 1844; and one was concluded with the Netherlands in 1877.

407. The Treaty of 1833 with the United States of America is described in the text as a Treaty of Amity and Commerce between the United States of America and His Majesty Seyid Syeed bin Sultan of Muscat and His Dependencies. It was concluded by Edmund Roberts, being duly appointed a Special Agent by the President of the United States of America. It was concluded on 21 September 1833 and ratified in the Senate on 23 June 1834; ratifications were exchanged on 30 September 1835 and it was proclaimed on 24 June 1837. One of its articles is reciprocal and provides for most-favoured-nation treatment with regard to duties and charges on vessels in the ports of the other country. The other articles provide unilateral benefits for the United States and its citizens, including extraterritorial rights for United States citizens and the right of the United States to appoint a consul. A consul was appointed and took up residence in Zanzibar.

408. The Treaty of 1958 with the United States of America is described in the text as a "Treaty of Amity, Economic Relations and Consular Rights between the President of the United States of America and the Sultan of Muscat and Oman and Dependencies". It was concluded by the United States Consul General and the Sultan himself at Salalah, on 20 December 1958. It was ratified by the President on 8 May 1959, ratifications were exchanged on 11 May 1960, it was proclaimed by the President on 8 July 1960 and entered into force on 11 June 1960. All the provisions of the Treaty are reciprocal and there is no provision for extraterritoriality. It is to remain in force for seven years and thereafter until terminated. This Treaty was registered by the United States of America with the United Nations under Article 102 of the Charter.⁵⁰ The Sultan

informed the Committee that there was no United States consul in Muscat, but that the United States consul in Aden looked after affairs and visited Muscat and Oman from time to time.

409. The treaty with France is described by C. U. Aitchison, in *A Collection of Treaties, Engagements and Sanads relating to India and Neighbouring Countries*, as a treaty of commerce between "France and Masqat". It was concluded between the "King of the French" and "His Highness Syud Sued bin Sultan, the Sultan of Maskat" on 17 November 1844. Ratifications were exchanged on 4 February 1846. The provisions of this treaty are almost identical with the Treaty of 1839 between Great Britain and Muscat. It provides for reciprocal most-favoured-nation treatment, reciprocal rights of appointing consuls, and extraterritorial rights for French subjects. It also includes identical provisions to those contained in articles IX, X and XI of the British treaty, which set import duties and laid down rules of trade. A consul was appointed and took up residence at Zanzibar.

410. The treaty with the Netherlands of 1877 is described in the *British and Foreign State Papers* as a Declaration between "the Netherlands and Muscat, for the development of Commercial Relations between the two Countries". It was signed at The Hague on 7 April 1877 and at Muscat on 27 August 1877. It was between the Government of His Majesty the King of the Netherlands and His Highness the Sultan of Muscat and was signed by the Dutch Minister for Foreign Affairs and "Seyid Turki bin Said", who was Sultan at that time. The treaty provided for reciprocal most-favoured-nation treatment in trade between the two countries.

411. The treaty with India is described in the *British and Foreign State Papers* as a Treaty of Friendship, Commerce and Navigation between India and Muscat. It is a treaty between the President of India and "Sultan Said bin Taimur bin Faisal, Sultan of Muscat and Oman and Dependencies". It was signed by plenipotentiaries of the two Governments; for the President of India by the Indian Ambassador to Iran, Tara Chand, and for the Sultan by the Minister for Foreign Affairs, Basil Woods Ballard. It was signed at Muscat on 15 March 1953 and ratifications were exchanged at Muscat on 14 February 1954. All the provisions of the Treaty are reciprocal, including the right to appoint consuls. It is to remain in force for five years and thereafter until terminated. This Treaty was registered by India with the United Nations under Article 102 of the Charter.⁵¹

412. In his statement to the Committee (annex VI), the representative of the United Kingdom referred to these treaties in the following terms:

"The United Kingdom is only one of a number of countries to have recognized the independent status of Muscat and Oman, and several have maintained direct relationships with the Sultanate and have had treaties of various kinds with its rulers. The Committee is no doubt fully aware of this, but perhaps I may be permitted to refer to some specific examples.

"The United States of America, for example, concluded a Treaty of Amity and Commerce with Muscat and Oman in 1833 and a Treaty of Friendship and Commerce in 1958.

"In 1844 France concluded a Treaty of Commerce which was ratified in 1846 and which provided, among other things, for the appointment of consuls.

"In 1877 the Netherlands concluded a commercial declaration with the Sultanate.

⁵⁰ United Nations, *Treaty Series*, vol. 380 (1960), No. 5457.

⁵¹ *Ibid.*, vol. 190 (1954), No. 2559.

"The Government of India in 1953 concluded a treaty with the Sultan and established a consular post in Muscat.

"While these treaties are of no direct concern to Her Majesty's Government, their existence illustrates that other countries with interests in Muscat and Oman have concluded instruments direct with the Sultan as an independent Power. It is worth noting in this connexion that the treaties referred to which have been concluded since 1945 have been registered with the United Nations under Article 102 of the Charter.

"It may well be, Mr. Chairman, that your Committee, in accordance with its stated aim of producing an objective report, will ask the countries concerned to confirm that their relationships with Muscat and Oman are as I have described them."

413. In accordance with the suggestion in the last paragraph of the above portion of the statement by the representative of the United Kingdom, the Committee addressed letters to the Permanent Representatives of the United States of America, France, the Netherlands and India, asking for their views. In this connexion, it should be noted that the Committee had already been provided by the Permanent Representatives of these countries with authentic copies of the treaties under discussion.

414. In a letter dated 18 September 1964, the Permanent Representative of the United States of America to the United Nations stated as follows:

"The *Ad Hoc* Committee on Oman has been provided with pertinent documentation concerning the relationship of the United States of America and the Sultanate of Muscat and Oman. Since the statement made by the representative of the United Kingdom provides no new element concerning those relationships, my Government desires to make no additional comments."

415. In a letter dated 30 September 1964, the Permanent Representative of India to the United Nations stated as follows:

"India, as one of the 'territories of His Majesty', was a signatory to the Treaty of Commerce and Navigation signed between His Britannic Majesty and the Sultan of Muscat and Oman in 1939. In March 1950, the Government of the United Kingdom informed the Government of India that His Highness the Sultan of Muscat had given a formal notice of termination of the Treaty on the expiry of its twelve years, i.e., 11th February 1951. In view of the constitutional changes in India, the Sultan had also expressed a desire to enter into a new and separate Treaty with India. India, accordingly, entered into a Treaty with the Sultan to replace the old Treaty.

"Among other things, the Treaty establishes consular relations between the two high contracting parties."

416. In its discussions with United Kingdom officials, the Committee drew attention to the statement by the representative of Syria at the 1499th meeting of the Fourth Committee, during the eighteenth session of the General Assembly, in which he had said that the fact that the Sultanate had entered into treaties of limited scope did not prove that it was an independent state. He had pointed out that jurists, including Oppenheim, agreed that while the status of a British Protectorate was not clear, the relationship between sovereign and vassal, and protector and protectorate did not prevent the vassal or protectorate from concluding agreements of limited scope. The Committee asked for the views of the United Kingdom Government concerning this argument. In reply, the Committee was informed that

in his statement the United Kingdom representative had not used the word "proves" but had used the word "illustrates", and had simply been indicating to the Committee other sources of information. The United Kingdom had no wish to become involved in a legal argument.

417. Sheikh Saleh drew the Committee's attention to the circumstances of the Sultan's accession in 1921 to the Convention on the Trade in Weapons signed between 1919 and 1920. He quoted from a letter dated 17 February 1921 from the Sultan to the British Consul in which the Sultan stated:

"You have asked on behalf of your Government that we accede to the Convention signed on 10 September 1919. I therefore accede to the Convention and approve it and I accept all the conditions mentioned therein concerning the trading in weapons."

Sheikh Saleh stated that by this the Sultan had "put his country under complete British domination."

418. The Committee also sought more information on whether there were any implications attached to the fact that three of these treaties had been registered with the United Nations under Article 102 of the Charter. The reply of the Legal Counsel of the United Nations reads as follows:

"The answer to the question in its general aspect will be found in the prefatory note to the monthly publication entitled *Statement of Treaties and International Agreements Registered or Filed and Recorded with the Secretariat*. In that note the Secretariat formulated its understanding regarding the functions and responsibilities of the Secretariat under Article 102 of the Charter and the Regulations to give effect to that Article adopted by General Assembly resolution 97 (I), with specific reference to the principle followed by the Secretariat insofar as the interpretation of the term "treaty and international agreement" is concerned. The relevant passage of the said note reads as follows:

"5. Under Article 102 of the Charter and the Regulations, the Secretariat is generally responsible for the operation of the system of registration and publication of treaties. In respect of ex officio registration and filing and recording, where the Secretariat has responsibility for initiating action under the Regulations, it necessarily has authority for dealing with all aspects of the question.

"6. In other cases, when treaties and international agreements are submitted by a party for the purpose of registration, or filing and recording, they are first examined by the Secretariat in order to ascertain whether they fall within the category of agreements requiring registration or are susceptible of filing and recording, and also to ascertain whether the technical requirements of the Regulations are met. It may be noted that an authoritative body of practice relating to registration has developed in the League of Nations and the United Nations which may serve as a useful guide. In some cases, the Secretariat may find it necessary to consult with the registering party concerning the question of registrability. However, since the terms "treaty" and "international agreement" have not been defined either in the Charter or in the Regulations, the Secretariat, under the Charter and the Regulations, follows the principle that it acts in accordance with the position of the Member State submitting an instrument for registration that so far as that party is concerned the instrument is a treaty or an international agreement within the meaning of Article 102. Registration of an instrument submitted by a Member State, therefore, does not imply a judgement by the Secretariat on the nature of the instrument, the status of a party, or any similar question. It is the understanding of the Secretariat that its action does not confer on the instrument the status of a treaty or an international agreement if it does not already have that status and does not confer on a party a status which it would not otherwise have."

"As regards specifically the registration of the treaties concluded by Member States with the Sultanate of Muscat and Oman, the following information may be relevant. When the first of these treaties was submitted for registration, the question of its registrability was examined by the Secretariat with particular attention to the status of the Sultanate. On the basis of the available information the conclusion was reached that the Sultanate was a sovereign state under international law, thus possessing treaty-making capacity, and the treaty was accordingly registered. No changes having occurred in its status, the registration of the subsequent treaties was effected in the normal way. It may be noted that no question has ever been raised in regard to the registration of the treaties concerned."

419. The question of the treaties entered into between the Sultanate and countries other than the United Kingdom was raised with Sheikh Saleh, a member of the Imam's Higher Council, and he was asked whether he considered that these treaties had been entered into with other countries by the Sultan or by the United Kingdom. He replied that the Sultan of Muscat and Oman had no individual power to act on his own behalf and that he was just a spokesman for Britain.

420. The representative of the United Kingdom in the Fourth Committee, speaking at the 1499th meeting of that body, had also raised the Arbitration Award of The Hague Tribunal in connexion with the recognition of the Sultanate as an independent state. In view of this, the Committee asked the representative of the United Kingdom why his Government believed that this award supported its view that Muscat and Oman was an independent state. In reply the United Kingdom referred the Committee to three excerpts from the award in which specific references were made to the independence and sovereignty of the Sultan. These excerpts are quoted below in French and English,⁵² since the official text was in French.

(a) "... *et considérant qu'en conséquence l'octroi du pavillon Français à des sujets de Sa Hautesse le Sultan de Mascate ne constitue en soi aucune atteinte à l'indépendance du Sultan*".

"... and whereas, therefore, the granting of the French flag to subjects of His Highness the Sultan of Muscat in itself constitutes no attack on the independence of the Sultan".

(b) "*Considérant que le fait de soustraire ces personnes à la souveraineté, spécialement à la juridiction, de Sa Hautesse le Sultan de Mascate serait en contradiction avec la Déclaration du 10 mars 1862, par laquelle la France et la Grande-Bretagne se sont engagées réciproquement à respecter l'indépendance de ce Prince*".

"Whereas the withdrawal of these persons from the sovereignty, especially from the jurisdiction of His Highness the Sultan of Muscat, would be in contradiction with the declaration of March 10, 1862, by which France and Great Britain engaged themselves reciprocally to respect the independence of this Prince".

(c) "*3. les sujets du Sultan de Mascate, qui sont propriétaires ou commandants de boutres ("dhows") autorisés à arborer le pavillon Français ou qui sont membres des équipages de tels boutres ou qui appartiennent à leurs familles ne jouissent en conséquence de ce fait d'aucun droit d'extraterritorialité, qui pourrait les exempter de la souveraineté, spécialement de la juridiction, de Sa Hautesse le Sultan de Mascate*".

⁵² *L'affaire des boutres de Mascate entre la France et la Grande-Bretagne, réglée le 8 août 1905, Travaux de la Cour permanente d'Arbitrage de la Haye* (New York, Oxford University Press, 1921), pp. 97-113; for the English text, see *The Muscat Dhows Case between France and Great Britain, Decided August 8, 1905, The Hague Court Reports* (New York, Oxford University Press, 1916), pp. 93-109.

"3. Subjects of the Sultan of Muscat, who are owners or masters of dhows authorized to fly the French flag or who are members of the crews of such vessels or who belong to their families, do not enjoy in consequence of that fact any right of extraterritoriality, which could exempt them from the sovereignty, especially from the jurisdiction, of His Highness the Sultan of Muscat."

F. EVENTS BETWEEN 1954 AND 1961

421. In the report of the Special Representative of the Secretary-General on his visit to Oman, it was stated that although there were different opinions on which party started the fighting in Oman and what the motives were, there seemed to be agreement on the following sequence of events:

"(i) The death of Imam Mohammed bin Abdullah in 1954 represented the end of the *modus vivendi* which resulted from the signing of the Treaty (Agreement) of Sib.

"(ii) The new Imam, Ghalib bin Ali, established an office of the Imamate in Cairo during 1954, applied for membership in the Arab League and started to issue Imamate passports. He also placed small garrisons in key centres of the interior region, among them Nazwa.

"(iii) Nazwa was occupied in December 1955 by forces of the Sultan. Another force attacked the Imam's brother, Talib, at that time the *Wali* of Ar Rustaq. Ar Rustaq was occupied shortly afterwards.

"(iv) The Imam went to his own village in the interior where he remained for a long time, whereas Talib escaped to Saudi Arabia.

"(v) The real fighting started during the summer of 1957. A revolt broke out in May in the Sharqiyah which did not meet with success. Sheikh Ibrahim bin Isa al Harthy, who started the revolt, went to Muscat and was imprisoned.

"(vi) Talib landed during June 1957 on the Batinah coast and his armed men reached the Jabal al Akhdar area. Soon after this the Imam and Sheikh Suleiman joined the revolt.

"(vii) The Sultan's armed forces could not cope with the revolt in the first instance and lost the important town of Nazwa.

"(viii) Around the middle of July 1957, the Sultan called on the United Kingdom Government for help. One company of Cameroonians, two troops of Ferret scout cars, one regiment of the Sultan's armed forces, and two squadrons of Trucial Oman Scouts supported by Royal Air Force planes, reoccupied Nazwa and a number of other towns in the neighbourhood.

"(ix) The leaders of the revolt withdrew into the higher regions of the Jabal al Akhdar. There followed a guerrilla type of campaign against the Sultan's forces.

"(x) During the latter months of 1958 and the first weeks of 1959, increased use was made of the Royal Air Force. Two squadrons of special air service troops were flown in from Malaya and a squadron of the Life Guards joined the operation. The final assault during January 1959 represented the end of the military campaign." (A/5562, para. 95.)

422. The Committee directed its attention to finding out the views of the persons it interviewed on the reasons for the fighting and about the character of the action taken by the United Kingdom. It also sought additional information on all aspects of the fighting, including the exact sequence of events leading to the outbreak of the fighting and about the nationality of the troops involved.

423. The Committee will first set out the sequence of events as presented to it by the various persons it interviewed. It will then set out their views on particular aspects of this period.

1. Sequence of events

424. The Imam asserted that the events of 1955 were the culmination of a series of attempts by the

British to occupy Oman. The trouble had begun in 1937 when the Sultan had granted oil concessions to a British oil company. At the time, the then Imam had warned the company against entering his territory. Following this, in the same year, the British had occupied Ras al Hadd. They had then occupied the Masirah Island in 1939, Duqm in 1952 and Ibri in 1954.

425. Sheikh Saleh said that during Imam Mohammed's time the Sultan had tempted Omani tribes with money and military equipment in order to spread the seeds of separation and had broken the Treaty of Sib by accepting run-away criminals from Oman. The then Imam warned the Sultan to stop this. In 1953 he had sent Sheikh Saleh to Bahrain to meet with the British Political Resident responsible for the affairs of Muscat in order to arrive at an agreement to amend the Treaty of Sib, to make provision, among other things, for the building of roads and a port. He had been sent to the British Resident because it was the British who had signed the Treaty. The Political Resident had said that Britain insisted on the full text of the Treaty and no agreement was reached.

426. Following the meeting, British aircraft continued to fly over Oman without permission and protests were sent to the British authorities by Sheikh Isa, the Imam's Minister for Foreign Affairs and Commander-in-Chief (and father of Sheikh Saleh).

427. In 1954, according to the present Imam, Imam Mohammed had applied to join the League of Arab States. Sheikh Saleh said that the Imam had wanted to break the isolation imposed on the Imamate for several centuries. He had sent Sheikh Saleh to Cairo with a letter to the League of Arab States, dated 25 January 1954, confirming the independence of Oman, expressing fears of British aggression and requesting assistance in developing his country and promoting progress.

428. In June 1954 Imam Mohammed had died and Ghalib bin Ali was elected to succeed him. Imam Ghalib stated that after his election he had followed the previous Imam's way of dealing with the Sultan, the peace way. He also confirmed his predecessor's decision that the oil concessions were invalid. He had also sent his representatives to Cairo and Saudi Arabia to ask for admission to the Arab League and the United Nations, though his country had been invaded before any decision was taken.

429. Sheikh Saleh stated that the British had begun their military preparations early in 1953. At that time the British petroleum company, which had already begun exploring, had felt it necessary to establish an army to protect its operations. The Sultan had agreed and an army was formed at Bait al Falaj, near Muscat. Another petitioner stated that this army was financed by the oil company. Sheikh Saleh also stated that in July 1953 a British major arrived in Muscat with a letter from Sultan Said bin Taimur to his deputy Shihab bin Faisal, ordering him to co-operate with the British officer in forming the army for the protection of the company. British military missions had arrived to train the army, which included British and other personnel, and British ships had begun bringing ammunition. In 1954 the army went to a small port called Ras Duqm and from there advanced, without warning, to Ibri, and occupied it.

430. The events leading to the occupation of Ibri are not clear. The Imam said that Ibri had been in the charge of a *wali* appointed by him and that there had

been a misunderstanding; he had sent people to make peace. One petitioner referred to a misunderstanding between two tribes which the Imam's *Wali* at Ibri could not settle. He said that the Imam had sent a representative to settle this dispute and that, after he had left, the city was attacked. Another person said that the sheikhs at Ibri had refused to obey the Imam and had gone to Muscat; the Imam had come to Ibri to see them, and then the British had come with these sheikhs and attacked the city.

431. Sheikh Saleh said that after the attack on Ibri, people from all over Oman gathered to repel the invasion. The Higher Council in Oman had sent him to the Sultan at Dhofar to discuss the situation. He had stayed there nineteen days but no agreement was reached. It was on this occasion that the Sultan had agreed that the Treaty of Sib was still in effect and had told him that he could do nothing to make the British leave.

432. Some time in 1954 or early in 1955 it appears that the oil company to which the Sultan had granted a concession in 1937 brought in equipment and began preparations for drilling at Fahud.

433. The next step, according to Sheikh Saleh and other petitioners, was the occupation by the British of the Buraimi oasis in 1955. One petitioner said that Buraimi was used as a military base to attack the interior of Oman. Another said that this act completed the isolation of Oman and prevented it from receiving assistance. British sources maintain that the action at Buraimi was taken as a result of developments during the arbitration proceedings concerning the sovereignty of the area (see paragraph 324 above) and was carried out by the forces of the rulers of Abu Dhabi and Muscat and Oman supported by the Trucial Oman Levies.

434. The accounts of the events that followed are somewhat contradictory. According to the account given by Sheikh Saleh, in 1955 the British sent their forces to Nazwa, the Omani capital, which was occupied after a battle. He himself was at that time in the eastern regions organizing the tribes to fight. His account continues:

"But the British aircraft were stronger than the Omanis. They brought destruction and severe damage to the people and to such Omani towns and villages as Tanuf, Rastaq, Birkat, Bahlah, Izki and Zakait. Hundreds of men, women and children died during that barbaric attack."

All these places are situated near one another on the southern side of the Jabal al Akhdar, with the exception of Rastaq, which is further north and on the other side of the mountains.

435. According to the newspaper accounts and to James Morris, a British journalist who was an eyewitness to part of the operation, the action was carried out by the Sultan's forces, led by British and Pakistani officers. One force advanced southward from Ibri, another, which the Sultan himself accompanied, advanced from Dhofar, while a third force advanced from the Batinah coast into the mountains towards Rastaq. These accounts indicate that Nazwa was taken without a fight on 15 December 1955 and that the Imam, who had been there, escaped to the mountains. Rastaq, where the Imam's brother, Sheikh Talib, led the resistance, was taken on 22 December 1955. Sheikh Talib then escaped from the country.

436. It was stated to the Committee that, following the fall of Nazwa, the Imam had signed a document of resignation which he had given to Sheikh Mohammed

Salim al Rokaishi, *Cadi* and *Wali* of Izki. It was also stated that when the people saw that they no longer had an Imam, they would not fight and the British troops were able to take Nazwa without fighting. The Imam and others denied this. One petitioner stated that an Imam could not resign his office; he could only be removed by the people.

437. Sheikh Sulaiman bin Himyar was questioned concerning the account given by James Morris of the Sheikh's meeting with the Sultan at Nazwa following its fall in 1955.⁵⁸ Sheikh Sulaiman said that it was not true that he had come voluntarily to see the Sultan, nor had he made any promise of allegiance. He had been forced to come by an armed patrol and he had pretended to the Sultan that he was not his enemy. But in fact he was and always would be.

438. Following the capture of Nazwa, according to the account given to the Committee by Sheikh Talib on behalf of the Imam, the Imam and other leaders took refuge in the rugged mountains. The Imam consulted the leaders of the people there and all agreed that they should make preparations to recover Oman and repel the invasion at any price.

439. According to the extract from the Special Representative's report, as quoted in paragraph 421 above, minor revolt broke out in the Sharqiyah in May 1957. In June, its leader, Sheikh Ibrahim bin Isa, who had been invited by the Sultan to Muscat along with Sheikh Sulaiman bin Himyar, was imprisoned. In the same month, Sheikh Talib landed on the Batinah coast with a small force and moved inland. At the same time, Sheikh Sulaiman bin Himyar left Muscat and returned to the Jabal al Akhdar.

440. The events that followed, up to the recapture of Nazwa by the Imam, were described on his behalf in some detail. According to this account the Imam held a meeting early in July 1957 in the Jabal Alkooor with a large number of people from various parts of Oman. The British learned of this meeting and sent military reconnaissance planes to the region three days later. A week later, British troops under the command of Colonel Waterfield moved towards the village of Ghamer, about eighteen kilometres from the Imam's headquarters, where they fought the villagers, reinforced by Omani nationalists from nearby, for seven days. To relieve the pressure on Ghamer, the Imam and Omani leaders decided that Omani troops should cut the British supply road to Ghamer from Nazwa by capturing Bahlah. With the assistance of the people, Omani troops captured Bahlah except for the fort which remained in British hands. Unable to receive new supplies, the British troops attacking Ghamer were forced to retreat to Nazwa along the road controlled by Omani forces. The Omani troops were joined by villagers from Bahlah, Tanuf and Nazwa and, after a battle lasting seventy-two hours, Omani troops reoccupied Nazwa. Of the British troops, only Colonel Waterfield and thirty-six officers and men were left, the rest having been captured, killed or wounded. When the Omani people heard of the recapture of Nazwa by the Imam's troops, they revolted and recaptured all of Oman.

441. The accounts of these events in the British Press at the time do not vary in any important particulars, except that, according to their account, the

troops involved were the Sultan's troops (led by some British officers) and not British troops.

442. On 16 July 1957 the Sultan wrote to the Consul General of the United Kingdom in Muscat drawing attention to the situation which had developed at Nazwa and stating that he felt the time had come to request the maximum military and air support which the United Kingdom Government could give. He stressed that it was vital that support be given quickly. The United Kingdom Government agreed to this request and authorized military assistance for the Sultan.

443. The account given to the Committee on the Imam's behalf stated that within approximately eight days of the Omani success, British aeroplanes dropped leaflets on the villages threatening the people with punishment if they did not expel the Imam and his troops and support the Sultan. The account also stated that Britain knew that the troops of the Imam were the Omani people themselves.

444. The Imam's account stated that the air attacks began on 27 Thel-Alhejja 1377 (H) (24 July 1957) with an attack on Izki (twenty miles east of Nazwa). Following this, Bahlah was attacked on 25 July, Tanuf (seven miles north-east of Nazwa) on 26 July, Ghamer on 27 July, Nazwa on 28 July, Birkat on 29 July, and Firq on 30 July. Nazwa was attacked daily from 31 July to 4 August and attacks continued on other Omani towns. On 5 August British troops began moving across the desert approaching Nazwa from the west. On 6 August there was fighting at Firq, six kilometres from Nazwa. There was another battle at Emti, seventy kilometres east of Nazwa. During these battles "the British troops used the most modern destructive weapons in the air as well as on the land". When the "limited supplies of the besieged Omani troops were exhausted there was no alternative for those troops but to retire to the mountains", where they scattered and carried on guerrilla warfare.

445. This account of the sequence of events does not vary in any important detail from the accounts given in the newspapers at the time. These reports, however, add that the advance to Nazwa was made through Izz and Firq and that Nazwa was reoccupied on 11 August after resistance had ceased. The British troops (the Camerons) were evacuated on 17-18 August, although the Trucial Oman Scouts remained in the area. It was also reported that, at the Sultan's request, British engineers blew up the forts at Tanuf (14 August) and Ibri (17 August) and that the Royal Air Force destroyed the forts at Sayq and Ghamer (15 August) after warning leaflets had been dropped. The newspapers quoted a British spokesman in Bahrain as stating that on the Sultan's side the casualties had been one dead and four wounded (there had been no British casualties) and that thirty rebels had been killed.

446. On 14 August a statement was issued in Muscat on the Sultan's authority which stated that the uprising which had been started by Sheikh Talib had come to an end and that conditions in Nazwa, Bahlah, Tanuf, Birkat al Mawz and Izki had returned to normal.

447. In January 1958, the Sultan concluded an agreement with the United Kingdom Government concerning the Sultan's armed forces, civil aviation, Royal Air Force facilities and economic development in Muscat and Oman (see paragraph 507 below).

448. Guerrilla warfare continued in the mountains throughout 1958. The Imam's account states that the British made more than 150 attacks on the mountain

⁵⁸ James Morris, *Sultan in Oman* (London, Faber and Faber, 1957), pp. 104-107.

area. In the meantime, the Imam's representative in Cairo appealed to the International Red Cross to take humanitarian action on behalf of the victims of the events. In a letter dated 11 December 1958, the Vice-President of the International Committee of the Red Cross informed the Imam's representative that despite repeated requests it had so far proved impossible to carry out the mission as the Sultan of Muscat and Oman had not granted the necessary entry visa. A copy of this letter was handed to the Committee in Cairo. Sheikh Saleh said that this proved the barbarism of Britain.

449. According to newspaper reports, there was an attempt in 1958 to negotiate a settlement between the leaders in the interior and the Sultan, but no agreement was reached.

450. In January 1959, British paratroops landed on the Jabal al Akhdar and established a military post there. Organized resistance ceased and the Imam, Sheikh Talib and Sheikh Sulaiman escaped to neighbouring countries.

451. One petitioner informed the Committee that the Imam had led the Omani people in the mountains in their fight against the British until 1959. With enough food and equipment they could have remained there longer. However, the British knew that the Imam was there and sent "twenty-five raids a day", as a result of which everything was destroyed. The Imam had felt it was wrong for the people to be subjected to these attacks because of him; therefore he had decided to leave the country and organize the fight from abroad.

452. In 1960-1961, negotiations took place in Lebanon between representatives of the Imam and the United Kingdom acting on behalf of the Sultan. The negotiations were unsuccessful (see paragraphs 479-481 below).

2. Causes

453. The Sultan stated that the events that had taken place since 1954 had been the result of trouble caused by outside interests. These interests had seized on a rebellion by a few self-interested tribal leaders in order to further their own interests and desires.

454. The Imam stated that the British had attacked Oman and broken the Treaty of Sib because of their desire for the petroleum and the wealth of Oman. Another reason was that Oman was in a strategic position facing India, the Indian Ocean and the Arabian Sea. They had not attacked earlier because their interest had developed after they had been expelled from India, East Africa and Iraq. It was necessary for them to have a place from which they could protect their interests and that was why they had attacked Oman.

455. Many petitioners agreed that it was the British who had caused the trouble by attacking Oman contrary to the Treaty of Sib. They said that one of the main reasons for the attack was the desire of the British for Oman's oil. Almost all the petitioners felt that the Sultan had not played a primary role in the attack but had merely been used as a tool by the British. One group of students pointed out that the expenses of the military operations had been paid for by the British oil company. It had done this because it believed that unless the Government was supported by the British, they could not safely invest their money in Oman.

456. One petitioner felt that it was the Sultan's desire for oil that had caused the trouble. When the Imam opposed him the Sultan had called for assistance

on the British who, because they had their own ambitions in Oman, had willingly helped.

457. Some of the petitioners, who came from the coastal area, felt that the trouble had been caused by the political ambitions of the Imam. These petitioners denied the existence of the Imamate as a separate State and felt that Imam Ghalib, after his election in 1954, had tried to get outside assistance to establish an independent government separate from Muscat.

458. Sheikh Saleh said that the British aggression against Oman beginning in 1955 was the culmination of a long series of attempts by the British to dominate Oman. The Sultanate of Muscat had been controlled by the British, but the people of Oman had been able to defend themselves against colonialism. Oman had been threatened by the British in 1919, as could be seen from the letter from the British Consul (see paragraph 272 above), and these threats were translated into horrible action in 1954-1955, when the British attacked. Britain had wanted the wealth of Oman's soil and had achieved this colonial dream through colonial aggression against a noble people who had been their own masters. Their ambitions were achieved when the Sultan announced that Oman had become part of his territory, which was already dominated by Britain, and when the British themselves proudly announced that oil had been found in the area of Fahud.

459. Sheikh Saleh also drew attention to the British desire to control the production of petroleum in the area and in Oman in particular. He quoted from a British newspaper a statement that Britain had agreed to help the Sultan "first to protect the exploration operations of the oil company, and secondly on account of its long friendship with the Sultan". This, he said, was a clear admission that the foreign armed invasion of Oman took place in order to protect the exploration operations.

460. Sheikh Saleh added that the Imam's action in seeking membership of the Arab League might have been interpreted by the British as a threat to their ambition to occupy Oman and take its wealth. One of the factors which had caused the trouble in 1955 and which had led the British to launch their attack, was that Imam Ghalib had tried to open the door to the outer world and bring education and enlightenment to the people. Imperialism was against learning and enlightenment because these things encouraged people to demand their freedom. Britain had surrounded Oman and prevented contact with the outside world. The British had attacked Oman when they realized that its ruler wanted development and prosperity. The British did not want Oman to be one of the civilized States. In answer to a question concerning the plans of economic and social development that the Imam had intended to put into effect in Oman just before the trouble occurred, the Committee was given a written reply which is reproduced in annex XIV.

461. Other petitioners said that the British had attacked Oman because they needed military bases there.

462. The Imam denied that he had done anything to provoke the British attack. He had continued the policies of the previous Imam and had continued to deal with the Sultan in the "peace way" in accordance with the Treaty of Sib. The previous Imam had already challenged the right of the Sultan to grant oil concessions in Oman and had warned the company not to carry out operations in Oman. The previous Imam had also issued passports in the name of the Imamate. Moreover, the first application by the Imamate to join

the Arab League had been made during Imam Mohammed's reign.

3. External assistance received by the Imam

463. The Sultan stated that he had been able to handle the trouble up to 1955, but at that time it had become apparent that the rebels were being aided from outside. This aid had been furnished in quantity and quality by the countries that were now making allegations. When it had become apparent that more men were needed than could be provided from the resources of his country, he had asked the United Kingdom to come to his aid. If the rebels had not been given assistance from outside, he would not have asked for any help.

464. The United Kingdom memorandum also referred to the rebellion "enjoying assistance and the supply of arms from outside the country".

465. The Imam said that it was not true that he had received any foreign assistance before the attack by the British in 1955. This was a story spread by the British to justify their attack on Oman. He had at first received help from all the Omani people, even those far from the fighting. Then when the people's resources had been exhausted and he had been forced to leave, the Arab States had given him and his people assistance and had taken them in as refugees. After the attack of 1955 he and his people had been in need of any help they could get and he had requested assistance from all peace-loving people. This help was requested in order to repel the British invader. As an independent country, Oman had the right to request help to protect itself. The British had helped the Sultan, yet after having attacked Oman they complained when the Imam had asked for help.

466. Some petitioners said that the Imam had received financial and military assistance from the Arab States. A member of the revolutionary council said that they had first received help from the Arab States in 1957, when financial assistance had been given. Military assistance had been given in 1958 in the form of weapons and ammunition, but not personnel. Since then, assistance had been given by providing training facilities for members of the Liberation Army. When asked whether they thought such assistance constituted interference, the petitioners replied that this was not so, since all the Arab people were one.

4. Action taken by the United Kingdom

467. The Imam, supported by members of his Higher Council and other petitioners, reiterated the charge previously made in the United Nations that the actions taken by the United Kingdom during this period constituted aggression against the independent and sovereign State of the Imamate of Oman.

468. The United Kingdom had previously stated its position on this charge in the United Nations. It reiterated to the Committee that its action had been taken at the request of the ruler of a friendly country in order to deal with a rebellion which was receiving assistance from abroad. In its memorandum to the Committee (annex VII), the United Kingdom described its participation in the events between 1957 and 1959 in this way:

"In 1957, a rebellion occurred in the interior of Muscat and Oman, led by the ex-Imam Ghalib and enjoying assistance and the supply of arms from outside the country. It became serious in 1958, and

the Sultan called for British assistance. This, in view of Britain's long-standing friendship with his country, was provided, chiefly in the form of a limited number of specialist airborne troops of a kind the Sultan did not dispose of himself. These were soon withdrawn when, early in 1959, the rebellion was put down and the rebel leaders fled."

469. It also stated to the Committee that, in answer to the charges that had been made that the military assistance it had given the Sultan in 1957 had constituted a breach of international law, the United Kingdom maintained the position it had previously stated to the United Nations. As summarized in the report of the Secretary-General's Special Representative, the United Kingdom position was as follows:

"With regard to Lord Shawcross' condemnation of the right of a foreign Power to intervene in the internal affairs of another State, even if it took place at the request of a Government in suppressing an armed insurrection, which condemnation had been referred to by certain representatives of the Arab Members, it ought to be said that this thesis was not universally accepted as such. The putting down of a rebellion by a lawful authority was no violation of human rights. To deny a lawful Government recourse to such assistance as it needed for this purpose would be to deprive it of the means of ruling. The legitimacy of the United Kingdom assistance to the Sultan was the right of a Government to seek foreign assistance in asserting the lawful authority against rebellion, specially when the rebellion was encouraged and armed by a third State. In Oppenheim's *International Law*, furthermore, it was said that intervention was unlawful only when it involved some dictatorial interference with the external independence or the sovereignty of the State concerned. There had been no such interference in the present case. The action of the United Kingdom in introducing troops into the Sultanate had been taken at the express request of the Sultan, in order to assist him in suppressing a rebellion fomented from outside the Sultanate. It was therefore action taken in complete accord and co-operation between two sovereign States. It was not contrary to the Charter of the United Nations or to the general rules of international law. Indeed, far from being a threat or use of force against territorial integrity or political independence, contrary to Article 2, paragraph 4, of the United Nations Charter, the introduction of United Kingdom troops was a step taken for the purpose of helping the lawful authorities of the Sultanate to preserve its political independence and territorial integrity." (A/5562, para. 64.)

470. In its discussions with the representative of the United Kingdom, the Committee was given more details about this period. It was informed that the United Kingdom had provided specialist groups to fight in the rugged Jabal al Akhdar region, a task for which the Sultan did not have the troops. When asked by what means the United Kingdom had ascertained whether the people were in favour of the Sultan, the representative of the United Kingdom stated that this had had to be judged on very general grounds. While his Government maintained a Consul General in the country, it had no informers. His Government's main concern was to do what it could to help the Sultan's Government when its assistance was requested.

471. The position taken by the United Kingdom was attacked at some length by Sheikh Saleh. Sheikh

Saleh stated that following its aggression against Oman, the United Kingdom had first denied the independence of Oman, thereby denying that Oman had the international status to oppose such aggression. Secondly, it had insisted that the Sultan of Muscat was the legal ruler of Muscat and of Oman and that its conquest of Oman was nothing more than military assistance to the Sultan on the basis of a request and the long-standing friendship between the two countries. Thirdly, the United Kingdom had insisted that it was not a party to the conflict, which was an internal conflict between the Sultan and the Omanis. However, the independence and sovereignty of Oman had been acknowledged by international law, by the facts, by treaties, by official correspondence between Britain and the Omanis, and especially by the Treaty of Sib of 1920. By attacking the independent and sovereign State of Oman, British troops had committed a flagrant crime. They had made an imperialistic attempt to destroy the independence of Oman which, under the United Nations Charter, was an act of aggression.

472. Sheikh Saleh also said that even if, for the sake of argument, it were to be admitted that there were some kind of relationship between Muscat and Oman, this would not mean that the United Kingdom would have the right to interfere in Omani affairs, in violation of the United Nations Charter, and impose its own solutions. First, the Charter said it is the Security Council and not the United Kingdom which has the power to take any action for maintaining peace and order and defending people against aggression. The United Kingdom had no right to take this from the United Nations and to make itself a guardian of peace and security. Secondly, by doing this the United Kingdom had destroyed the principles of the United Nations. Whether Oman was independent or not, the United Kingdom had nothing to do with it. Third, even if it was agreed that the Sultan of Muscat was the legal ruler of Oman, the United Kingdom did not have the right to support him against his people. Power cannot be used except for a just cause and help cannot be extended to a ruler to use against his people. Fourth, the United Nations Charter stated that no Power had the authority to take armed action except in the case of self-defence, and even then it should be done only collectively and under the authority of the United Nations.

473. Sheikh Saleh then cited Hyde, a British legal authority, as stating that the principles of international law did not allow a foreign State to interfere in the internal affairs of another State to put down a popular revolution, even if it was in implementation of a treaty which allowed such interference. Hyde had also said that such interference could not be legally made on the basis of a treaty since to carry out such an action against the people of a foreign country was a violation of rights, and an act which killed the revolution and denied the right of people to revolt against their government. These were simple facts which were well known in the modern world today and formed the basis of international law.

474. Sheikh Saleh also drew attention to the announcement by the British following their aggression against Oman, that the Treaty of Sib had been abrogated. He stated that the Treaty was not one that could be abrogated by war. By maintaining this position, the United Kingdom was acting contrary to the London Protocol which was signed on 17 January 1871 after Russia had broken the neutrality provisions contained

in the Treaty of Paris of 1856. This Protocol had stated that the great Powers considered that one of the basic principles of international law was that they could not remove their obligations under a treaty or amend its provisions, except by mutual consent of the contracting parties. This text had been included in the resolution of the Council of the League of Nations adopted on 17 April 1935, as well as in the London Agreement of 19 March 1939, concluded after the abrogation by Germany of the Locarno Treaty. Furthermore, by instructing the Sultan to annex Oman to his country, the British had flagrantly violated a number of international pacts and agreements. Among these were the Bogotá Pact of 30 April 1948, which stated that victory did not create new rights (article 5) and that territorial acquisitions or special advantages obtained either by force or by other means of coercion should not be recognized (article 17). This principle had also been adopted by the League of Nations when it had refused to recognize the occupation of Ethiopia by Italy. There was also the Atlantic Pact of 1941, which stated that the United States and the United Kingdom did not recognize any territorial changes which were not in accordance with the freely expressed wishes of the peoples concerned.

5. *Extent of the fighting*

475. The Committee questioned petitioners on the extent of the fighting and about the participation in the conflict by the Omani people. One petitioner informed the Committee that the fighting took place not only in the vicinity of the Jabal al Akhdar but all over Oman, including Muscat and Dhofar. Another petitioner said that the majority of the people were with the Imam, but some did not fight for him because they were afraid of the British. Another petitioner said that some of the sheikhs and tribes had supported the Imam and some had not. He also said that Sheikh Sulaiman bin Himyar, the leader of the Bani Riyam tribe, had supported the Imam, but that the Harth tribe had been divided.

6. *Loss of life, damage and destruction*

476. The Imam and many of the petitioners drew attention to the enormous damage and destruction of life and property caused by the fighting. They said that many "hundreds" of men, women and children had been killed indiscriminately. Many who were not killed died of hunger or disease. There were no hospitals or doctors and the British prevented the Red Cross from giving any assistance. The petitioners spoke of the destruction of houses, wells, palm groves and underground water courses (*fajaj*). They pointed out that by destroying the water supplies, the British had brought famine to the land since the people could no longer grow crops. Whole villages such as Tanuf, Ghamer and Al Ain had been destroyed. One petitioner who came from Tanuf said that the village had been completely destroyed and the inhabitants had been forced to take refuge in other villages.

7. *Nationality of the troops involved*

477. Neither the Imam nor any of the petitioners made any distinction between the troops involved in the operations of 1955 and those of 1957 and 1959. In their view they were fighting "the British" all the time. When asked about the Sultan's army, one petitioner said that the Sultan had no army, there were only the British. When questioned concerning the troops they

were fighting against, the petitioners, who in most cases had taken part in the fighting, always mentioned British troops. Some said that there were British officers and mention was made of Baluchis, Iranians, Omanis from Muscat and troops from Aden and Kenya.

478. The statement given to the Committee on behalf of the Imam emphasized that, from the beginning of the war up to the present, no single person participated on the Omani side who was not related to the people of Oman.

8. *The negotiations in Lebanon, 1960-1961*

479. The Imam and Sheikh Talib stated that there had been three meetings in Lebanon in 1960-1961 between representatives of the Imam and the British. The British Resident at Bahrain had represented the British and the Sultan. The negotiations had not been successful. The British had made no proposals and had simply wanted to gain time and show the world their willingness to negotiate. The British had asked the Imam's representatives to make proposals and this had been done. At the first meeting they had made the following proposals:

(a) That the situation in Oman before 1955 should be restored. This they believed was the best way for the people of Oman and Muscat to get close to each other again;

(b) That the British should release all prisoners;

(c) That the British should pay compensation for all that they had destroyed.

The British had said that they would discuss these proposals but when the next meeting took place, all the British talked about was whether the meetings should be held in secret or in open sessions. After the main discussion had started, the British said that the Imam should first withdraw the case from the United Nations. This was refused because the United Nations had been formed to solve disputes of this kind. The Imam's representatives had said that the case with the United Nations would end when the problem was solved; the case would withdraw itself from the United Nations. The other British proposal was that the fighting should be stopped. The Imam's representatives had said that this could not be done unless the British showed in good faith that they wanted peace and would accept a certain solution. At the same time the British were reminded of the first proposals made by the Imam's representatives. They again said that they would study them.

480. At the following meeting the British had suggested that it would be better if all the leaders went back with the refugees and lived under the British and the Sultan. The reply of the Imam's representatives to this was that this case was not a matter for individuals, it was a national cause. The people of Oman felt that their freedom and dignity had been taken from them, and it was vital that they should be restored. A solution such as the one proposed by the British would do nothing to restore dignity and freedom and the people would not accept it. The Omani representatives had repeated that it was best to go back to the situation in 1955. In this way the people of Oman could be given some small measure of content. This was the least that should be done. The British representatives, however, had insisted on their last proposition; that is that Sheikh Sulaiman, Sheikh Talib and Imam Ghalib should return. This was refused. The British were told that the Omani representatives had come there on behalf of the Imam

and the people of Oman, that their aim was peace and they wanted to please the people of Oman. This had ended the negotiations with the British. The door was always open for a first proposal but the Omani leaders could not go back as the British had proposed.

481. When the United Kingdom was asked to comment on these negotiations and on the part played by the United Kingdom in them, the Committee was referred to a statement made in the British Parliament on 15 March 1961 by the Lord Privy Seal, which reads as follows:

"The former rebel leaders, who fled from the Sultanate of Muscat and Oman at the beginning of 1959, later took the initiative in seeking terms for their return. After consulting the Sultan, Her Majesty's Government agreed that British representatives might take part in informal and exploratory contacts with some of these leaders. The Sultan for his part was willing to grant an amnesty to rebel leaders and their followers and permit them to return in safety subject to satisfactory guarantees of keeping the peace.

"The statements made by the rebel leaders to a British representative at a meeting in January 1961 afforded some hope that a settlement satisfactory both to the Sultan and to the rebel leaders could be achieved, although patient negotiations might still be necessary. At a further meeting in February, however, the rebel leaders completely reversed their previous attitude and demanded the recognition of sovereign status for a part of the Sultan's territory, Oman. This went even beyond the interpretation previously placed by the rebel leaders upon the 1920 Agreement of Sib, which they had in effect repudiated by their earlier actions but to which they now appealed. Still more did it go beyond the interpretation placed on that Agreement by Mohammed bin Abdullah al Khalili and the other Shaikhs who signed it.

"The situation at the present time is that there is quiet in Oman and general security in the country. The Sultan is rightly determined that these peaceful conditions shall not be disturbed from outside. But he has only last week confirmed that his offer of an amnesty has not been withdrawn and applies to the rank and file—a number of whom have already returned—as well as to the principal rebel leaders.

"Her Majesty's Government continue to wish sincerely for a settlement under which the rebel leaders could return to Oman under terms satisfactory both to the Sultan and to themselves, and their good offices will always be available if there should seem to be prospects of success."⁵⁴

G. PRESENT SITUATION IN MUSCAT AND OMAN

1. *System of government*

482. The Sultan informed the Committee through its Chairman that Muscat and Oman did not have a written Constitution. His country was run on the basis of customs and understandings that had grown up over the years and which together made up the country's Constitution. The administration of the country was carried out through sheikhs and *walis*. A sheikh was a head of a tribe and in ruling his tribe he was responsible to the Sultan. There were also *walis* who worked through five or six sheikhs under them. Some of the sheikhs exercised wide powers on their own, while others had a group of four or five people to help them. Sheikhs had direct access to him and although he encouraged them to discuss problems with the *walis*, they still came to him direct. If a sheikh misbehaved the Sultan could remove him and appoint another. If a sheikh fled the country he automatically lost his posi-

⁵⁴ See *Parliamentary Debates (Hansard), House of Commons, Official Report, Fifth Series, vol. 636, Session 1960-61, comprising period from 6-17 March 1961 (London, Her Majesty's Stationery Office), Written Answers to Questions, cols. 123 and 124.*

tion. The tribal system still functioned throughout his country, except in the towns of Muscat and Matrah. Other countries had parliaments and political parties, in place of the tribal system. In Muscat and Oman the sheikhs expressed the opinions of the tribes and the younger generation had no say in anything.

2. Security situation

483. The Imam and many of the petitioners informed the Committee that the struggle against the British and the Sultan was still being continued inside the country by means of guerrilla warfare. The Imam said that although the British and the Sultan were in full military control, the people were still continuing their struggle. A number of the persons the Committee interviewed had returned to Oman to carry on the fight. One such person told the Committee that they kept up the fight against the British by such actions as blowing up vehicles. Another said that the guerrilla warfare was going on in all parts of Oman but especially in the Jabal al Akhdar region and around Nazwa.

484. When the Sultan was asked about the activities of the Imam's supporters, he stated that the position as outlined in paragraphs 96 to 102 of the report of the Secretary-General's Special Representative (A/5562) was generally correct. He also said that Ghalib bin Ali, whom he did not recognize as Imam, was no longer in the country and there was no area that was under his control. This had been made clear in the Special Representative's report. The whole country enjoyed peace, and law and order was the rule except for a few troubles created from outside.

485. The attention of the Sultan was drawn to claims made on behalf of the Imam's supporters that resistance was being continued by the Bani Bu Ali in the Ja'an area, that members of the Omani Liberation Army had recently blown up an arms depot at a British military post at Rustaq, that a military barracks at Muscat had been set on fire, that resistance had increased around Nazwa and that British planes had recently bombed this area. The Sultan said that these claims were false. The sheikhs of the Bani Bu Ali had had trouble with their own people, but this had nothing to do with the Government. Further, the claims about Nazwa were quite untrue. An agricultural show had been held there recently and it had been attended by more than 2,000 people.

486. When the Sultan was asked whether he could name the principal sheikhs co-operating with him and those who were not, he replied that there was no question of whether a sheikh co-operated with him or not, as they were all his subjects. The orders of the Sultan and his Government were being carried out by the sheikhs, who numbered over 200. Asked whether there was at present any fighting between the tribes, the Sultan said that there was none. The Omani people were a peace-loving people, it was only certain self-interested sheikhs who caused trouble. The people were agriculturalists, fishermen and traders, and wished to go about their lives peacefully.

487. Many petitioners referred to actions taken by British troops against Omanis. Some petitioners had experienced these actions, others had been informed of them by relatives and friends, while others had heard of them through other sources. They described how the people were harassed, accused of supporting the freedom fighters, how their houses were searched, their prop-

erty destroyed, and how they were imprisoned and kept under constant surveillance. The following extracts from written statements by two petitioners to the Committee give some idea of the feelings of petitioners on these matters:

(a) "Several months ago Britain began burning the houses of the people in Al-Baloosh and other places in order to upset the people and smear the good name of the revolution. However, the people were aware of this British trick and soon they discovered those crimes were committed against the people by Britain. Britain had premeditatedly decided to divide and rule and create a religious complex, but she was unsuccessful in that endeavour. Those British endeavours led only to the strengthening of the confidence of the people in themselves and led them to be more cohesive against those British beastly acts. As for the families which were the victims of the fire, they have resorted to the mountains and have considered the graveyards as their residence instead of accepting British promises of honey and milk. The victims of that fire were ordered to leave—and indeed that made them refugees. There are some 6,000 families in Matrah and Muscat who reside on the mountains, exposing themselves to heat and harsh weather".

(b) "As the whole world knows, the Omani freedom fighters are directing their attacks on British military camps and planting bombs in the way of British military troops. British troops attempt to suppress the freedom fighters with all their facilities; but all their efforts to capture the freedom fighters have so far failed. The authorities have applied methods of collective suppression and thereby detained the people in any village in which a bomb exploded, or one of the freedom fighters attacked a British military camp. These people are thrown into prisons without any trial and several villages have been fined heavily—up to 1,000 French francs or equivalent to £300, approximately. In this way, many citizens have been imprisoned and their families have been without a bread-winner.

"British troops investigate and search continuously all villages and towns around which the freedom fighters centre their attacks on British military camps. This appears to be a daily search. We wish to mention particularly the following towns in which search and imprisonment have become ordinary matters. These are the towns: Nazwa and its surroundings, all the villages of Jabal al Akhdar, Azaka, Al-Baraka, Firq and Kama. Even though most of these villages and towns have been destroyed completely and three fourths of their men have been imprisoned, and even though there have been only the elderly, and women and children residing in the houses, the occupying troops accuse these helpless and unarmed people as supporters of the freedom fighters and, therefore, mistreat them.

"Whereas three fourths or more of the soldiers of the Sultan are foreign mercenaries, and whereas the people have refrained from joining the army of the Sultan, these mercenaries have no mercy on the people of the country, which is not theirs. These soldiers mistreat and torture the people severely. And whereas there is no one to supervise their behaviour against the citizens, they would commit the worst suppression against the people, particularly the women who cannot leave their houses except in the company of a group of men, fearful that the soldiers may attack them. If the people of a town or village which is surrounded wish to protest to the authorities about this treatment which they receive from the soldiers, they would be exposing themselves to prison and mistreatment on the pretext that they are causing disturbance."

488. The latter petitioner claimed that the oil operations in the area of Fahud had been interrupted by guerrilla activity and only resumed after hostages had been taken. His account is as follows:

"Britain claims that conditions in Oman have returned to normal and that the citizens are continuing their normal occupations, and that the extraction of oil has begun in Oman. We, the citizens, know very well what is the actual situation in our country, and we should like to expose it to

your respectful Committee and to explain the truth about these stories about the extraction of oil in Oman. We say an oil company in Oman began doing some work in the mountain of Al-Fahud and Al-Duqum. However, the freedom fighters, with the assistance of all the citizens, were able to prevent all such works, and destroyed all the equipment of that company, which had entered the country with the assistance of British forces. Finally, when the authorities gave up the hope and knew that they could not protect that company from the attacks of the citizens, the authorities resorted to their method of taking hostages from each tribe in the region. The hostages were distributed with their families in the region of oil operation and these hostages were forced to move with the company and its caravans so that places of operation would not be attacked by the freedom fighters, fearing that the hostages may get hurt. In this way the occupying authorities were able to secure a relative degree of stability in Al-Fahud and Al-Duqum and Al-Rasil."

489. The Sultan's attention was drawn to a claim that, during May 1964, 10,000 homes in various parts of Oman had been destroyed by fires which had been started by the British and that the people of Oman had been unjustly charged with responsibility for the fires and many people had been thrown into prison. The Sultan said that this was untrue. There had been some accidental fires amongst houses made of date fronds and a strong wind had driven the fire through them. This had happened before and had also happened in places outside Muscat and Oman.

3. Nature of the Sultan's rule

490. The Sultan said that his rule had been called autocratic but, in truth, his people were like his children and he ruled them as a father ruled his family.

491. The Imam and all the petitioners said that the Sultan's rule was harsh, cruel and unjust and that it was the British who were really ruling through the Sultan. The following statement was presented to the Committee by a group of Omani students:

"The Government in Muscat is an absolutist, arbitrary and despotic rule. There is no law in the country to regulate the common affairs of citizens and their duties. Political activity is forbidden and there are no clubs, not even sports clubs, as they are forbidden to be established.

"Every small or big event in the country has to be related to the Sultan, who in turn asks the views of the British Resident. Britain always tries to evade responsibility of what has happened and is happening to Oman and puts that responsibility on the shoulders of the Sultan of Muscat. However, the truth is that if there were no Britain, there would not be a Sultan in Muscat."

492. Many specific complaints were made about the Sultan's rule. Some petitioners said that there was no justice and, although the Sharia law was supposed to prevail, it was, in fact, subordinated to the Sultan's will. Others accused the Sultan of monopolizing trade; of allowing foreigners (particularly Iranians) to come into the country and gain control of economic life; of giving preference to these foreigners in employment; and of neglecting to provide for the educational and health needs of the people. The following extracts from petitions illustrate the complaints that were made to the Committee:

(a) "The Sultan, the traitor-stooge, does not serve his people as much as he serves his master, Britain. The Sultan commits many crimes and the most wicked and inhumane acts against his poor and wretched people. In Oman, there are no schools and no hospitals, nor even the simplest facilities of life. Thousands of the people of Oman have been expelled; they cannot work in their country. Building of houses is forbidden, except for foreigners. The people are permitted to build houses of palm tree leaves only. In

Muscat, the stooge monopolizes commerce, in co-operation with one of the opportunists by the name of (name withheld). This man is a merchant and he represents Said bin Taimur and divides the profits, controlling different kinds of monopolies, and thereby playing by the fortunes of the people. That brings deterioration of the economic life by smuggling currency to the outside, and smuggling goods to be sold in the black market. Disease kills hundreds of the people and there are no remedies nor preventive medicine or other means for the control of disease. There is poverty, disease, ignorance, misery and tragedy, as if God had written that misery and pain shall be the share of this people; for the people are crying to the skies and find no salvation for their needs and demands. If it were possible for the Fact-Finding Committee to go to Oman, what would it find? It would find nothing but miserable life and the most wretched conditions. It is a bitter life indeed."

(b) "The people there are still living in an unknown world, the world of the primitive man, isolated away from modern life. There the people are forbidden even to build houses made of cement. They have only the right to build houses out of palm tree leaves and straw. And he who has a house or a piece of property from time immemorial and has no property documents will have to leave that property and go around searching for a piece of land or a house in which to live. That land and house would be considered the property of the Sultan. Likewise, ignorance and disease are all over Oman. There are no schools in the whole of Oman except one elementary school in Muscat, which can house only thirty students. Hospitals do not exist and disease kills the people by hundreds. Life is very severe and harsh. Travelling to find a source of living is forbidden; students are forbidden to leave the country except with special permission from the Sultan.

"The Sultan does not represent his people nor does he serve the interest of the nation as he serves his master, Britain. He is a devoted servant of Britain and he has expressed his pride in serving her degenerating purpose. In this regard he is not concerned with the poor and wretched people who live under the most severe conditions and terrible circumstances. He monopolizes the trade and thereby exposes the country to famine, disease and poverty. He has no objective, except to collect money and deposit it in Swiss and English banks. Likewise, he has permitted foreigners to utilize the potentialities of the land and the food supplies of the people. His rule has been corrupt and tyrannical. He has been a despot who has been backed by ugly and naked British power which had found him an instrument for their wicked ends and in order to commit the gravest crimes against humanity."

(c) "The conditions in Oman are far from the minimum requirements of modern life. A deadly isolation is imposed on the country, keeping it away from the outside world; it exists in a sad atmosphere, dominated by arbitrary rules and tyrannical behaviour which has exhausted the people and forced it to poverty, hunger, ignorance and disease, without any human consciousness and feeling of human responsibility.

"The people of Oman have suffered greatly and have been behind as a result of the reactionary policies of the rulers who hide behind the walls of their palaces, leaving the country to a handful of criminals and local stooges to implement their will in an arrogant way against the people. This handful of stooges would do their utmost to satisfy their desire for revenge. They have suppressed freedom, have fought against the people, imposed a reign of terror against the populace, employing all kinds of suppression and tyranny which had led many of the people to leave the country and live in the neighbouring countries, seeking their livelihood."

493. The most detailed picture of economic, social and educational conditions in the Sultanate was given by a group of Omani students in Cairo. It was as follows:

"The Sultans of Muscat followed a policy of suppression, with British assistance and direction, so that they would be able to impose their policy on Oman. The present Sultan, Said bin Taimur, has surpassed his predecessors in this policy,

as this policy is reflected in the cultural, social and economic conditions prevailing in the country.

"Education in Oman"

"By that we mean education in what is politically called the Sultanate of Muscat and the Imamate of Oman in the interior.

"There are no modern schools in the whole of the Sultanate and the Sultans did not give attention to education. When the Government of the Sultan was in need of officials, it used to contract with Indians to work in the Government offices. When the present Sultan Said bin Taimur came to power, he found that contracts with foreign employees for small government jobs would cost the Treasury heavily. Therefore, he found it was more reasonable to open up schools to graduate small civil servants and appoint them with low salary to fill the vacuum so that there would be no need for foreign employees. Thus the Sultan Said bin Taimur opened the first grammar school in 1940 in Muscat.

"From that time to the present, namely, after twenty-four years, there had been no other school in the capital Muscat or in the whole Sultanate except for one new grammar school which was opened in Matrah two years ago.

"We can summarize what we have thus far said as follows :

"1. There are no high schools in the whole of the Sultanate to provide for the Omani students to continue their studies.

"2. There is no grammar school or high school to teach the girls.

"3. There is only one grammar school in Muscat and one grammar school in Matrah.

"4. There are no schools whatever in all the big cities of Sur, Hammin, Sammar, Al-Sabah, Barka, Al-Meda and Khabura.

"The Government of the Sultanate has not sent any mission for studying abroad, and young people who study in the universities and high schools in Cairo have left the Sultanate and have been accepted in the universities and high schools of Cairo at the expense of the United Arab Republic Government, while the Sultanate does not help to support their education at all; on the contrary, it tries to put obstacles in front of them.

"Thus it appears clearly that education in the Sultanate is a grave national tragedy where the people live in darkness, ignorance and are deprived of education.

"Education in the Imamate of Oman"

"By Imamate of Oman we mean the interior region of Oman which was under the rule of the Imam of Oman until 1955. Education in the Imamate of Oman was in no better shape than in the Sultanate. There were no modern schools in the whole of the Imamate. Students received their elementary education in traditional schools which were open to teach the principles of religion, the Koran; and that was the result of the intellectual, educational and political isolation in which the Imamate had lived in its last days. That in turn was the result of the Imamate's fear of Britain and of the authorities and of whatever was foreign. That fear had accentuated the isolation of interior Oman from the outside world and made the people live in ignorance and total isolation.

"Economic conditions in Oman"

"Oman is considered one of the richest regions of the Arabian Peninsula. Most of it is fertile and much of it constitutes plains. Its valleys are no less important than the plains of Syria or the mountains of Lebanon and Iraq. Oman is an agricultural land and its soil is very rich, and it has plenty of water sources. Its agriculture is diverse and its mineral resources are rich, even though unexplored as yet. In addition it has an excellent geographic location and an important centre of trade.

"1. *Agriculture.* Even though Oman has rich soil and many water sources and small rivers, yet it is to our regret that agriculture in Oman is primitive and backward. Indeed, the agricultural products of the country are not sufficient

for local consumption and that is because of the following reasons :

"(i) The use of primitive methods in agriculture and lack of implementing modern agricultural methods;

"(ii) There is a lack of an agricultural awareness, as well as a lack of experts and technicians;

"(iii) There is no modern agricultural equipment in Oman;

"(iv) There is no ministry or department, even if it were a small one, to be responsible for agriculture for the whole of Oman.

"All these factors have led to the under-development of agriculture for which the Government of Oman is responsible fully, as it does not assume its obligations towards this important sector of the life of the country; and, indeed, if the Government had given a little attention to it, it would have been able to export its products to the countries of the Arab Gulf and it would have been able to help develop the economy of the country and increase the national wealth and the *per capita* income. It would have made agriculture of no less importance than petroleum in raising the standard of living of the people.

"However, to our regret, reactionary forces and imperialism do not wish for the people to improve and progress. They are happy that the people are poor, so that they would remain always under their control.

"2. *Commerce.* There is no doubt that the general economic conditions have an important influence on the condition of commerce. The general economic condition in Oman is at a state of stagnation and the economic situation is poor. The governing authorities are busy enjoying their private interests and, naturally, that would reflect on the economic conditions and commerce. Commerce is in a state of stagnation and commercial transactions are few. Imports are increasing and the exports are decreasing and that is due to the agricultural situation which was mentioned earlier.

"The commerce in Oman is handled by the Indians and their leader is (name withheld). He is considered one of the richest of the wealthy people in Oman and all the commerce is in his hand. If we remember that most of the commercial transactions are with India, and the one who conducts those transactions is an Indian, we can deduce that he plays an important role in affecting the prices and their rise by decreasing the supply of the goods, as he is the one who has the monopoly over the importation of basic goods.

"In addition to that, there are some Omani merchants. However, they have a little bit of influence compared with (name withheld), as the State supports the latter and gives him official privileges. Likewise we should not forget that India—and that is the State with which most of these transactions are connected—helps its own nationals.

"The most important goods imported into Oman: rice, sugar, flour, clothing, tea, wheat, corn, cement, cars. Which means that Oman imports all the consumer goods, whether they are essential or luxuries.

"Most important exports: dry dates, fish, dates, lemons, peaches. As we mentioned earlier, the exports have decreased as a result of the poor agricultural policy and the lack of attention to the agricultural sector.

"Health conditions in Oman"

"Health conditions are very poor in all parts of Oman and that is due to poor nutrition and poverty, on the one hand, and due to the lack of sanitation and health protection on the other. The infectious diseases in Oman which threaten most of the people include the eye diseases such as trachoma, TB and lung diseases and fever.

"There are no hospitals or clinics in all of Oman except the hospital which exists in Muscat and another one in Matrah, the latter belonging to an American Mission. If we know that there are no means of communication and contact is very hard, it will become clear that the people will suffer many difficulties in the process of reaching the hospital in Matrah or Muscat.

"Social conditions of Oman"

"There is no doubt that the educational and economic conditions affect the social conditions of Oman. The poor economic condition in which the people of Oman live has led to hunger and disease. The people as a whole live in poverty; they cannot find their daily bread, and diseases attack them, and they do not even have the price of the medicine. Health protection does not exist while ignorance prevails; and there are no schools at all.

"Thus the people of Oman live, and the diseases kill them. The Sultan in the meantime is unaware of what happens to the people; and the British authorities play in our land, ignoring the actual conditions, saying that it was none of their responsibility even if they considered the occupation of the land, the killing of the people, the destruction of their houses and burning them part of their affairs."

494. Many petitioners laid great emphasis on the question of political prisoners and the conditions in which they were being held. A number of petitioners said that their relatives had been imprisoned. Anyone who opposed the Sultan or the British was imprisoned. If a person who had fought with the Imam returned to Oman, he would be imprisoned too. One petitioner said that there were 150 sheikhs in prison at the present time. The Committee's attention was also drawn to the primitive conditions in the Sultan's prisons. It was stated that prisoners had little to eat and were tortured. The following extracts from written petitions to the Committee are typical of the statements made.

(a) *"The condition of the prisoners: We beg the honourable Committee to call the attention of world public opinion and the attention of the International Red Crescent and Red Cross to direct their efforts to these poor prisoners and to do something as soon as possible to save their lives from certain death in those terrifying prisons in Muscat. Every Omani calls these prisons 'houses of death'. We do not expect the honourable members would be astonished if they were told that the prisoners in these prisons of Muscat die suffocated due to lack of air. You may say that this could not be true, or is an exaggeration and that such a thing could not take place, such prisons could not exist in the world now that we are in the second half of the twentieth century of civilization and enlightenment. We, the Omanis, say that there is nowhere in the world with a government similar to that one in Muscat. The government there would issue sentences which prevailed in the Middle Ages. If the members of the Committee wish to verify the truth of what we have said here, you have only to ask any citizen of Oman. Ask him about the prison called 'Kout Al-Jalali'. Then you will notice the fear and resentment which appear on his face and then it will be evident to you that 'Kout Al-Jalali'—this place in which all these prisoners had been confined—is not a prison as we understand it, that it is a well of death, in which whoever is thrown should be considered as one of the dead.*

(b) *"We have seen with our own eyes the torture of innocent prisoners. Furthermore, regarding the prisoners and their lives, each prisoner was put in a dark place, so dark that he could not distinguish between night and day. These were built during the Middle Ages as storages for food when they used to fight but now they have become places to store human beings, imprisoned sons of Oman.*

"The life of the prisoners. Each prisoner receives every day half a pound of dates, one cup of water and a small loaf of bread.

"The prisoners are subjected to inquisition, threatened that they would be shot if they did not confess or reply to all the questions.

"Many of the heads of the tribes were killed by poison secretly so that the tribe would not revolt and take revenge if it knew that its head was killed and assassinated. Britain resorted to barbaric acts which make human beings ashamed. It has poisoned the prisoners so that it would not appear to their family that they had been killed. Some of them are thrown into the sea alive, so that no one would know their

whereabouts and the only thing people would know is the appearance of their names, written in the vital statistics.

"Any man from the Omanis who said anything about the revolution would be imprisoned."

495. The Sultan said that there were no political prisoners in Muscat and Oman in the sense the term was used in other countries. All prisoners were held on specific charges which ranged from murder to arms smuggling. It was true that Sheikh Ibrahim bin Isa al-Harthi was a prisoner, but he was not a political prisoner. He had led an armed band and had defied the Sultan. The charge against him was of armed rebellion and opposing the Sultan's Government. When asked whether there were others in prison on the same charges, the Sultan replied in the negative. Some people, he said, had fled and Sheikh Sulaiman bin Himyar had voluntarily exiled himself.

496. Many petitioners complained of the difficulties the Sultan placed in the way of persons wishing to travel out of and into the country. Some said it was difficult to get permission to travel to other countries, even to get hospital treatment or for educational purposes. Furthermore, persons wishing to travel were obliged to take a Sultanate passport even though they were Omanis. It was also difficult to enter the country. There were numerous inspection posts where persons were questioned and searched. Anyone suspected of having had dealings with the Imam was given special attention and kept under surveillance the whole time he was in the country.

497. Many of the persons interviewed said that they had travelled secretly back to Oman. On the other hand, the Committee interviewed a number of persons in Cairo and Kuwait who had experienced little difficulty in travelling legally to and from the Sultanate. For instance, a group of senior students interviewed by the Committee in Cairo said that they returned to the Sultanate for their vacations each year.

498. One aspect of the difficulties of entering Muscat was raised by the Imam. He stated that no observers or reporters were able to enter the country and tell the truth about it. This gave the British great advantage, because the world did not know what was going on there. He noted also that the British had not allowed the Committee itself to go there. On this point, the Sultan said that he had allowed a number of journalists to come to his country to write about it, but his experiences with journalists had not been happy ones. If they had set down the facts, he would have had no complaint, but they had spent only one or two days in the country, had not spoken to the people and had written untrue things. He did not mind writers making their comments provided they were based on facts. He had nothing to hide or to be ashamed of in Muscat and Oman and was not afraid to let the facts speak out.

4. *The situation in Dhofar*

499. The Committee interviewed two persons from Dhofar province. One stated that before the arrival of the British and the Sultan sometime after the First World War, Dhofar had been independent of both the Imamate and the Sultanate and had governed itself according to the ways of Islam. The other believed that Dhofar had been and was a part of Oman; the people of Dhofar were all brothers together with the Imam and the people of Oman; they had one land, one religion and one enemy, the British. They were united in their struggle and in their aims.

500. The Committee was informed that the British had caused trouble between the two main tribes, the Kathiri and the Mahra, by taking land from the Mahra and giving it to the Kathiri. Moreover there were gradations between the tribes and also within the tribes. Some tribesmen lived in the towns, some in the mountains and some in the desert. Those in the towns lived on the labours of others and were privileged in relation to the tribes in the mountains, who had no right to settle in the towns and build houses there. The Sultan supported the stronger against the weaker and fomented troubles between them. Instead of trying to bring the people together, the Sultan used his power to keep them apart.

501. The people of Dhofar, the Committee was told, were treated by the Sultan as slaves. He was cruel and imposed many arbitrary restrictions on the people. They could not travel outside; they were not permitted to build houses; food could only be bought in one walled market where the quantity that could be bought was fixed; and they were not allowed to import or export goods. Further, there was no work in Dhofar, no schools, no hospitals, no economic life, no equality and no right to participate in politics. For instance, in 1957 when the oil company came, people from outside the country were given the jobs, although local people had wished to work. However, the young people of Dhofar had held secret meetings about these matters and although they had had no education, some of them had travelled and they all knew their rights.

502. Both petitioners said that the struggle against the Sultan had already begun in Salalah. They had bombs and were fighting for their freedom. They had bombed a holiday resort and blown up a bridge. The guerrilla fighters were in the mountains and although they were short of weapons and food, the fight would be continued with help from the Imam's Revolutionary Council. They opposed the Sultan because he co-operated with the British.

H. PRESENT RELATIONSHIP WITH THE UNITED KINGDOM

1. *Treaties and agreements*

503. The written agreements in connexion with the relationship between the Sultanate and the United Kingdom are: the Treaty of Friendship, Commerce and Navigation concluded on 20 December 1951,⁵⁵ the agreement contained in an exchange of letters dated 20 December 1951 concerning consular jurisdiction;⁵⁶ and the agreement contained in an exchange of letters dated 25 July 1958 concerning the Sultan's armed forces, civil aviation, Royal Air Force facilities and economic development in Muscat and Oman.⁵⁷

504. The Treaty of 1951 was concluded between "His Majesty The King of Great Britain, Ireland and the British dominions beyond the Seas, and Sultan Said bin Taimur bin Faisal, Sultan of Muscat and Oman and Dependencies". It was signed by the British Resident in the Persian Gulf and by the Sultan himself. Ratifications were exchanged on 19 May 1952.

505. The Treaty, which was to remain in force for fifteen years, provided for reciprocal trading privileges on the basis of those enjoyed by nationals of the most favoured nation. This privilege had not been reciprocal

in the Treaty of 1939. Other reciprocal privileges included that of appointing consuls. Provisions which were not reciprocal included one that gave British nationals most-favoured-nation treatment in regard to the purchase of property in Muscat and Oman. There were also a number of provisions by which the Sultan accepted unilateral obligations. For instance, the Sultan agreed not to impose prohibitions or restrictions on goods imported from the United Kingdom which did not apply to goods imported from foreign countries, and he agreed to avoid delays and obstructions in customs procedures.

506. The agreement concerning consular jurisdiction is contained in an exchange of letters dated 20 December 1951, between the British Political Resident in the Persian Gulf and the Sultan. It provided for the vesting in the United Kingdom Government of extraterritorial jurisdiction over certain British subjects for a period of ten years from 1 January 1952. By the agreement, the British Consul was to exercise jurisdiction over certain non-Moslem United Kingdom citizens and British protected persons in connexion mainly with criminal charges made against them and civil suits in which they were defendants. The Consul's jurisdiction over nationals of countries of the British Commonwealth was more limited.

507. The agreement concerning the Sultan's armed forces, civil aviation, Royal Air Force facilities and economic development in Muscat and Oman is contained in the exchange of letters dated 25 July 1958 between the United Kingdom Secretary of State for Foreign Affairs and the Sultan of Muscat and Oman. The terms of the understanding which was agreed upon following discussions between the two parties are set out in full below:

"In pursuance of the common interest of Your Highness and Her Majesty's Government in furthering the progress of the Sultanate of Muscat and Oman, Her Majesty's Government in the United Kingdom have agreed to extend assistance towards the strengthening of Your Highness's Army. Her Majesty's Government will also, at Your Highness's request, make available Regular officers on secondment from the British Army, who will, while serving in the Sultanate, form an integral part of Your Highness's Armed Forces. The terms and conditions of service of these seconded British officers have been agreed with Your Highness. Her Majesty's Government will also provide training facilities for members of Your Highness's Armed Forces and will make advice available on training and other matters as may be required by Your Highness.

"Her Majesty's Government will also assist Your Highness in the establishment of an Air Force as an integral part of Your Highness's Armed Forces, and they will make available personnel to this Air Force.

"Your Highness has approved the conclusion of an agreement for the extension of the present arrangements regarding civil aviation and the use by the Royal Air Force of the airfields at Salalah and Masirah.

"We also discussed the economic and development problems of the Sultanate and Her Majesty's Government agreed to assist Your Highness in carrying out a civil development programme which will include the improvement of roads, medical and educational facilities and an agricultural research programme."

2. *United Kingdom interests in the area*

508. It will be recalled that it was stated in the Fourth Committee by the Arab States (see paragraphs 129-140 above) that the presence of oil and strategic considerations explained United Kingdom colonialism in the southern and eastern parts of the Arabian

⁵⁵ United Nations, *Treaty Series*, vol. 149 (1952), No. 1956.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*, vol. 312 (1958), No. 4524.

peninsula, which manifested itself in various forms. Some areas were known as colonies, others were controlled under the name of protectorates or under pseudo-legal arrangements imposed in the nineteenth century. In all cases the people were dominated by foreign rule which exploited their resources and deprived them of their political, economic and human rights.

509. In answer to a question concerning the basis of the United Kingdom's interest in the area and in Muscat and Oman in particular, the representative of the United Kingdom informed the Committee that, as was made clear in its memorandum (annex VII), the United Kingdom was concerned with maintaining peace and stability in that area and that its historical connexion with the rulers had given it the opportunity to help the rulers to that end. So far as oil was concerned, although there was some hope of commercial exploitation in the future, there had been none so far and the potentialities were not known. In any case, oil was only one feature among many. In general, the United Kingdom had an interest in maintaining peace in the world. In this particular area it had the opportunity to help in the maintenance of peace because of its long connexion with the area. There was no colonial relationship between the two countries. In answer to a question as to how the United Kingdom felt it could help maintain peace and stability in the area, the representative of the United Kingdom said that, as was stated in his Government's memorandum, the United Kingdom's interest in the area had been connected to a large extent to its stake in the sub-continent of India and the Indian Ocean. It had been anxious to contribute to freedom of movement and trade and, as a naval Power, it had been able to assist the Sultans to preserve peace and stability by putting down piracy and keeping peace on the seas. The United Kingdom also had had a strong interest in suppressing the slave-trade and had concluded a number of agreements with the Sultans on this question. The Sultans had also asked for other kinds of help, to which his Government had responded. It had provided economic and financial assistance and had helped in building up the Sultan's own armed forces. This assistance had always been given as between two independent countries. Broadly speaking, the United Kingdom had been ready to give help when required. The Secretary-General's Special Representative had described the nature of the aid given and had pointed out that, while the United Kingdom had assisted with money and personnel, the control of policy had remained in the Sultan's hand. This was a perfectly normal relationship between two States. When asked what factors justified the presence of the United Kingdom in the area, the representative of the United Kingdom replied that the United Kingdom's long-standing relationship was a justification. Moreover, the peace had been disturbed from outside the country.

3. General

510. In statements in the Fourth Committee attention was drawn to a number of "manifestations of colonialism", namely, a series of treaties imposing heavy and unreasonable obligations on the territory, the attempt by the United Kingdom to dismember Oman, repression in the territory, and British presence and domination in the territory.

511. In their memorandum to the Committee (annex IX) the Arab States stated that the Sultanate of Muscat had neither complete international responsibility with respect to acts inherent in the exercise of sov-

ereignty in external affairs, nor for corresponding acts relating to domestic administration, especially in the fields of economy and security. All external affairs of the Sultanate had been conducted by the United Kingdom Government, and the latter had at all times been the spokesman of the Sultan of Muscat in the United Nations. Decisions relating to economic and security affairs were either directly or indirectly made by officials of the United Kingdom Government or British advisers. British military bases were established in the territory, and British officers dominated the Sultan's army. In view of the foregoing and in accordance with the provisions of the various treaties concluded between the United Kingdom Government and the Sultanate of Muscat, it was obvious that the territory was of the colonial type.

512. The representative of the United Kingdom also gave the Committee information concerning the treaties between the United Kingdom and Muscat and Oman and the role and functions of the British Political Agent and Consuls at Muscat and those of the British Resident in the Persian Gulf (see paragraphs 377-405 above).

513. The representative of the United Kingdom also stated that there was nothing in the relationship between his country and Muscat and Oman that would prevent the Sultan from establishing relations with another country or from asking for help from another country. This decision was one for the Sultan alone and his Government had no right to interfere. The Sultan was free to take any kind of action he wished. In answer to a question, he informed the Committee that the Sultan consulted the Government of the United Kingdom but not as a matter of routine. If he did so, it was because he felt it a good thing to do.

514. The Sultan stated that the relations between his country and the United Kingdom were friendly. The Treaty of 1951, which was between the Sultan and the British sovereign, had been negotiated with plenipotentiaries sent by the United Kingdom and ratifications had been exchanged between the King and the Sultan. This was the normal procedure when treaties were being concluded between two sovereign States.

515. The Sultan also stated that his arrangements with the United Kingdom were based on reciprocity; consuls had been exchanged and the United Kingdom received nothing more from him than he received from them. There was nothing in his arrangements with the United Kingdom that deprived him of anything. The arrangements were not one-sided.

516. Most of the persons interviewed by the Committee maintained strongly that their country was a colony of the United Kingdom and that a colonial situation existed. One petitioner defined a colony as a country under the control of a foreign Power and gave Aden as an example. He said that the British method of ruling in Aden was approximately the same as in Muscat and Oman, where the Sultan did not take any action without first consulting the British. He might take action himself on some simple matters but on important matters, such as foreign relations, he consulted the British. Another petitioner, who maintained that Muscat and Oman was a colony, was asked whether the presence of foreign troops necessarily implied that a country was a colony. He said that this was not so, but that in this case the foreign troops were there against the wishes of the people and because of a personal agreement between the Sultan and the British.

517. Another petitioner defined colonialism as the direct and indirect interference of one country in another country. The United Kingdom exercised direct influence in Oman through its army and indirect influence in other ways.

4. British troops and military bases

518. The representative of the United Kingdom stated that the United Kingdom had no military bases in Muscat and Oman. The United Kingdom had certain staging facilities at two airfields, one at Salalah in Dhofar, and the other at Masirah Island.

519. When the Sultan was asked about the agreement with the United Kingdom concerning the armed forces, he said that the agreement was quite satisfactory. It did not interfere with his control over his armed forces. He added that when he made an agreement he never ceded anything; he always looked to the interests of his country first. The British officers were an integral part of his army. Moreover, there were also Pakistani officers serving in his army on the same basis as the British officers.

520. The Sultan pointed out that the airfields at Salalah and Masirah were staging airfields and not military bases, as was the case in Aden. Masirah was used exclusively for staging, while Salalah was an international airport for civil airlines. There was an agreement by which the United Kingdom acted as his agent and managed the airfield on his behalf. Although the Sultanate was not a member of the International Civil Aviation Organization, it respected their rules and regulations. The British managed the airfield on the basis of these rules, but permission for scheduled and non-scheduled flights could be granted only by the Sultan. The only exceptions to this were flights by the Royal Air Force, which were governed by a separate agreement.

521. Many of the petitioners, who spoke of the recent situation in Muscat and Oman, spoke of the presence of British troops. It will be noted in the quotations given above in section G, that many of the complaints about conditions in the Sultanate were related to the actions by British troops.

522. One petitioner said that, in Dhofar, there were three military bases. One was for British troops exclusively, while another was for the Sultan's soldiers who were being trained by the British.

523. The Imam informed the Committee that the United Kingdom was in full military control of the whole of Oman. The United Kingdom had bases and military posts inside Oman and surrounding it at the following places:

- (1) Duqm, near Masirah Island—base;
- (2) Masirah Island—large base, airport and shipping port, which according to recent information was an atomic base;
- (3) Bait al Falaj, at Muscat—base;
- (4) Saahal Maleh—base;
- (5) Odhaiba near Saahal Maleh;
- (6) Ras. al Hadd—base;
- (7) Sib—military post;
- (8) Suwayq—military post;
- (9) Suhar, at a place called Kashmir—military post;
- (10) Aswat—on the border between the Sultanate and the Trucial Sheikhdoms;
- (11) Manamah in the Trucial Sheikhdoms;

- (12) Hutmut Malahah;
- (13) Sharjah—well-known base;
- (14) Ras al Khaimah;
- (15) Kalba—military airport;
- (16) Dubai—military airport;
- (17) Salalah, in Dhofar—military airport;
- (18) Bidbid—base;
- (19) Izki—military post, east of Jabal al Akhdar (Green Mountain);
- (20) Nazwa—base and military airport;
- (21) Jabal al Akhdar—military airport;
- (22) Ibri—base and military airport;
- (23) Jabal Fahud, near the petroleum fields—military airport and post;
- (24) Adam—military post at Roefia;
- (25) Rustaq—large military post and military airport;
- (26) Al Awabi—military post.

The Imam also stated that soldiers patrolled the area in trucks. There were also a few destroyers watching the coast and one was always stationed at Muscat in the mouth of the harbour.

524. Many of the persons interviewed spoke of the strength of the British forces there. One said that they had planes, tanks, armoured vehicles, large bombs and mines. Another petitioner said that the tribes were constantly watched by the British forces and that whenever they moved they were attacked.

5. British presence and control

525. The Imam and the petitioners indicated that the principal way the British made their presence felt in Muscat and Oman was through the presence of British armed forces. Many petitioners spoke of the British being in control of affairs and directing the Sultan and his policies. Two British nationals were named as holding high positions with the Sultan, one was in command of the armed forces, the other was a principal adviser. The Committee was not informed of any other British nationals employed as officials. Some petitioners said that the Sultan was forced to govern by the British and that the army and the administration were under the control of the British. One petitioner from Rustaq, who had left there in 1960, said that the British had appointed a *wali* there but that it was a sham appointment. The British army officers there were the real rulers. What the British did was to tell the Sultan who should be appointed. The British always did the choosing and the Sultan always agreed.

526. Another petitioner, from Dhofar, said that everything the Sultan did was inspired by the British. This was the feeling that all people had. The Sultan spent most of his time at Dhofar, near the Aden base. The British Consul came to Dhofar to visit him and after the Consul returned to Muscat orders were issued. One consul had become the Sultan's principal adviser after his term as consul had expired.

6. External relations of the Sultanate

527. The Sultan stated that the external relations of his country were conducted by the External Affairs Department in Muscat, but important matters such as the present one were handled by the Sultan himself. Asked whether there was any written agreement with the United Kingdom Government concerning its handling of the foreign relations of the Sultanate, the Sultan

said there was none. From time to time when questions arose in places where the Sultan had no consular authority, the United Kingdom was asked to represent him. Because the United Kingdom was a friend of long standing, its Government was willing to help.

528. With regard to the Sultanate's consular representation, the Sultan stated that there was one consul in London. In other places the United Kingdom Government was empowered to issue visas to foreigners wishing to visit Muscat and Oman. Visas were issued according to instructions laid down by the Sultan. In London, however, the Consul carried out these functions, also on the basis of the Sultan's instructions. The Consul had been appointed in April 1963 and since September or October 1963, the United Kingdom had ceased to issue visas in London on behalf of the Sultan.

529. Asked whether any negotiations were being conducted to establish diplomatic relations and embassies, the Sultan said that, so far, the Sultanate had consular relations only with the United Kingdom and India. There was a provision in the treaty with the United States for the establishment of consuls, but there were very few United States subjects in Muscat and Oman and the United States had not opened a consulate. However, the United States Consul in Aden looked after affairs and visited Muscat and Oman from time to time. There was an Indian Consul at Muscat. He had been appointed under the 1953 Treaty with India, which had been ratified by the President. He had negotiated this treaty directly with the Indian Ambassador from Teheran, as a plenipotentiary, and after the treaty had been signed, ratifications had been exchanged. The treaty with the United States had been negotiated by the Consul General from Dhahran and he had exchanged ratifications with the President. When asked what part the United Kingdom had played in the cession of Gwadar to Pakistan, the Sultan said that the United Kingdom did not handle the Sultanate's affairs. The United Kingdom, in this case, had handled matters on behalf of Pakistan and that was why the Sultanate had dealt through the United Kingdom. The Sultan added that Muscat and Oman had had dealings with the specialized agencies of the United Nations. He received communications from some of them on such matters as statistics, and replies had been sent. Three years ago the Sultanate had requested assistance from the World Health Organization (WHO) and had sent representatives to Geneva. But WHO had not seen fit to give his country anything as the Arab States had opposed it, and his representative had been insulted.

530. The representative of the United Kingdom, replying to the question whether the Sultan consulted the United Kingdom in the field of external relations, stated that the Sultan had asked the United Kingdom to handle certain questions for him, but that in each case the decision to consult the United Kingdom Government had been taken by the Sultan himself.

7. Extraterritorial rights

531. On its memorandum to the Committee (annex VII), the United Kingdom stated that the extraterritorial jurisdiction allowed over British subjects and protected persons in the 1891 and 1939 commercial treaties had been greatly reduced by successive changes, both in and since the Treaty of 1951. The field of cases still heard by British courts was, in essentials, the following:

(i) Proceedings against non-Muslim servants of the British Crown (with certain exceptions relating to acts not on duty);

(ii) Proceedings between non-Muslim United Kingdom or (with certain exceptions) Commonwealth citizens or corporate bodies.

The memorandum also stated that the agreement providing for this limited degree of extraterritorial jurisdiction was due to expire on 31 December 1966.

532. The Sultan said that following the exchange of letters in 1951 on this subject, there had been another exchange of letters in 1961 and, as a result, the United Kingdom now exercised very little authority over its subjects. Consular jurisdiction now extended only to members of its armed forces. He had not considered the question of the renewal of the agreement and would consider the situation in 1966. The British had no extraterritorial rights in his country and were dealt with on the same basis as Indians, Pakistanis and others. He recalled that in his treaties with other countries there were clauses guaranteeing "most-favoured-nation" treatment.

8. Financial and technical assistance to the Sultanate

533. The representative of the United Kingdom informed the Committee that the financial and technical assistance given by the United Kingdom to the Sultanate had been outlined in paragraph 153 of the report of the Secretary-General's Special Representative (A/5562). He did not think there had been any change since then. Asked whether the Sultan had accepted any obligations in order to get assistance from the United Kingdom or whether the assistance had been given as from a friendly country with no strings attached, the representative of the United Kingdom replied that the aid had been given to a friendly country, as was set out in the exchange of letters of 1958.

534. Asked about the assistance given to the Sultanate by the United Kingdom and whether it was sufficient, the Sultan said that he could not say whether the assistance being given by the United Kingdom was sufficient or just, but doubtless the United Kingdom could provide the answer. However, whatever the United Kingdom gave was generous and was given of their own free will. Moreover, whatever military and financial aid the United Kingdom had given, it had never asked for anything in return. Sometimes Muscat and Oman had been able to assist the United Kingdom as, for instance, when war had broken out, the Sultan had been pleased to co-operate with the United Kingdom and let it use his airfield. There had never been any idea of giving something in order to get something in return, either verbally or in writing.

535. In answer to the question whether the Sultanate had ever considered seeking financial and technical assistance from a country other than the United Kingdom, the Sultan replied that he had never sought financial assistance as there was enough for the financial needs of the country. With regard to technical assistance, Muscat and Oman could seek it from any country, if it wished to do so and was not restricted in any way. However, he had not requested technical assistance from any other country, because it had not been needed.

9. Postal services and currency

536. The representative of the United Kingdom was asked whether the United Kingdom was in charge of the postal services in Muscat and Oman, including the

printing and selling of stamps. In reply, the Committee was informed that the United Kingdom General Post Office ran the postal services at the request of the Government of Muscat and Oman. The General Post Office paid the cost and in return received the revenue from postage. These roughly balanced. In effect, the General Post Office was the Sultan's appointed agent for running the postal services. These facilities were not limited to members of the British armed services; they were for the whole country. The people employed by the post office in Muscat and Oman were Arabs and Indians. There were no British personnel. With regard to the stamps used, the Committee was informed that British over-printed stamps were used by the postal service in Muscat at the request of the Government of Muscat and Oman. It was also informed that, if at any time the Sultan wished to substitute the use of other stamps, this would at once happen.

537. One petitioner, from Dhofar, said that there were no postal facilities there, except at the British military base where the Royal Air Force had a post office. Mail from outside the country was addressed to that office. The letters were then sent to the *Wali's* office where people went to collect them.

538. In answer to a question concerning the currency used in Muscat and Oman, the Committee was informed that the "external" Indian rupee was used.

10. Trade relations

539. The representative of the United Kingdom also supplied the following information concerning trade between the United Kingdom and Muscat and Oman. The latest available figures were for 1962-1963. Imports by the United Kingdom in 1962 were valued at £2,068, while the corresponding figure for 1963 was £2,235. The largest single item was bitumen and asphalt. Exports by the United Kingdom Government to Muscat and Oman in 1962 were valued at £1,012,000 and for 1963, £1,240,000. This made up over one-third of the total imports by the Sultanate in these years. The main items were motor vehicles and spare parts, pumping equipment and other machinery, chemicals, cigarettes and tobacco and other general manufactured goods. A good part of these imports were financed by the oil companies for their exploration and other operations. The imbalance in the trade between the two countries could be accounted for by the fact that the Sultanate's exports were mostly commodities which were not readily marketable in the United Kingdom and which were exported elsewhere, to such countries as Pakistan, the Gulf States and Aden.

I. SITUATION OF OMANIS OUTSIDE THE COUNTRY

1. Refugees

540. A number of petitioners stated that there were thousands of Omani refugees living outside the country. According to one petitioner, a member of the Revolutionary Council, there were about 10,000 living in different parts of the eastern province of Saudi Arabia, about 5,000 in Kuwait, about 200 in the United Arab Republic and about 300 in Iraq. Somewhat higher estimates were given by other petitioners.

541. The petitioners gave the Committee a variety of reasons for leaving. The majority said they had left because they supported the Imam and if they had not left the British would have killed or imprisoned them. Among other reasons were the following: seizure of

property, search for work, need for education, trade and business, imperialist presence, destruction by the British, lack of schools and hospitals, and British oppression. A common reason was that "there was no life or peace there".

542. Most of the persons interviewed said that they were refugees of one kind or another. Most said they could not go back to Oman for fear of being arrested. Others said there was no work there or means of making a living. Others did not want to go back and live under the oppressive rule of the British and the Sultan. One petitioner said that he would not go back because he was used to expressing his views freely and he would not be able to do that under the Sultan's rule. Almost all said that they wished to go back to make their lives in their own country and to be reunited with their families and relatives.

543. The Omanis in Dammam were all refugees and said that they received help from the Imam and the Saudi Arabian Government. Some said they received money each month, others referred only to having received a place where they could live. Almost none of the Omanis in Dammam were employed. In Kuwait, almost all the persons interviewed had employment of one kind or another.

544. The attention of the Committee was drawn to the condition of the refugees. In Dammam the Committee visited two areas and observed, at first hand, the difficult conditions under which they were living. In Kuwait, the Committee was informed that many important persons from Oman had been forced to accept menial work in order to live.

2. The Imamate

545. The Imam himself, the members of his councils and most of the petitioners regarded the Imamate as still in existence, though in exile. They denied that the Imam ceased to hold office because he had been expelled from his own country and said that, in accordance with tradition, the Imam would continue in office until he died or was deposed by constitutional methods.

546. The Imam has a Higher Council which includes Sheikh Talib bin Ali, the Imam's brother; Sheikh Sulaiman bin Himyar, the leader of the Bani Riyam tribe and of the Jabal al Akhdar region; Sheikh Saleh bin Isa, the leader of the Harth tribe and Amir of the Sharqiyah; and Sheikh Mohammed bin Abdullah al-Salimi. The Committee interviewed each of these leaders, with the exception of the last named, who was ill when the Committee was in Dammam.

547. The Committee was also informed that there was a Revolutionary Council and was given the names of its members. Almost all of its members were interviewed in Dammam, Kuwait or in Cairo. The Council had recently been reorganized and a number of committees had been established, namely, a Military Committee, a Financial Committee, and a Cultural Committee. A secretariat had been formed and representatives had been appointed to the Arab League. In addition to the Office of the State of the Imamate of Oman in Cairo which had already been established, new offices had been opened in Beirut, Algiers and Kuwait and representatives had been appointed.

548. The Imam informed the Committee that he had made a number of official visits to Arab countries and that the Imamate had sent representatives to the United Nations. The Committee was also informed that

the Imamate had been represented at the Third Afro-Asian Peoples Solidarity Conference in February 1963 at Moshi in Tanganyika. The delegation's official title at that Conference had been the "Omani Liberation Front".

549. The Imam informed the Committee that the aims of the Revolutionary Council were to direct the struggle of the people to regain their independence, and to educate and train them, both inside and outside the country.

550. The representative of the Imamate in Cairo informed the Committee that the function of the Imamate Office was to provide information about Oman. This was done by means of pamphlets and brochures in which they questioned the right of the imperialists to occupy the country and showed how the imperialists were working against the people of Oman.

551. The Committee was informed that the Imam was receiving assistance in various ways from friendly Arab countries. Some financial assistance was being given, shelter for the refugees was being provided, scholarships were being made available and assistance in military training was being given.

552. Most of the Omanis interviewed by the Committee expressed strong feelings of loyalty to the Imam, they regarded him as the legitimate ruler and were prepared to follow him to the death. When it was pointed out to them that by supporting the Imam they had brought great suffering on themselves which they might have avoided by supporting the Sultan, they all replied that they had supported the Imam because his cause was just. Many persons also said that the Imam was their *ulal amer*, or the person who, according to their religious beliefs, was the legitimate repository of temporal authority.

553. Other persons, however, said that they did not support the Imam. One group, whose members were from the interior, said that he was not the legitimate Imam, as he had resigned at Nazwa in 1955. Moreover, he had deserted his people by leaving Oman instead of fighting to the death as required by the laws of his office. They also felt that he was under the influence of his brother and was oppressing his people by taxing them. This group supported the idea of the Imamate and believed that another person should be elected Imam. They did not believe that Ghalib bin Ali would be elected if another election were held.

554. Other persons, most of whom came from the coastal areas, supported neither Imam Ghalib nor the Imamate because they believed that the Imamate system of government was not suited to modern conditions. The following extract from a written petition illustrates their views:

"Our viewpoint towards the Imamate differs from the viewpoint of an ignorant citizen in Oman. Whereas the educated look on the Imamate as they look on reaction, regression and tyranny, the ignorant citizen, because of his narrow horizon, looks on that institution with reverence. He believes that the Imamate is the link between him and life and that it is his duty to obey the Imam—complete obedience without thinking—and that is due to his ignorance and simplicity. He finds himself very proud if he is working to satisfy the Imam and believes that the Imam will grant him blessings.

"If we look at the simplicity of this citizen and his blind following of the old thoughts and old beliefs we shall find that he has become, unwittingly, an instrument in the hands of the Imam and his close associates, who are using him, in the name of religion, to serve their own interests. By using the people and wasting their potentialities for their own

greed and for no good reason, they are similar to the Sultan. They have done much in their capacity as representatives of the religious life of the country to induce the Sultan to issue silly and arbitrary orders, such as prohibiting smoking (while the Sultan collects heavy taxes on the import of cigarettes), prohibiting clapping during festive and happy occasions, and prohibiting the playing of music and drums under the pretext that such playing would violate religious teachings. Those orders have by now become chains, limiting the freedom of the person in Oman."

However, all those who did not support the Imam or the Imamate were opposed to the rule of the British and the Sultan.

3. Organizations

555. In Dammam, there were no organizations or associations to which Omanis belonged. The Omanis there lived in close contact with the Imam and other leaders of the Imamate. In Kuwait, where an Office of the State of the Imamate of Oman had just been opened, there were also no Omani organizations.

556. In Cairo, the Committee was informed of a number of student organizations. There were two in Cairo, one called "The Omani Students Association", the other "The Omani Students Union". Representatives of the former stated that there were over a hundred Omani students in the United Arab Republic, of whom sixty were members of the association. The members of their association were mainly university students or students at the higher secondary levels. The remaining forty were too young to belong to the association, and most attended a school conducted by the Imamate Office. Some of these students had formed a union of their own but it was not recognized by the Government. The Government of the United Arab Republic assisted Omani students by granting scholarships, and the arrangements about these scholarships were handled through the association. Members of the association helped the younger students in various ways; some had taught at the Imamate school and they had assisted by arranging scholarships. Their association included members of the Imamate school.

557. The representatives of this association interviewed by the Committee were all from the coastal area. When asked why there were no representatives from the interior, they explained that they were all members of the Executive Committee, which was made up of students at the university level, and that there were none at that level from the interior. However, there were many students from the interior in their organization, which represented all Omani students.

558. The Committee was also informed of Omani student organizations in other countries. The Committee interviewed the President of the Omani Students Organization in Bulgaria who was also the Secretary-General of the Organization of Omani Students in the socialist countries. He said that the latter organization had twenty-eight members, and that all of them had received scholarships.

559. The Committee was informed that there were organizations of Omanis in other countries. In Pakistan there was a group called the "Free Omanis"; there was also an organization of Omanis in Africa. The Committee met a representative of this latter organization in Cairo. He informed the Committee that his organization had a membership of 60,000 covering Rwanda, Burundi, Tanganyika, Uganda and Zanzibar. The organization had been established about fifty years ago and its headquarters was in Zanzibar. It had sent

money to assist the fighters in Oman after the events of 1955. He had come to Cairo, as a member of the Council of this organization, to get acquainted with the Omani organization there.

4. Passports

560. The Committee was informed that Omanis who travelled used a variety of passports; the Sultan's, the Imam's and passports issued by the Trucial States. The "choice" of a passport, the Committee was told, was not made on the basis of a political preference but purely on the grounds of convenience. One person explained the matter in this way:

"We use the Trucial States passports for anywhere we like in Arab countries, or in Europe. We use Muscat passports for Qatar, Bahrain, Pakistan, India and East Africa, provided we have visas. We use the Imam's passport without a visa for Saudi Arabia and Kuwait, and for all countries in the Eastern Bloc. To go to the Western Bloc countries you need a Trucial States passport."

J. WISHES OF THE PEOPLE

561. When the Imam was asked whether he would be willing to consider a compromise solution, which would mean the restoration of the situation that existed before 1955, he stated that what was most important was that the British should leave Oman. When this had been done the people would have the opportunity to decide for themselves what they wanted. If the people wished to replace him, he would be the first to accept their decision.

562. The Imam also stated that once the British left the country and there was no British interference, he was sure that the people of Oman would reach a peaceful settlement. Sheikh Talib stated in the presence of the Imam that "the door of understanding would always be open".

563. The Imam stated further that after the British had been expelled he planned to rebuild his country. He would build hospitals and schools, produce petroleum and improve his country which was now in ruins. He also stated that the aim of the Revolutionary Council was to expel the colonialists and to achieve equality, justice and security for the people of Oman, as well as to raise their standards of living. When the people of Oman had regained their freedom, the Revolutionary Council would hand over power to the people of Oman, who could then form another government.

564. The persons the Committee interviewed were unanimous in expressing opposition to the rule of the Sultan and the British and the desire to end their rule in Oman. They were also unanimous in stating that a prerequisite for any solution was that the British and their troops must go.

565. In answering questions put to them by the Committee concerning the future system of government, most persons said that this was a matter for the people to decide and that they would accept the will of the people. One influential member of the Revolutionary Council said that they were not fighting to restore a certain Imam, they were fighting for the freedom and independence of their country; the system of government would be decided by the people themselves. Others, when asked for their views about the system of government, were unwilling to answer at first, saying that their individual views were not important since it

would be the will of the whole people that would decide these matters.

566. Most persons interviewed made it clear that they would prefer to see Oman united as one country. Some had in mind the unification of the territories previously controlled by the Sultan and the Imam, while others wished to see the Trucial Sheikdoms also included as part of the future Oman. One person said that there was no Muscat, only Oman. Another said that people from Oman and from Muscat were all Omanis, and added that while Omanis spoke about a part of Oman being controlled by the Imam and another controlled by the Sultan, they did not agree to this separation. Oman had been one country before its division and it should be one country again. Another person said that he could not agree to separation as this would always be the cause of fighting. Other persons said that Oman had been one country in the past, but had been divided by the imperialists and should be one country again. Omanis were one people and one nation; if the people had freedom to choose, they would decide on unification. One person said that unification would be difficult because of "the difference between fire and water".

567. A number of persons had no desire to see the form of the State changed. They wished it to remain an Imamate. Other persons who were at present supporting the Imam, particularly those who had travelled or had received more education, wished to see a republican form of government introduced. Some members of the Revolutionary Council said that they favoured a Republic and one said that this was what the Revolutionary Council had in mind for the future. He stated that the Revolutionary Council believed that the Imamate was an old system that was outdated. Neither the present Imam nor the Imamate of 800 A.D. could be accepted in the twentieth century. The Revolutionary Council believed that the modern world required a republican régime and that was what it would endorse. He added that it was necessary to be in harmony with the rest of the world. As has been noted in the previous section, there were persons who opposed the present Imam. These persons, naturally, did not wish to see the Imamate re-established.

568. Most people wished the future ruler to be elected. The ruler could be either an Imam or a President. When asked whether they would accept the Sultan as the ruler, most people said they would not, as Sultans were not elected. Others said they would accept whatever the people wanted, an Imam or a Sultan. Another said that there should be a just Imam chosen by the people and that the duty of a just head of State was to prohibit all that was not good and right and to rule the country according to the rules of religion. He added that Sultans were always under the influence of other countries, and that he would accept anybody, provided he was a just man and was chosen by the Moslem population. Another said he would accept anyone as ruler, provided that he was chosen by the people, was not forced on the people, and was not under the influence of the colonialists. The Imam's view, which he said was based on information from the Sultanate, was that the people would have no place for the Sultan after the British had been expelled. One member of the Revolutionary Council said that the British had used the Sultan against the people of Oman, but despite this the Omanis had no hatred of the Sultan and if the British left he was welcome to coexist with them and live in peace. If he would rule the country

according to democratic ways, the Omanis were ready to accept him. Almost all the petitioners believed that the future system of government should be based on Islamic principles. They also believed that the Islamic system of law should continue with, perhaps, modifications of the kind which had been introduced in other Islamic countries.

569. Since the will of the people had been frequently mentioned, the Committee questioned those it interviewed about the system they had in mind for ascertaining the people's wishes. Some said they would be satisfied with the old system traditionally used in electing an Imam, under which the wishes of the people were expressed through the religious and tribal leaders as representatives of the people. A majority, however, wished to see a new system whereby everyone would have a vote. One person wanted the system of elections used in other Arab countries, another wanted a democratic system such as that used in the United States of America. Another said that, according to Islam, each person had a responsibility to God and to himself to carry out his duty to his country and was not supposed to depend on a sheikh or an emir to do this for him.

570. Some persons said that the ignorant and uneducated should not have the right to vote. This view was opposed by many others who stated that, even though people were illiterate, they were quite capable of understanding political matters.

571. A group of persons who described themselves as "young Omanis" believed that there should be a period of trusteeship for Oman exercised by Asian and African States under the supervision of the United Nations. The period of trusteeship should be for five years, during which reforms would be introduced, development programmes would be started, and young educated Omanis would be encouraged to participate in the affairs of the country and assume responsibility for administration. At the end of the five-year period there should be a plebiscite to determine the future of Oman. This proposal was opposed by many other persons, in writing and in person. A typical reply was that "Omanis are capable of ruling themselves and their country and therefore there is no reason for trusteeship".

572. Most of the persons interviewed looked forward to economic, social and educational progress in their country. They said that little had been done in these directions in the past in either the areas controlled by the Imam or those controlled by the Sultan, and nothing had been done by the British.

573. There were also many indications that the people interviewed looked to the United Nations for assistance both in settling the present problem and enabling them to return to their country and in providing assistance to their country when it was re-established. The trust placed in the United Nations and in this Committee, as representative of the United Nations, is illustrated by the following statement by Sheikh Saleh bin Isa:

"The people of Oman look to this Committee to restore their usurped rights and usurped independence and until this Committee gives its decision, the people of Oman will keep their swords sheathed, so that your work may be carried out in peace."

574. Many demands and requests were made to the Committee. The principal ones were introduced to the Committee by Sheikh Saleh in the following way:

"The people of Oman are very insistent on basing their actions on the need for peace and security, but this should not be at the expense of right and justice and loss of independence. We affirm to you that we respect the Charter of the United Nations. The Charter of the United Nations stands on our side, upholds our cause and stands with us against the usurpers and aggressors who give the people of Oman a bad life. Therefore we are quite confident that the United Nations cannot leave the people of Oman as victims of aggression and humiliation and backwardness which was imposed on this democratic people by the rockets and aggressive troops of Britain. The innocent people of Oman ask only for their rights. They demand the basic rights stipulated by the United Nations Charter: the rights of freedom, independence and self-determination. This cannot be done effectively unless (1) British troops are evacuated, (2) the people of Oman are granted the right to self-determination, (3) prisoners are set free, and (4) compensation is paid to Omani people to restore the country and bring back the march of civilization."

575. Typical of other demands made to the Committee are the following extracts from written petitions addressed to it:

(a) "Gentlemen, we request you and the United Nations to put an end to what has been going on between us and Britain so that the opportunity may come to the people of Oman to rule their country by themselves and to elect a person they trust for the benefit of the people and the benefit of the country. We declare before you that we wish this matter to be presented to the United Nations. We demand our independence and freedom in our land and we shall resist Britain and British troops staying in our beloved country."

(b) "I have the honour to present to Your Excellencies my requests, namely, the withdrawal of British troops and bases from Oman; second, recognition by the United Nations of the independence of Oman as an indivisible unit; third, condemnation of Britain for its aggression on the peaceful people of Oman in 1957 as a result of which hundreds of persons lost their lives, a loss which could not be compensated."

(c) "We request the United Nations:

"1. To stop the inhumane acts which British troops undertake in our country and to bring about the withdrawal of British troops from the land of Oman immediately.

"2. To permit Omani political leaders to represent the people of Oman in international organizations.

"3. To speed the return of the national government to the free land of Oman so that it may fulfil the obligations which are on its shoulders."

(d) "What we request of the United Nations is to remove British imperialism from our land of Oman and give Oman its full freedom."

(e) "First, we do not support the present government in Oman and its treatment of the Omani people. Second, we support Al-Imam as a legal Imam of Oman. Third, we demand freedom and expulsion of imperialism from our Arab homeland. Let the United Nations know that if she could not expel imperialists from Oman that the people of Oman are ready to struggle for their cause till the last drop of their blood—and God will witness that."

(f) "We therefore demand the United Nations to take the following steps:

"1. To ensure the withdrawal of British forces from all parts of Oman.

"2. To ensure the right of self-determination for the people of Oman, and to elect the Government which suit their desire under the auspices of the United Nations."

(g) "The Omani Students Association in Cairo, in its capacity as a student organization representing in its membership the vanguard of the Omani people who demand and are aware of the actual conditions of Oman, present you with the following political demands:

"1. The withdrawal of British troops immediately under the supervision of the United Nations.

"2. The assurance of the unity of Oman stretching from Abu Dhabi in the north to north of Dhofar in the south.

"3. The protection of the freedom of speech and the right to engage in political and intellectual activities in Oman, and the release of the political prisoners.

"4. The people of Oman should be given the right to choose the system of government they wish."

(h) "I wish to present to you the following recommendations in your capacity as representatives of the United Nations:

"1. The withdrawal of all British troops immediately from all parts of Oman.

"2. The right of self-determination should be left to the people so that they would choose a system of government that they wished, according to the basic principles of the United Nations.

"3. The prevention of Persian immigration to Oman.

"4. We demand that the international Press should go to Oman to fulfil their obligations on behalf of the free people of Oman who are suffering from the beastly British acts. Britain has occupied our beloved land and has destroyed its towns and burnt its farms, killing many and imprisoning others.

"5. We demand that the Red Crescent and the International Red Cross should go to Oman to carry out their humane duties."

576. The Committee asked many of the persons it interviewed whether, as a compromise, they would be willing to accept a restoration of the situation that existed before 1955. Most persons replied that they might be willing to accept this, provided the British left. Some, however, qualified this by saying that they could not accept a return to the economic, social and educational conditions that existed at that time.

Chapter IV. Evaluation

A. RELATIONSHIP BETWEEN THE UNITED KINGDOM AND THE SULTANATE

577. It has been claimed that the United Kingdom played a decisive role in the establishment of the Sultanate at the turn of the eighteenth century. On this point, the Committee has not yet come across indications of direct intervention by the United Kingdom on behalf of the ruler at Muscat at that time. It may be noted, however, that at this time two treaties or agreements were made by the ruler at Muscat, Sultan bin Ahmed, with the English East India Company. It may be recalled here that in accordance with the statement made by the United Kingdom all treaties and agreements made by the East India Company and later by the Government of India may be regarded as having been made by the United Kingdom. While it is true that these two treaties provided the British with guarantees that Sultan bin Ahmed would deny assistance to the French, they did not provide for British support for Sultan bin Ahmed against either internal or external enemies nor, apparently, was any such support given. Further, while the ruler may have added to his prestige by concluding a treaty with a foreign Power, it is difficult to believe that this affected his standing in the country in any decisive way.

578. During the reign of the succeeding Sultan, Said bin Sultan (1807-1856), the relationship with the United Kingdom became closer. Treaties were concluded which regulated commercial and consular relations and which made provision for the suppression of the slave-trade. There were also a number of instances

of military and diplomatic intervention by the United Kingdom.

579. The Committee notes that the treaties with the United Kingdom, namely those of 1839 relating to commerce and navigation and those of 1822 and 1845 relating to the suppression of the slave-trade, appear to be unfair and unequal in the sense that they impose many obligations on Muscat and very few on the United Kingdom. It also notes that the Treaty of 1839 provides for extraterritorial rights for British subjects in Muscat territories.

580. It should also be noted that Said bin Sultan concluded treaties regulating commercial and consular relations, with the United States of America, in 1833, and with France, in 1844. The Committee found nothing in the texts of these treaties, or in the circumstances surrounding their signature and ratification, that would indicate that they were not treaties between sovereign States. Moreover, it should also be noted that the provisions in the United Kingdom treaty which might be regarded as unequal or unfair, including those which confer extraterritorial rights, also appear in the treaties with the United States and France. Therefore, the Committee believes that whatever inferences may be drawn from the Treaty of 1839 about the relationship of Muscat with the United Kingdom would apply with equal force to Muscat's relationship with both the United States and France.

581. Although there was no treaty or agreement between the Sultanate and the United Kingdom providing for an alliance, there seems to be no doubt that, at the least, a loose alliance developed during Said bin Sultan's reign. The nature of this relationship may be seen from a study of the actions taken by the United Kingdom to assist the Sultan.

582. According to the information gathered by the Committee, the United Kingdom intervened in the Sultanate with naval and military forces on five occasions and on each occasion the operations were carried out in conjunction with the ruler's forces. The interventions took place in 1809 at Ras al Khaimah, in 1810 at Shinas, in 1819 at various points along what is now known as the Trucial Coast, and in 1820 and in 1821 in the Ja'lan.

583. It seems that the actions of 1809 and 1819 might have been connected with the suppression of piracy and apparently were not intended to support the ruler of Muscat against an internal threat. By this time (1809-1819) the tribes of the Trucial Coast appear to have effectively thrown off whatever control had been exercised over them in earlier days by the rulers of Oman. It may also be noted that Said's position as ruler was seriously challenged during the first few years, but the Committee has not come across indications that Said received any military or other assistance from the United Kingdom to help him meet these challenges.

584. The actions in the Ja'lan in 1820 and 1821 appear to be of a somewhat different character. The United Kingdom stated that these actions, which took place in the interior of Oman, were taken against a tribe guilty of complicity in piracy. However, this tribe's connexion with piracy seems somewhat tenuous and the necessity for an expedition into the interior is difficult to accept. The facts appear to be that the Bani Bu Ali tribe had been undermining the ruler's influence in the Ja'lan and the Sharqiyah regions and that some members of the tribe were accused of being involved

in plundering a British ship which had been wrecked on the coast. It seems likely to the Committee that the ruler used the incident as a means of obtaining the support of the British against a troublesome tribe.

585. Apart from these instances of military action by the United Kingdom there were also occasions when the United Kingdom intervened by using its diplomatic influence, accompanied sometimes by a show of force. According to the information available to the Committee, the United Kingdom intervened on at least two occasions in the face of external threats from the Wahabis in 1848 and 1853. The United Kingdom also appears to have intervened in the struggle between the ruler, Said bin Sultan, and his cousin, Hamud bin Azzan, by playing some part in arranging a truce agreement between them and in seeing that both parties adhered to it. However, this intervention did not prevent the struggle continuing. During the rule of Said bin Sultan the ruler of Muscat, who was also the ruler of Zanzibar, apparently enjoyed considerable prestige abroad and concluded treaties with foreign countries and received foreign consuls. It is true, however, that he had a closer relationship with the United Kingdom than with any other country. The closeness of the relationship between the Sultanate and the United Kingdom was illustrated when, following the death of Said bin Sultan, a dispute developed between three of his sons and they accepted British arbitration in 1861 as a solution. As a result of this arbitration, the Zanzibar territories were separated from the Muscat territories and, in the following year, France and the United Kingdom agreed reciprocally to respect the independence of the two sovereign rulers. The Committee notes that this agreement says nothing about the territorial integrity of the two countries and refers only to the "independence of the Sovereigns". However, the agreement does seem to indicate that France as well as the United Kingdom recognized that both sovereigns were independent rulers. The Committee also notes however that the agreement did not prevent Zanzibar from becoming a British protectorate some years later.

586. The action by the British in 1868 in persuading Turki bin Sultan to cease his opposition to his nephew, the Sultan, and retire to India on a pension, was undoubtedly a case of intervention in support of the ruling Sultan. However, the United Kingdom does not seem to have done very much to support this same Sultan against Azzan bin Kais, who later in 1868 drove the Sultan into exile and was elected as Imam.

587. It has been claimed that the United Kingdom actively intervened against the Imam Azzan bin Kais and was responsible for the re-establishment of a Sultan as a ruler. In this connexion, it may be noted that the United Kingdom did not recognize Azzan bin Kais as ruler and that he was the only ruler at Muscat in the last 100 years from whom it withheld recognition. The Committee notes the explanation by the United Kingdom that recognition had not been granted because conflict was taking place and it was not clear who was the ruler.

588. In the period following the death of Imam Azzan bin Kais, the relationship of the United Kingdom with the Sultans continued to be close and the dependence of the Sultans on British support became more marked. It was during this period, in the 1880's and 1890's, that the interest of European Powers in colonial expansion became more marked, and led to acquisitions in Asia, Africa and also in Southern

Arabia. This development appears to have affected the United Kingdom's relations with Muscat and Oman, and seems apparent in the two agreements concluded between the Sultan and the United Kingdom in 1891.

589. The first was the Treaty of Commerce of 1891 which replaced the Treaty of 1839. The terms of the new treaty were less advantageous to Muscat than those of the old one. In particular, the reciprocal arrangements for "most-favoured-nation" treatment now became unilateral and applied only to the United Kingdom. Further, the Sultan's authority to impose import and export duties was more narrowly limited.

590. More significant, however, was the Non-Alienation Bond of 1891, by which the Sultan bound "himself, his heirs and successors never to cede, to sell, to mortgage or otherwise give for occupation, save to the British Government, the dominions of Muscat and Oman or any of their dependencies". In this connexion, the United Kingdom's memorandum to the Committee (annex VII) is of great importance. In it, the United Kingdom stated that it had been recognized that, in the conditions of the nineteenth century, a major Power enjoyed a position to which smaller Powers of unquestioned independence were inclined to defer. It pointed out that after Sultan Faisal had been formally accorded British recognition as a ruler in 1890, he wrote saying that it was his "earnest desire to be guided in all important matters of policy by the advice of the British Government". Similarly he had signed the Bond or Agreement, the essence of which was that while the "Government of India sought no derogation of the Sultanate's independence, the Sultan deferred to Her Majesty's Government in ensuring that no other Power should derogate from that independence to British disadvantage".

591. The Committee's first comment is that this Bond seems to limit in a very substantial way the sovereignty of a ruler, and the question arises whether, by entering into an agreement of this kind, he lost his sovereignty. The Committee draws attention to the fact that the terms of this Bond appear as one of the articles of many of the treaties between the United Kingdom and the rulers in Southern Arabia in the vicinity of Aden, by which they became protectorates of the United Kingdom. Such a clause appears, for instance, in the treaties concerning Afifi of 1889 (article III), Barkimi of 1889 (article III), and Haushabi of 1895 (article III). It may also be relevant to note that these protectorate treaties contained two other articles, one extending the United Kingdom's protection over the territory, the other binding the rulers not to have dealings with any foreign Power, except with the knowledge and sanction of the British Government.

592. A provision limiting the ruler's power to cede portions of his territory therefore seems to have been part of a normal protectorate agreement in the area. Because of this connexion, the Committee cannot wholly accept the United Kingdom's interpretation. The Committee feels that something more was involved than the Sultan merely deferring to Her Majesty's Government in ensuring that no other Power should derogate from that independence to British disadvantage.

593. At the same time, while the Committee believes that the Bond of 1891 contained one of the essential elements normally present in a protectorate agreement, it also believes that it fell short of actually becoming one because of the absence of the other equally im-

portant provisions set out in paragraph 591 above. The Committee also notes that even though this Bond had been regarded as a dead letter for a long time before it was terminated in 1958, it was not until that late date that anything was done to end it.

594. The Committee notes that the relationship between the Sultans and the United Kingdom became even closer in 1895, when the United Kingdom promised to come to the assistance of the Sultan in the event of any attacks on "the two principal towns of his country, Muscat and Matrah". The Committee would like to have been able to study the terms of this agreement more closely so as to have a better idea of its implications, but this was not possible. In this connexion, it will be recalled that in response to the Committee's request for the text of this agreement, the United Kingdom informed the Committee that it had not been able to locate the text. However, it seems to the Committee that the agreement covered attacks from both internal and external sources. The Committee can see no possible objection to agreements for protection against external attack, although, in general terms, it has serious doubts about the acceptability, even in the nineteenth century, of agreements to support rulers against internal attacks. The Committee feels that such agreements tend to impede normal internal developments.

595. So far as this particular agreement is concerned, the Committee notes that it was made in 1895 and that it was in this year that Muscat was occupied by Sheikh Saleh bin Ali, Amir of Sharqiyah, who had led a number of the interior tribes in an attack on the city. Although the Sultan was saved by Ghafiri tribes and not by the British on this occasion, it is not improbable that it was as a result of this attack that the Sultan sought British protection in the future against attacks from people he regarded as his own subjects. It may also reasonably be inferred that when the British authorities gave the Sultan this undertaking they were aware that their support was being sought in order to protect the ruler from attacks by his own subjects.

596. The pattern of relationships which was established by the treaties and agreements of the 1890's persisted until well into the twentieth century. The agreement granting the United Kingdom prior rights concerning the Sur Coal-fields of 1902 and that of 1923 granting similar rights in connexion with petroleum fitted into this pattern and had the effect of further limiting the Sultan's field of sovereignty. Nevertheless, the Award of The Hague Tribunal in the Muscat Dhows case in 1905 would seem to indicate that, at least in 1905, an international tribunal considered the Sultanate to be a sovereign independent State.

597. The situation of the Sultan in the period after 1913 following the election of an Imam was apparently extremely precarious and the Committee is inclined to agree with the testimonies of most observers that but for British assistance, the Sultanate would have been overcome. This assistance took the form of military support in 1915 when the Sultan's capital was defended by troops sent by the United Kingdom, and diplomatic support between 1915 and 1920 when the British Consuls at Muscat used their influence on behalf of the Sultan.

598. As indicated earlier in the report (paragraphs 270-275 above), the correspondence handed to the Com-

mittee by Sheikh Saleh bin Isa shows that the United Kingdom began as early as 1915 to arrange a settlement of differences between the Sultan and those whom he regarded as his rebellious subjects and who were led by the Imam. There seems to be no room for doubt that the letter of March 1919 (see paragraph 272 above) is openly threatening. However, the question here is what light these arrangements shed on the question of the relationship between the Sultanate and the United Kingdom. In answer to this, the Committee believes that they show once again the almost total reliance of the Sultanate on British support. They also show that the United Kingdom was willing to play a leading part to use its influence and forces if necessary to support the Sultan. This raises a further question as to why the United Kingdom was willing to do this. On this matter, the United Kingdom has stated that its interests in the area, which had been connected with the suppression of piracy, the slave-trade and gun-running, had also been related to the maintenance of peace and stability in the area. The Committee is inclined to believe, however, that the United Kingdom interpreted the "maintenance of peace and stability" somewhat narrowly and tended to limit it to meaning support for the Sultans, irrespective of the measure of popular support they commanded. The Committee need hardly add that this does not necessarily contribute to peace and stability, and can lead to the very opposite result. The Committee also finds it hard to avoid the conclusion that the United Kingdom's policy was directed in large measure by its desire to maintain in power a ruler over whom it had some influence.

599. It has been stated that the position of the United Kingdom in relation to the Treaty (Agreement) of Sib went beyond that of mediator and that it was in fact one of the parties. It will be recalled that the Committee was told that this was a treaty between the Imamate on one side and the British and the Sultan on the other, and further that the only parties with international standing were the Imamate and the United Kingdom, the implication being that the Sultanate was merely a United Kingdom territory with no international standing. The question of the status of this Treaty (Agreement) and its value as illustrating the international status of the Imamate is discussed below (see paragraphs 632-645). Here the Committee will consider the Treaty (Agreement) in connexion with the question of the relationship between the Sultanate and the United Kingdom. Relevant to this question is the text of the Treaty (Agreement) itself and the part played by the British Consul in the arrangements for the negotiations and in their actual conduct.

600. From the correspondence made available to the Committee, it is evident that the British Consul was instrumental in making arrangements for the negotiations. Apparently, the British Consul arranged a meeting between himself and Omani representatives which took place at Sib in September 1919, and at which some kind of preliminary agreement was reached. The part played by the British Consul in arranging this meeting and, probably, in the discussions that took place, was a direct one. This may be inferred from the correspondence that preceded it. For instance, in the letter of 13 May 1919 to Sheikh Isa, the British Consul wrote: "We must reach in our negotiations a point of agreement between us" (emphasis added). In the same letter he wrote: "Our word is that we have not used the force which has been at our disposal. Accord-

ingly, it is better that *we* negotiate together, after which you may present the results of *our* negotiations to your Consultative Assembly, as you wish" (emphasis added).

601. Some light is shed on what happened at this meeting in 1919 by the letter dated 8 January 1920 from the British Consul to Sheikh Isa. In this letter, the Consul stated: "I am pleased to inform you that our Government has authorised me to work as a mediator, as requested in the meeting of Sib". It may seem, therefore, that at this preliminary meeting it was agreed by the Omanis that the British Consul should act as mediator in bringing about some kind of settlement with the Sultan. This apparently led to another meeting at Sib in September 1920, at which the Treaty (Agreement) was concluded.

602. However, the role of the British Consul in the actual conduct of the negotiations seems to have gone beyond that of a mediator. It seems to be clearly shown in Mr. Wingate's own account that the negotiations were carried on between him and the Omanis, and it is quite understandable that the Omanis would believe that he was the principal on the other side or at least the representative of that principal. This raises the question of whether he was representing the United Kingdom or the Sultan. On this point, the Consul's official accreditation setting out his capacity to participate in the negotiations is crucial. The United Kingdom has stated that the Consul acted as a mediator and the letter quoted above from the Consul shows that he had been authorized to act in that capacity.

603. The Committee was hampered in its consideration of this question by the absence of the actual text and even of agreement about the text. Nevertheless, there were a number of points on which there was agreement and, on the basis of which, the Committee could attempt to come to some conclusions. In none of the texts supplied to the Committee is the United Kingdom named as a principal party. In all copies, the body of the agreement states that there are four provisions relating to the people of Oman and four relating to the Government of the Sultan. None makes any mention of conditions pertaining to the United Kingdom. In the text quoted in Mr. de Ribbing's report, which is also used in publications of the Arab Information Center in New York, it is stated that:

"This is the peace agreed upon between the Government of the Sultan, Taimur ibn Faisal, and Sheikh Iso ibn Salih ibn Ali on behalf of the people of Oman whose names are signed hereto, through the mediation of Mr. Wingate, i.c.s., political agent and consul for Great Britain in Muscat, who is empowered by his Government in this respect and to be an intermediary between them."

In the letter supplied by the Imam (annex XI), which contains a text of the Treaty, the author says that the "treaty was signed between the Imam and the British and Sayid bin Taimur through Sheikh Isa and the Englishman, Mr. Wingate". However, when quoting the text itself, the author of the letter shows Mr. Wingate certifying that "This is the treaty which was signed between the Government of His Highness Sultan Taimur bin Faisal and the Omanis in my presence". Further, when Sheikh Saleh set out his text of the Treaty (annex XII), he prefaced it in this way:

"This is the Treaty of Sib which was signed on behalf of Imam Mohammed bin Abdullah Al-Khalili by my father, Isa bin Saleh Al-Harithi,

deputy to the Imam of Oman and on behalf of Sultan Taimur bin Faisal, by Mr. Wingate, i.c.s., Political Agent and Consul of Great Britain in Muscat."

The Committee notes that only once in all these versions is there any indication that the United Kingdom was one of the parties, and that this one reference occurs in the body of a letter describing the Treaty (Agreement) and does not purport to be a part of the text itself.

604. The question of whether Mr. Wingate signed as representing the Sultan (as the Imam's supporters and Wingate himself claim) or as a witness (as the United Kingdom claims), does not seem to be of decisive importance to the question of British participation as a principal. At most, it would indicate again the Sultan's great reliance on British assistance. Therefore, basing itself on the material it has at its disposal, the Committee is not quite convinced that the United Kingdom was a principal in a formal sense to this Treaty (Agreement). However, bearing in mind the leading part played by the British Consul in arranging and conducting the negotiations, it is easy to understand that the Omanis believed they were making an agreement with the United Kingdom.

605. The leading part played by the British Consul in the negotiations at Sib seems to have continued after the Treaty (Agreement) came into operation. The correspondence between the British Consuls and Sheikh Isa, handed to the Committee by Sheikh Saleh, indicates that during the period from 1921 up to at least 1932, both the Sultan and Sheikh Isa addressed their complaints concerning violations of the Treaty (Agreement) to the British Consul and expected him to take action. Since Sheikh Isa registered his complaints about the Sultan with the British Consul and since he received notifications of his own infringements from the British Consul, it may be argued that the United Kingdom was a principal to the Treaty (Agreement). However, it should be noted that the action taken by the British Consul on Sheikh Isa's charges was either to provide an explanation or to refer the matter to the Sultan. Similarly, the complaints sent to Sheikh Isa had been initiated by the Sultan and were being passed on by the Consul. These facts suggest the role of an intermediary rather than that of a principal. How long after 1932 the British Consul continued his role is not known, since no correspondence written after that year was available to the Committee.

606. It may be useful at this point to survey the position of the Sultan in 1923. He was recognized as a sovereign ruler by the United Kingdom and, by the terms of past treaties, by the United States of America, France and the Netherlands. Yet he could not cede any of his territories except to the United Kingdom; he could not grant permission to foreigners to work his coal-fields without giving the United Kingdom a first option; he could not himself exploit any oil found in his territories, nor could he permit its exploitation without informing the British Consul and without the approval of the United Kingdom Government;⁵⁸ he had no jurisdiction over most foreigners in his territories; and he received little in the way of trade privileges for his nationals in return for the privileges he had engaged

⁵⁸ In this connexion, it may be noted that in 1951 the Sultan granted a concession to an American oil company, without consulting the United Kingdom Government (see paragraph 610 below).

to grant to foreigners in his country. Moreover, he had recently been obliged to rely on British assistance to secure for him a humiliating agreement with sheikhs whom he considered to be his subjects and under terms which forbade him to interfere in the internal affairs of a large part of what he considered to be his own territories. Further, his complaints against these sheikhs were now handled through the British Consul. Finally, although ultimate control still remained in his hands, his army was commanded by a British officer and his chief minister and financial adviser was also British. He may still have been an independent sovereign, but his freedom to exercise this sovereignty had been limited in many ways.

607. In the period following the conclusion of the oil agreement of 1923, no agreements were made between the United Kingdom and the Sultanate which might be considered as inconsistent with the independence of the Sultanate. The financial assistance leading to the employment of a British financial adviser in 1918-1920 and the Civil Air Agreement of 1934 appear to be normally acceptable arrangements between two sovereign States. Further, the Sultan's actions in 1939 in prohibiting trading with Germany and in granting naval and air facilities to the United Kingdom can give rise to no unfavourable interpretation. It was during this period, in 1937, that the Sultan granted an oil concession, covering all his territories with the exception of Dhofar, to a predominantly British oil company. The Committee notes, however, that this was an agreement with a private British company and not with the British Government. Moreover, no one has suggested that the granting of such a concession normally affects a ruler's sovereignty.

608. The Treaty of Commerce and Navigation signed in 1939, to replace the Treaty of 1891, was not very different from the one it replaced. The Committee notes that "most-favoured-nation" treatment was still not reciprocal and that British subjects still enjoyed extraterritorial rights. It also notes that there were a number of provisions which imposed obligations on the Sultan alone and others by which the Sultan's freedom of action was limited. For instance, he was not to establish a trade monopoly in such a way as to be detrimental to trade by British nationals, and he was directed as to how he was to use harbour dues. In all, the Treaty of 1939 does not appear to have altered or modified the existing relationship with the United Kingdom.

609. Important changes, however, were made by the Treaty of 1951 which replaced that of 1939. The Committee notes that more provisions became reciprocal, including the granting of "most-favoured-nation" treatment, and that a number of the restrictions on the Sultan's freedom of action were removed. Moreover, the provisions relating to extraterritorial rights were removed from the Treaty. However, they were not abolished, but were the subject of an agreement contained in letters exchanged at the time of the signing of the new treaty.

610. Also in 1951, the Sultan granted an oil concession in Dhofar to an American company. The Committee notes that both the Sultan and the United Kingdom have stated that there was no prior consultation with the United Kingdom as called for by the agreement of 1923 and that the agreement was regarded as a dead letter.

611. The Committee's consideration of the events of 1955 and 1957 is set out separately in section C below.

Here the Committee would note that these events and their interpretation have an important bearing on the question of the nature of the relationship between the Sultanate and the United Kingdom, and that, therefore, its evaluation of this matter would have to be read in conjunction with its evaluation of these events. It would also note that during this period no new treaties or agreements were made which would affect the legal basis of the relationship.

612. The relationship between the Sultanate and the United Kingdom after the events of 1955 and 1957 may be considered, first, as it is set out in various agreements and, secondly, as it may be clarified by the actual practices followed.

613. The basic written agreements governing the relationship are: the Treaty of Friendship, Commerce and Navigation of 1951, the exchange of letters of 1951 concerning consular jurisdiction, the agreement concerning the Sultan's armed forces, civil aviation, Royal Air Force facilities and economic development. Also relevant are the treaties of 1953 and 1958 with India and the United States of America respectively.

614. The Treaty of 1951 with the United Kingdom has been considered in paragraph 609 above and it has been noted that by this treaty relations between the two countries became more reciprocal. The agreement contained in the exchange of letters in 1951 provided for the continuation of extraterritorial rights for British nationals. The Committee notes, however, that this agreement limited the extent of these rights as compared with those provided for in the Treaty of 1939. It also notes that since 1951 these privileges have been further curtailed.

615. By the agreement concerning the Sultan's armed forces, the United Kingdom agreed, at the Sultan's request, to make available regular officers who would become an integral part of the Sultan's army, to provide training facilities, to assist the Sultan in establishing an air force and to provide personnel for it. The Committee notes that both the Sultan and the United Kingdom have emphasized that the Sultan retains complete control over these forces.

616. The agreement concerning civil aviation provides for the continuation of existing arrangements under which the United Kingdom operates airfields and also provides for the use of the airfields at Salalah and Masirah by the Royal Air Force. The Committee notes the statement by the Sultan that he retains control over the use to which these airfields may be put.

617. The Committee also notes the information that the Sultanate has no currency of its own and uses the external Indian rupee, that it has no postal facilities of its own and has an agreement by which the United Kingdom General Post Office provides postal services on an agency basis. It also notes that the Sultanate has no stamps of its own and uses over-printed United Kingdom stamps.

618. With regard to the Sultanate's external relations it appears that the Sultanate has a Department of External Affairs which handles foreign relations, although the more important matters are handled by the Sultan himself. There is no agreement with the United Kingdom by which it handles the Sultanate's foreign relations, and the Sultan has emphasized that the United Kingdom does not handle them. The Committee notes the Sultan's statement that when questions have arisen in places where the Sultanate has no consular authority, he has asked the United Kingdom to represent

The Sultanate has a consul in London and the United Kingdom and India maintain consuls at Muscat. Foreign relations with the United States of America are conducted through the United States Consul General at Aden. The Sultanate also issues its own passports and visas. The Committee notes the Sultan's statement that the Sultanate made an attempt to join the World Health Organization but that its membership was blocked. The Committee also notes that the Sultanate has concluded treaties with two foreign Powers other than the United Kingdom, and that the form of these treaties and the circumstances surrounding their conclusion raise no doubts concerning the sovereign status of the Sultanate.

619. Judged individually, each of these arrangements seems to be quite compatible with the sovereign status of the Sultanate. However, when considered collectively, some doubts are raised. These doubts are strengthened when it is also considered that the Sultan employs a senior British adviser, that his army is officered mainly by British subjects, that his case is represented at the United Nations by the United Kingdom, that he was represented by the United Kingdom in the negotiations with Saudi Arabia between 1952 and 1955 and in those with representatives of the Imam in 1961, and that it is a British company which is beginning to exploit the oil resources in the interior.

620. The cumulative effect of this reliance on United Kingdom personnel cannot be ignored and, among other things, explains the unanimity of the petitioners that it is the British who control Oman and against whom they are fighting.

621. Bearing in mind all the foregoing considerations, the Committee believes that the Sultanate may not be considered a colony or protectorate in a formal sense. The Committee notes that none of the agreements between the Sultanate and the United Kingdom gives the United Kingdom any legal authority over the Sultan or any powers of administration in the Sultanate. However, the Committee believes that the relationship of the United Kingdom with the Sultan, which enables it to exercise great influence on the policies of the Sultanate, may be considered a very special and rather exclusive relationship.

B. STATUS OF THE IMAMATE BEFORE 1955

622. The Committee agrees that the Imamate as a political entity dates from the eighth century A.D. and that from that time up to the turn of the eighteenth century it was an independent State and the only political entity in Oman. The crucial period begins with the death of Imam Ahmed bin Said in 1775 and concerns the subsequent establishment of the Sultanate.

623. On the basis of the information it has collected, and taking into account the views expressed to it from all sides, it appears to the Committee that, at some time at about the beginning of the nineteenth century, the Imamate lapsed as a political entity.

624. In this connexion, the Committee notes that after 1792 the Imam apparently performed no political acts, such as the appointment of *walis*, and that although he was involved in the struggle with his brother, the ruler at Muscat, he does not appear to have led the fight as the Imam and called upon the tribes to support him against a usurper as he might have been expected to do as the legitimate Imam.

625. On his death in 1821, no attempt seems to have been made to elect another Imam, nor has the Com-

mittee discovered any indication that a "caretaker" was appointed or that any of the organs of the Imamate (such as the Higher Council and the Assembly) continued in existence or actually functioned after that date. The Committee finds it difficult to accept that a State can continue its existence without a head, organs of government, or an administration.

626. Moreover, another political entity, the Sultanate, did exist at this time and apparently exercised authority over most of the areas which had previously formed the Imamate. It is true that in the years that followed there were a number of attempts to unseat the rulers at Muscat. But these appear to have been mainly family quarrels, complicated by the participation of the two rival tribal groupings, the Ghafiri and the Hinawi. They do not readily lend themselves to the interpretation that they were attempts to re-establish the Imamate.

627. The Committee does not feel, however, that there was any formal separation of temporal and spiritual authority at this time. It has been pointed out that such a separation would have been totally at variance with the traditional concept of the Imam's functions. Further, the facts point rather to a long-drawn-out struggle for temporal power, mainly involving members of the Imam's family, from which the astutest and strongest contender emerged as a leader. It may be objected that such a seizure of power was also illegal in terms of Omani constitutional law and traditions according to which leadership had to be elective. While this would seem to be true, it would also seem to be equally true that there were precedents in Omani history for such a seizure of power by purely temporal rulers who ignored the traditional elective requirements. For example, Oman was apparently ruled by the *maliks* or kings, who were not elected, for more than 200 years between the twelfth and fifteenth centuries A.D.

628. For all these reasons, it seems to the Committee that the Imamate lapsed and was replaced by another political entity, the Sultanate, which exercised control in varying degrees over all of the territories of the old Imamate, with the exception of the Trucial Sheikhdoms.

629. The election as Imam, in 1863, of Azzan bin Kais, who ruled the whole of Oman, again with the exception of the Trucial Sheikhdoms, testifies to the strength and durability of the institution. It shows that although the old State had lapsed, the concept of an Imam still had the strength to reassert itself. However, with the death of the Imam in 1871 both the office and the Imamate again seem to have lapsed. Again, there is no evidence of any continuation of the essential organs of government of the Imamate after the death of the Imam.

630. The election of another Imam in 1913 is further testimony to the strength of the institution. Apparently this action was connected with a religious revival that preceded it and which seems to have generated widespread support. The military strength of the Imam, which may also indicate the measure of his popular support, was also made quite clear when, in 1915, the Imam's forces threatened the town of Muscat itself, which was only saved by a garrison of troops supplied by the United Kingdom.

631. The Committee considers that this act of intervention by the United Kingdom was of the profoundest significance and had far-reaching consequences. Had the United Kingdom not provided the Sultan with military support, it seems probable that the Sul-

tanate would have collapsed and the Imamate would have been re-established over the whole of Oman with the exception of the Trucial Sheikdoms. This again raises the question of the acceptability of foreign intervention to support a ruler against his own subjects. The Committee is also reminded of the past history of Oman, during which, on many occasions, the Imamate lapsed only to be revived later by the people. The Committee finds it difficult to avoid the feeling that the revival in 1915 may have been of this character and that it was thwarted only through the intervention of the United Kingdom. By this action, the United Kingdom may have prevented popular feeling from expressing its wishes about its ruler and its form of government in the only way open to it. The Committee therefore feels that this action by the United Kingdom raises very serious questions concerning the practices that should govern relations between States.

632. The next matter to be considered in connexion with the status of the Imamate before 1955 is perhaps the most controversial and significant of all, the Treaty (Agreement) of Sib. As it has stated before, the Committee found great difficulty in considering this Treaty because it was not able to see an authentic text and because of the absence of agreement about the text. Its comments on the Treaty (Agreement) are therefore made with some hesitancy.

633. It has been stated that the part played by the British Consul at Muscat in arranging the negotiations at Sib indicates that the United Kingdom regarded the Imamate as a separate State. In this connexion, the letters produced by Sheikh Saleh are relevant. These letters are from the British Consul at Muscat and extracts from them have been reproduced in paragraphs 270 to 275 above. It will be noted that there are frequent references to the Imam in these letters, that one of them, that of 9 April 1915, is addressed to the Imam by name but not by title, and that another, that of 10 September 1915, is addressed to Sheikh Isa as "Deputy Imam". Moreover, there seems to be no doubt that the Imam is regarded as occupying a position of authority and is one of the parties concerned. However, there are no references to the Imamate or to a State, but only to "the two parties". Further, the British Consul's actions in bringing the two sides together do not necessarily imply any judgement by him about the international status of either of them.

634. Many persons have stated to the Committee that the Treaty of Sib recognizes the existence of the Imamate of Oman as a sovereign independent State and, to support this statement, have pointed out that it took the form of a treaty between two States, one of which was the Imamate of Oman; that it was signed by representatives of the Imam on his behalf; and that it was ratified by the Imam. Emphasis has also been placed on one of the articles by which the Sultan agreed not to interfere in the internal affairs of Oman, thereby recognizing its independent existence.

635. In considering the first point, an authentic text would have been extremely helpful. In particular, the Committee would like to have seen the wording of the preamble and of the statements accompanying the signatures and ratifications. The differences in the texts used by the Committee and supplied to it on these matters are as follows. The text used by the Committee (the text set out in the de Ribbing report) contains a preamble which states that: "This is the peace agreed upon between the Government of the Sultan, Taimur ibn Faisal, and Sheikh Iso ibn Salih ibn Ali on behalf

of the people of Oman". This text contains no signatures or ratifications. The text supplied by the Imam, which it will be recalled is contained in a copy of a letter written the day after the signing, contains no preamble, but the author of the letter refers to it as a treaty between "the Imam and the British and Sayid bin Taimur". It contains a signed statement by Sheikh Isa and Sheikh Sulaiman that the conditions of the Treaty have been accepted by virtue of an authorization from the Imam. It also contains a ratification signed by the Imam stating that he approves of what has been done on his behalf by his representative. Finally, it contains a statement signed by Wingate to the effect that the Treaty was signed by the Government of His Highness and the Omanis in his presence. Sheikh Saleh's text includes a signed statement by his father Sheikh Isa in similar terms to those contained in the Imam's text and a similarly worded ratification by the Imam. Because of the important differences in the various texts on this point, the Committee cannot draw any conclusion.

636. However, further light is shed on this question by an examination of the parts of the text that are agreed upon. For instance, there is agreement that, when setting out the four provisions applying to each of the parties, the term used for one party is "the Government of the Sultan" and the term used for the other is "the people of Oman". The fact that the term "the people of Oman" was used instead of some term making reference to a Government as the other party, seems to be significant. Another part of the text which is agreed upon is the sentence "All the sheikhs and tribes shall be at peace with the Government of the Sultan". Again, the Committee feels that the absence of a reference to the existence of a Government on the Omanis' side is significant.

637. On this point, the version given by Sir Ronald Wingate is relevant. He states that the sheikhs had insisted that the agreement should be between the Sultan on one side and the Imam on the other, but that he had resisted this for the following reason:

"... this would mean that the Sultan acknowledged another ruler, and a ruler who was already an elected spiritual leader and an admitted temporal representative of the tribes. From such an acknowledgement it was only one step farther for the spiritual leadership and temporal representation of the tribes to develop into a claim for the spiritual and temporal leadership of all Oman."⁵⁹

Wingate then describes how he persuaded the sheikhs to his point of view and states that:

"The word Imam was omitted from the body of the document, which simply read as conditions arranged between the Sultan's Government and Isa bin Salih as representing the Omani tribes."⁶⁰

Wingate also states that the question of sovereignty was never mentioned, and that had it been, there would have been no agreement.

638. These passages would seem to confirm that there is no reference in the text to the Imam and also that this omission was deliberate. It may also explain the existence of the references to the Imam outside the "body of the document", namely in the statements accompanying the signatures and ratifications.

⁵⁹ Sir Ronald Wingate, *Not in the Limelight* (Hutchinson of London, 1959), p. 89.

⁶⁰ *Ibid.*, p. 90.

639. These passages also indicate quite clearly, however, that the sheikhs of Oman looked upon the agreement as one between the Sultan and their Imam, whom Wingate describes as "an admitted temporal representative of the tribes". In such a situation, with one party signing the Treaty (Agreement) and believing it in fact, though not in form, to be between their leader, the Imam, and the Sultan, and the other party agreeing to sign it only on the understanding that the Imam was not a party, it is no wonder that the question of its interpretation has become so clouded with confusion.

640. The second main point raised in support of the view that the Treaty (Agreement) recognizes the independence of the Imamate, concerns the following provision which, it may be noted, appears in all texts:

"The Government of the Sultan shall not provide refuge to any offender fleeing from the justice of the Omanis. It shall return him to them if they request it to do so. It shall not interfere in their internal affairs."

641. This raises the question of whether a sovereign Power can make a treaty or an agreement with a group of its subjects by which it agrees not to interfere in their internal affairs, and yet still be regarded as having sovereignty over them. The Committee notes that the words "internal affairs" are not defined anywhere in the text. It also notes, in this connexion, that although it was often asserted that the independence of the Imamate was recognized by this article, no arguments to support this claim were brought forward.

642. The Committee's attention was also drawn to the operation of the Treaty (Agreement) in the years following its conclusion, and it was claimed that the relations between the Sultanate and the Imamate under the Treaty provided further proof that the Imamate had been recognized as an independent State. In this connexion, Sheikh Saleh introduced a file of correspondence from the British Consul at Muscat to Sheikh Isa which, he stated, proved the independence of the Imamate. Many of the letters in this file, written during the period from 1920 to 1932, made some reference to the Treaty. While this correspondence provides much interesting information about the practical arrangements under the Treaty (Agreement), it does not seem to provide conclusive proof either that the Treaty (Agreement) recognized the independence of the Imamate or that, in fact, the Imamate was independent. As stated earlier, it shows the important role the British Consul played between the two parties or at least between the Sultanate and Sheikh Isa. Had the letters been addressed to the Imam as the head of the Imamate of Oman and had there been reference to his Government, the case would have been stronger, but in fact they were addressed to Sheikh Isa. The British Consul did not address Sheikh Isa as the Foreign Minister of the Imamate, the title which has been claimed for him, nor is there any reference in the correspondence to an Imamate or to Sheikh Isa as an official of that State. As the letters are, they do not seem necessarily to indicate either the existence of two States or two parts of one State. They would seem to be consistent with both the "international treaty" interpretation and the "internal agreement" interpretation. In this connexion, account should be taken of what has been stated in paragraph 637 above concerning the absence of any reference to the Imam in the text.

643. However, the correspondence does shed light on what were regarded as "internal affairs" and on

the matters which were outside the control of the Sultan. The Sultan, for instance, had no power to appoint *walis* in Oman; he could not prevent the seizure of property; and he could not control tribes committing disturbances. This wide range of matters which the Sultan apparently believed were excluded from his jurisdiction under the Treaty (Agreement) of Sib leads the Committee to wonder whether there were any matters at all which were not included within the term "internal affairs". The broad interpretation of this phrase apparently accepted by the Sultan adds great weight to the claim that the Treaty (Agreement) recognized the independence of the interior or of the Imamate.

644. The Committee feels that, regardless of what view is held about the interpretation of the Treaty (Agreement), it had three important practical effects about which there can be little disagreement. First, it put an end to the fighting. Secondly, it created a new relationship between the Sultan and the people of the interior. Thirdly, whatever the character of this relationship, it was such that the two parties did not raise the question of jurisdiction for more than thirty years.

645. Whatever interpretation is placed on this Treaty or Agreement, there is no doubt in the Committee's mind that, in practice, the Sultan exercised no authority in the interior in the period after the conclusion of the Treaty. Indeed, as has been noted earlier, it would appear that this had been the situation in varying degrees for many years before 1920. British observers in the period from 1920 to 1950 show clearly not only that the Sultans exercised no authority in the interior, but that the major part of it was under the authority of the Imam, thereby implying that there was an Imamate, which to all intents and purposes was autonomous.

646. The Imamate seems to have had the normal attributes of a State. It had a Head of State (the Imam), a higher council, an assembly, and its own system of administration which was exercised through tribal leaders and *walis* appointed by the Imam. Taxes were collected in the name of the Imam and were used for the purposes of the Imamate. The Imamate had known boundaries, although they were not very clearly defined, which encompassed the Jabal al Akhdar, part of the Dhahirah, the Sharqiyah and the Ja'lan. Justice was administered throughout this area by the Imam's *cadis* and was entirely separate from the system of justice in the Sultanate. Moreover, at least in the closing years of Imam Mohammed's rule, the Imamate issued its own passports, which were accepted in at least two places, Saudi Arabia and Kuwait. As well as issuing passports, the Imamate also applied to join the Arab League, once during Imam Mohammed's rule and again after Imam Ghalib's election in 1954.

647. The question of sovereignty over natural resources in the interior, including oil, is also of importance. It has been stated that when the Sultan granted the oil concession in 1937, the Imam protested. It has also been stated that the Imam warned the oil company not to begin search operations in Oman. Apparently therefore, Imam Mohammed believed that control over natural resources lay with the Imamate and he took steps to protect that right. It may also be assumed that this belief was based on the same grounds that gave him the right to administer the Imamate.

648. Sheikh Saleh has claimed that the United Kingdom recognized the independence of the Imamate and has drawn attention not only to its participation in the Treaty of Sib, and to the role played subsequently by the British Consul as shown in the correspondence with Sheikh Isa, but also to a letter from the British Resident in the Persian Gulf dated 21 March 1953 and addressed to the Imam (see paragraph 295 above). It will be recalled that Sheikh Saleh stated that this letter had been written to the Imam after he (Sheikh Saleh) had gone to Bahrain to discuss with the Resident a revision of the Treaty of Sib. Sheikh Saleh claimed that, since this letter was addressed to the Imam, it proved that the United Kingdom recognized the existence of the Imamate. The Committee does not feel, however, that the letter furnishes conclusive proof. The Committee notes that the letter was addressed to "His Excellency Imam Mohammed bin Abdullah al-Khalili" but, while this is significant, there is no reference to the Imam being the Head of a State. The use of "Imam" by the British Resident does not necessarily imply that he accepted a particular view about the Imam's functions. Further, the letter itself contains no reference to a State: it refers to the "peace agreement" signed by Sheikh Isa and to the British Government's desire to see that "good relations between His Excellency the Sultan and the Omanis are maintained".

649. To sum up, the Committee believes that although the Imamate lapsed early in the nineteenth century, the attachment of the people to the institution of Imam, which should be regarded as embodying both spiritual and temporal authority, was such that it was revived, once in 1868 and again in 1913. The Committee also feels that if it had not been for British assistance to the Sultan in 1915, about which it has certain reservations, the Imamate might have established itself over the whole country with the exception of the Trucial Sheikhdoms. The Committee also believes that it is not possible to give a definitive interpretation of the Treaty (Agreement) of Sib in connexion with the status of the Imamate. It believes, however, that at the least, it represented a recognition by the Sultan of the autonomy of the interior. Subsequent developments in the interior indicate very clearly the existence of an autonomous political entity that towards the end of the period certainly, and perhaps earlier, took steps to assert its competence in such important matters as the control of foreign relations and of the natural resources of the interior.

C. NATURE OF THE EVENTS OF 1955 AND 1957, AND THE QUESTION OF THE USE OF ARMED FORCE BY THE UNITED KINGDOM

650. Various reasons have been put forward for the action that took place in 1955 as a result of which the Sultan's forces occupied the Imam's capital, Nazwa, and the Imam was forced to flee to the mountains. On the one hand, it is claimed that the Sultan's action was provoked by the newly elected Imam, Ghalib bin Ali. On the other hand, it is claimed that the Sultan's action was inspired and directed by the United Kingdom, and was designed to destroy the independence of the Imamate and seize control of its oil resources. It is also claimed that the British wanted Oman for strategic reasons and that the British wished to prevent the new Imam from putting into effect a broad programme of economic and social development.

651. The first claim, in general, is that Imam Ghalib initiated a policy of asserting the independence of the Imamate contrary to the policy followed by the previous Imam. In particular, it is claimed that he began issuing passports, that he applied for membership of the Arab League, that he refused to accept the right of the Sultan to grant oil concessions covering his territories, that he denounced the 1937 oil concessions, and that he opposed the entry of the oil company into the interior. It is also claimed that by taking these actions, the Imam was challenging the Sultan's exclusive and absolute rights as ruler of the whole country to conduct its foreign relations and to control its natural resources and by doing so was committing an act of treason.

652. With reference to these claims, the Committee would first point out that it was given passports issued in the name of Imam Mohammed in 1953, and that it has no reason to doubt their genuineness. The Committee also draws attention to the statements by the Imam and Sheikh Saleh that the application to join the Arab League was initiated by Imam Mohammed. In this connexion, Sheikh Saleh gave the date of the first letter of application as 25 January 1954, which would have been in Imam Mohammed's time. The Committee further draws attention to the statements by the Imam and Sheikh Saleh that Imam Mohammed had challenged the Sultan's right to grant oil concessions in the interior and that he had warned the oil companies not to enter his territories. Judging from Thesiger's account of his journeys in Oman in the late 1940's, the Committee can well believe that no persons, and especially representatives of oil companies, could travel through Oman at that time without the permission of the Imam.

653. The Committee does not feel that Imam Ghalib initiated these policies although he may have intensified the efforts to assert the independence of the Imamate. The Committee is prepared to believe, moreover, that the mere continuation of these efforts, let alone their intensification, was at least likely to cause the Sultan concern.

654. With regard to the claim that the Sultan and the British deliberately planned to destroy the independence of the Imamate and seize its oil resources, the Committee would first note the following events. Around 1953 (or even earlier), the oil company began to show interest in exploring the interior; in 1953, the Sultan's forces occupied Duqm, although previously the Sultan had not apparently exercised any degree of authority there; at about the same time, the Sultan seems to have strengthened his armed forces, perhaps with assistance from the oil company; in 1954, the Sultan took control of Ibri, which had hitherto been under the control of a *wali* appointed by the Imam; sometime before 1955, the oil company brought in equipment and began preparations for drilling at Fahud.

655. It would appear therefore that, beginning in about 1953, the Sultan began to take steps to assert his authority in parts of Oman where it had not been exercised previously and that this action coincided with the oil company starting active operations in the interior, west of the mountains. The Committee believes that this was no mere coincidence and that the Sultan's actions were connected with the interest of the oil company in that area. It will be recalled in this connexion, that in the agreement with the oil company, concluded in 1937, it was recognized that certain parts of the Sultan's territory were not safe for its operations and that the Sultan undertook to "use his good offices with a view

to making it possible for representatives of the Company" to enter those parts (see paragraph 402 above).

656. The Committee can only surmise the part played by the United Kingdom in these events. The legal situation would seem to be that the United Kingdom had no legal authority to direct the Sultan's policies or the use of his armed forces and that all these matters were within the Sultan's control. However, taking into account the very close relationship that had existed between the Sultan and the United Kingdom for many years, and the fact that a predominantly British oil company was involved, the Committee is inclined to believe that the United Kingdom was associated in some way in the formulation of policy on this matter.

657. In considering the background of the events of 1955, the Committee cannot fail to note that a greater interest is shown by all concerned in the question of sovereignty. Up to that time, the Sultanate had not tried to interfere in the interior, and both the Imam and the Sultan had apparently been content to exist side by side. It would seem that one of the reasons the question of sovereignty was raised was because of the possibility of oil being found in the area and of the consequent necessity for all parties concerned to establish their legal rights.

658. The Committee does not feel that it is necessary to comment in any detail on the outline of events in 1955 at Nazwa and Rustaq which is set out in paragraphs 434 and 435 above. However, there are three points connected with these events that require attention. The first concerns the troops involved on the Sultan's side and whether they were his or British troops. The second concerns the effect of the action at Nazwa on the Treaty (Agreement) of Sib. The third concerns the allegation that Imam Ghalib resigned at this time.

659. On the first point, it will be recalled that the persons the Committee interviewed who had taken part in the fighting said that they were fighting the British and that British soldiers were involved. It is not clear, however, that any British army units were involved in 1955. It seems that the forces taking part were the Sultan's, which however were led by a British commander and were largely officered by British nationals.

660. On the second point, the Imam and his supporters have stated that the Sultan and the British had broken the Treaty of Sib by attacking the Imamate. The Sultan, however, has maintained that the agreement lapsed when his father ceased to be Sultan since there was no clause in it making it binding on the Sultan's heirs and successors. This view was not accepted by the Imam and his supporters, who have insisted that the Treaty was still in effect in 1955. They have also drawn attention to the visit by Sheikh Saleh in 1953 to the British Resident in the Persian Gulf for the purpose of securing amendments to the Treaty. This, they have stated, was evidence that they still regarded the Treaty as being in effect. However, the letter produced from the British Resident in connexion with this visit (see paragraph 295 above) is inconclusive on the question of whether the British regarded it as still being in effect. Sheikh Saleh's statement that in 1954 the British Resident had ignored a question put to him concerning the Treaty, is also inconclusive.

661. The third point, the allegation that Imam Ghalib resigned, was endorsed by only one group of petitioners and was strongly denied by others. The

Committee sees some force in the statement made by one of the Imam's supporters that such an action on the part of an Imam was impossible since an Imam cannot resign but can only be deposed. The Committee therefore is inclined to dismiss this allegation, particularly as it cannot see what the Imam could possibly have hoped to gain by such an unprecedented action.

662. The events of 1957 call for more detailed comment. The main outline of events seems to be clear. In July 1957, the Imam's forces defeated the Sultan's forces and reoccupied the Imamate capital, Nazwa. The Sultan appealed successfully to the United Kingdom for armed assistance in the form of units. British forces then quickly defeated the Imam's forces and the main towns were taken. The Imam held out in Jabal al Akhdar until January 1959, when British paratroops took the stronghold. The Imam and other leaders then escaped from the country.

663. It is relevant to note here that in August 1957, eleven Arab States requested, under Article 35 of the Charter of the United Nations, the convening of the Security Council to consider: "The armed aggression by the United Kingdom of Great Britain and Northern Ireland against the independence, sovereignty and the territorial integrity of the Imamate of Oman." After hearing a number of statements, the Security Council decided, by a vote of 5 to 4, with 1 abstention, and 1 member present but not voting, not to place the question of Oman on its agenda (see paragraphs 101-105 above).

664. Essentially, the events of 1957 appear to be a continuation of those of 1955, and therefore the Committee's comments on the background of those events apply equally to these. The principal differences were that in 1957 the United Kingdom became an active participant and that fighting took place on a significant scale.

665. In support of the charge of aggression against the United Kingdom it has been stated that the Imamate of Oman was a sovereign independent State. The United Kingdom has denied this and has stated that Oman was part of the dominions of the Sultan of Muscat and Oman and that the military action of the United Kingdom was undertaken at the request of the Sultan to help him restore order in the face of a revolt against his authority, which had been aided and encouraged from abroad.

666. In explaining why he asked for assistance, the Sultan also emphasized that the Imam was receiving assistance, military and financial, from external sources. On the other hand, the Imam denied that he received help before 1955. He stated that, after the attack of 1955, he and his people had requested help from all peace-loving peoples in order to protect themselves and to repel the British invaders, and that as an independent country, such a request was within their rights. While other petitioners referred to assistance given in 1958 and later by friendly Arab States, only one could recall that any assistance had been given before then. This petitioner, a member of the Revolutionary Council, stated that financial assistance had been received in 1957.

667. However, the Committee notes that no one has claimed that the Imam received assistance in the form of troops. Nor is there any indication that military aircraft, tanks, artillery or weapons of that nature were supplied. In fact, the Committee was frequently told that the Omanis had nothing but their rifles and knives. The Committee does not feel that it has been

demonstrated conclusively that any assistance was given to the Imam from outside the country in the period 1955 to 1957. Moreover, it also feels that if any assistance was given later, it was not in sufficient quantity or of such a nature as to affect the character of the Imam's struggle and convert it into a foreign-controlled action being carried out essentially in the interest of a foreign Power.

668. The Committee also notes the statements by the United Kingdom that "the putting down of a rebellion by a lawful authority is no violation of human rights" and that "to deny a lawful Government recourse to such assistance as it needed for this purpose would be to deprive it of the means of ruling". The Committee is not convinced by this argument. In view of what has been stated in paragraphs 594 and 694 above, the Committee believes that there is still a question whether the United Kingdom's action was justified in the case of Oman.

669. In this particular case there are added factors which would seem to cast doubts, at least, on the acceptability of such intervention. Whatever the nature of the Sultan's rule, it does appear to be an autocracy and there are none of the generally accepted means in the Sultanate whereby the people can make known their wishes. There are, for instance, no representative institutions or political parties. Being aware of this, as the United Kingdom must have been, and having no means of its own of knowing public opinion or the wishes of the people on this matter, there was an added obligation on the United Kingdom to consider with great care the effects of its intervention. The Committee has seen no indication that the United Kingdom Government considered this aspect of the matter. In the statements on the matter made on its behalf, the emphasis seems to have been placed on the necessity of maintaining a government in power rather than on ensuring that basic human rights were not infringed.

670. There is also the question of the degree of popular support commanded by the Imam at the time. There seems to be little doubt that in the central part of Oman, in the area of the Jabal al Akhdar and including towns such as Nazwa, Tanuf, Birkat al Mawz, Bahlah and Rustaq, the population was solidly behind the Imam. The Committee was informed that the fighting covered the whole country and even extended to Muscat and Dhofar. On the other hand, the Committee was told that the Harth tribe was divided, some members supporting the Imam and others the Sultan. The Committee notes that by all accounts the main body of the population in the interior is concentrated in the Jabal al Akhdar region. Taking this into account, the Committee feels that the Imam commanded a large measure of popular support and that this was strongest in central Oman. This being so, the action taken by the United Kingdom is even more questionable.

671. It should also be noted that, whatever the legalities of the situation, this action was taken against a people who believed that they were part of an independent State and that they had an agreement with their neighbour that this independence would be respected.

672. The Committee also notes the following circumstances: the interest of the United Kingdom in the possibility of oil being found in the interior; the United Kingdom's friendship with the ruler; the absence of any normally accepted means by which the population

could express its views about the ruler or the system of government; the existence of an autonomous political entity in the interior which had its own system of government and which believed it had guarantees of its independence; the apparently wide popular support given to the ruler of the interior in the face of the attempt by the Sultan to assert his authority there; and the possibility that the Imam was receiving outside support. Taking these circumstances into account, the Committee feels that the action taken by the United Kingdom was extreme and difficult to justify. It feels that some kind of negotiations along the lines of those in 1920 might have been more appropriate, particularly in the early stages before the initial action was taken in 1955. The Committee also feels that, had it not been for the possibility of oil being discovered in the interior, the action taken by the United Kingdom might well have been less drastic and much damage, destruction, human suffering and loss of human life might have been avoided.

D. PRESENT SITUATION IN MUSCAT AND OMAN

673. Undoubtedly, the Committee's comments on this aspect of the question would have been more comprehensive had it been able to visit Muscat and Oman. Its observations therefore are based on the limited amount of information given by the Sultan, the Imam and the persons the Committee interviewed. These persons, it should be noted, included not only people from the interior but also some from the coastal areas and Dhofar.

674. The Sultan's description of the system of government leaves little doubt that it is an autocracy, although he would regard it as a benevolent one. There are no elected representative institutions in the Sultanate. The tribal system operates over most of the country, and it plays no part in choosing the ruler or in formulating policy. In this connexion, the Committee notes the statement by the Sultan that the younger generation had no say in anything, since the sheikhs expressed the opinions of the tribes.

675. The petitioners said the Sultan's rule was arbitrary and harsh, that there was no political freedom or freedom of expression and that those who opposed the Sultan were imprisoned for their opinions. They also said that there were a large number of political prisoners. The Sultan's statement, in denial of this charge, that there were no political prisoners in Muscat and Oman in the sense the term was used in other countries, and that all prisoners were held on specific charges such as murder, arms smuggling and armed rebellion, did not seem convincing to the Committee.

676. The Committee notes the statements by the representatives of the Revolutionary Council and the petitioners that the fight against the British and the Sultan was being carried on in Oman by means of guerrilla warfare, that this fighting had the support of the people of Oman, and that it would continue until the British were expelled. It also notes the Sultan's statement that the whole country enjoyed peace and that law and order was the rule except for a few troubles created from outside. While it is not possible for the Committee to determine the extent of the fighting or the support it receives from the people, without visiting Oman, the Committee feels that it is important to draw attention to the firm determination of the Omanis outside the country to continue the fight. They, apparently, are receiving political support.

financial assistance, and assistance in military training from friendly Governments and have not only the determination but also the means to continue the struggle. It would seem, therefore, that unless a solution is found there will be continuing trouble accompanied by destruction and loss of life.

677. The Committee also feels that it has been clearly shown that there is room for a great deal of economic, social and educational development in Muscat and Oman.

678. The Committee notes the recent reports that oil has been discovered in commercial quantities. The Committee feels that the discovery of oil may affect the situation to a great extent.

679. The Imam and the petitioners also made a variety of other claims and charges concerning the present situation in the country. These have all been noted in paragraphs 482 to 502 above. Also set out in those paragraphs are the rebuttals made by the Sultan. With regard to these claims, the Committee believes that it would have been able to establish the facts if it had been able to investigate them on the spot. However, the fact that the system of rule there is autocratic in form leads the Committee to believe that there is substance to many of these claims.

E. WISHES OF THE PEOPLE

680. During its visit, the Committee interviewed over 175 persons (some of whom spoke on behalf of groups) from many different parts of the country; from central Oman, the Dhahirah, the Sharqiyah, the Ja'lan, from Muscat and the coastal areas, and from Dhofar. They also represented a variety of occupations. There were tribal chiefs, *walis*, retainers and messengers, but most were ordinary citizens who had been engaged in agricultural or pastoral occupations. Many of them were political refugees and had been forced to leave their country because of fear of arrest. Most of these had also left because of loyalty to the Imam, others to find work or to get a better education. Some could return to their country if they wished, but most could not. Some had been in Oman within the last few years, but the majority had left at different times between 1957 and 1960.

681. Almost all the persons interviewed in Dammam reflected fairly accurately the views of the Imam and his Higher Council. All of these were refugees who were living in Dammam or in other parts of Saudi Arabia and who had close ties with the Imam. Almost none had any employment, but said they received financial support from the Saudi Arabian Government through the Imam. Relatively few of them had been to any other country. In Kuwait the petitioners were noticeably different. Most had come to Kuwait to find work or to further their education, but nearly all regarded themselves as refugees. Almost all were employed. Moreover, their opinions and their approach to the problem were much more varied and, in general, they possessed a broader background of knowledge and experience. The majority supported the Imam but some did not. In Cairo, there was again a difference. Apart from the high officials of the Imamate, most of the persons the Committee interviewed were young students who were at university level or hoped to reach that level. As distinct from Omanis interviewed in other centres, the petitioners in Cairo were organized into groups and associations which would seem to reflect a greater degree of political awareness. But in

all the variety of opinions and views expressed there was one unmistakable common thread: opposition to the British and the desire to end their presence in Muscat and Oman.

682. The Committee was also impressed by the devotion to the cause shown by the petitioners who supported the Imam. Many said that they had suffered great losses, had suffered privations and had been forced to live away from their country and relatives as refugees. Yet when they were asked why they had supported the Imam, instead of the Sultan, and when it was pointed out that by supporting the Sultan they might have avoided all their troubles and be living peacefully in their homes, the reply was unanimous: they had supported the Imam because his cause was just.

683. As can be seen from the information set out in paragraphs 552 to 554 and 561 to 576 above, the Committee was presented with a variety of opinions on the political future of the country. Some regarded their country as encompassing Oman, the Sultanate and the Trucial Sheikdoms and wanted all these parts reunited. But most felt that they would be satisfied to have the Imamate re-established in the interior of Oman.

684. The Committee notes that there was also a variety of opinions on the system of government that should be established. While some petitioners were content with the traditional Imamate system, there were many who felt that a form of government more in keeping with conditions of the modern world was desirable. In particular, these persons wished to see a modern elective system introduced. The Committee also notes that almost all the petitioners, even those who wished to see a more modern form of government, believed that the system should be based on Islamic principles. They also wished the Islamic system of law to continue, with, perhaps, modifications of the kind which had been introduced in other Islamic countries.

685. The Committee notes, further, that opinions varied about the Head of State. Many wished the Imam to continue as Head of the State, others wanted a president. There was little support for a Sultan.

686. A few petitioners suggested that a form of United Nations trusteeship should be established for a period to enable the country to equip itself for independence. This suggestion was opposed by a great majority of petitioners.

687. The Committee was impressed by the keen desire of all to see their country transformed through programmes of economic, social and educational development, to enable it to take its proper place among the nations of the world.

688. The Committee notes the views of the Imam on the question of the future system of government. He stated that he was willing to accept the will of the people, move with the times and to step aside if the people wished to replace him. The Committee also notes the programme of development that was, and still is, envisaged by the Imam (see annex XIV). The Committee further notes that some members of the Revolutionary Council showed that they too, far from wishing to maintain all the old arrangements or even to resist attempts to change them, were looking forward to a more modern system.

689. The petitioners agreed generally on the following four points as the basis of any solution: (a) the withdrawal of British troops; (b) the right to self-

determination; (c) the release of political prisoners; (d) the payment of compensation to the people of Oman.

690. The Committee notes that it is the unanimous view of all the persons it interviewed from Muscat and Oman that, as a prerequisite of any solution, the British presence, in any form, must come to an end.

691. With regard to the possibility of a negotiated settlement to the question, the Committee notes the statement made by Sheikh Talib, in the presence of the Imam, that the door of understanding would always be open. Although the Sultan did not express any views directly on the possibility of a negotiated settlement, the Committee hopes that he will not exclude such a possibility. It also feels that many of the persons interviewed thought that, as a compromise solution, they might be willing to accept a return to the political situation before 1955. The Committee therefore hopes that it will be possible for all parties concerned to enter into negotiations.

692. The Committee believes that, at least among the Omanis who have left their country for one reason or another, there is a strong attachment to the principles of representative democracy and that all, including the present Imam, are anxious to see a democratic system in their country.

Chapter V. Conclusions

693. The Committee believes that the question of Oman is a serious international problem, requiring the special attention of the General Assembly.

694. The Committee believes that the problem derives from imperialistic policies and foreign intervention in Muscat and Oman.

695. The Committee believes that the problem is giving rise to unrest and suffering which may become more serious, and that a settlement is essential in the interest of peace, the only condition in which social and economic progress can be achieved. The Committee believes, therefore, that all parties concerned should enter into negotiations to settle the question without prejudice to the positions taken by either side and should refrain from any action that might impede a peaceful settlement.

696. The Committee believes that the United Nations should assist in bringing about a solution to the problem by taking an active part in facilitating the negotiations between all the parties concerned by the establishment of a Good Offices Committee. Any initiative that the General Assembly may take in this matter should be designed to achieve the fulfilment of the legitimate aspirations of the people of Muscat and Oman.

697. The Committee believes that the General Assembly should call upon the Imam and the Sultan to make every effort to settle the question through the facilities of the Good Offices Committee.

698. The Committee believes that the General Assembly should also call upon the Government of the United Kingdom to facilitate a negotiated settlement and to use its close and friendly relationship with the Sultan to encourage such a settlement.

699. The Committee believes that the General Assembly should also call upon the Arab States to make every effort to encourage a negotiated settlement.

Annexes

ANNEX I

Rules of procedure

Officers

1. The Committee shall elect at its first meeting a Chairman and Rapporteur from among its members.
2. If the Chairman is absent from a meeting, the Rapporteur shall preside.
3. The Secretary-General of the United Nations shall designate a Principal Secretary and shall provide the staff required by the Committee.
4. The Principal Secretary shall keep the members of the Committee informed of any questions which should be brought before it for consideration.
5. The Principal Secretary or his representative may make oral as well as written statements to the Committee.
6. The Principal Secretary shall be responsible for all the necessary arrangements for meetings of the Committee.

Quorum, power of the Chairman, voting

7. A majority of the members of the Committee shall constitute a quorum.
8. The Chairman shall declare the opening and closing of each meeting of the Committee, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall control the proceedings of the Committee and the maintenance of order at its meetings.
9. Each member of the Committee shall have one vote.
10. Decisions of the Committee shall be taken by a majority of the members present and voting. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.
11. Members of the Committee shall have the right to register an explanation of their votes in the final report of the Committee.
12. Unless the Committee decides otherwise, the meetings of the Committee will be closed.

Public statements

13. Official statements and press releases should be approved by the Committee.
14. Whenever a new phase of the Committee's work is about to be entered upon, the Chairman may, after consultation with the members of the Committee, issue a statement.
15. Press statements about the Mission will be made by the Chairman on behalf of the Committee. Individual members of the Committee may answer questions from reporters, but in their capacity as individual members, not on behalf of the Committee.
16. No reservations on any point should be made public by any member of the Committee before the final adoption of the report.

ANNEX II

Terms of reference

Official status of the Committee

1. The *Ad Hoc* Committee on Oman is an official Committee of the United Nations, duly constituted by General Assembly resolution 1948 (XVIII) of 11 December 1963.

Range of activities

2. The Committee is directed by the General Assembly "to examine the question of Oman". Its range of study covers all aspects of the question. The Committee is to make an exhaustive study of any problem it deems to be germane to the issue. In particular, it is to study and evaluate the territorial, historical and political issues involved in the problem.

3. The Committee has three main functions:
- To ascertain the facts;
 - To make an evaluation of the facts; and
 - To report to the General Assembly.

Methods of work

4. In ascertaining and evaluating the facts, the Committee will use all means at its disposal and, in accordance with the resolution, expects the co-operation of all the parties concerned for assistance by all possible means, including that of facilitating visits to the area.

5. The principal means by which the Committee will ascertain and evaluate the facts of the question will be:

(a) By a study of all relevant treaties, agreements and legal judgements relative to the question that the Committee may locate or that may be made available;

(b) By a study of available historical and legal writings relevant to the question; and

(c) By direct contact with the parties concerned either in New York or *in situ*, or, if this is not possible, by a study of statements and written submissions made on their behalf. By the parties concerned, the Committee means:

The Sultan of Muscat and Oman;

The Imam of Oman;

Member States considered by the Committee to be concerned in the area and the question; and

Other parties as decided by the Committee;

(d) By discussions in the Committee with petitioners, who may be either individuals or representatives of organizations having a legitimate interest in the question, and who the Committee decides could be of assistance to it in its work.

6. In these terms of reference the Committee has used the titles of the parties concerned in accordance with conventional usage in United Nations documents. In corresponding with the parties concerned, the Committee will address them by the titles they ascribe to themselves, without any prejudice to the position of the Committee in the question.

7. Information furnished to the Committee will be used in its report to the General Assembly, as it sees fit. The Committee may decide not to disclose certain sources of information only for the purpose of protection of individuals.

8. In order to perform this work, the Committee may visit the area and carry out an on-the-spot investigation. During its visit to the area, the Committee will have complete freedom of decision as to where it will travel, whom it will interview, and whom it will allow to accompany it. In particular, it expects to interview political prisoners or persons held in confinement whose interview the Committee deems to be useful.

9. The Committee will also make such other visits as it deems necessary for the proper fulfilment of its mandate, for the purpose of:

(a) Discussing the question with the Governments of Member States with interests in the question; and

(b) Hearing petitioners or interviewing persons whom it believes to have information which would be of assistance to it.

10. The Committee will draw up its own rules of procedure.

Report of the Committee

11. The Committee will report fully and objectively to the General Assembly.

12. The report will contain a full account of the activities of the Committee and the measures taken by it in fulfilling its mandate.

13. The report will contain the facts ascertained by the Committee and its evaluation of them. The Committee hopes that this will provide an exhaustive study of the question of Oman which will enable the General Assembly, at its nineteenth session, to take a decision on the question of Oman in full knowledge of the facts.

ANNEX III

Press statement issued by the Chairman of the Committee on 11 May 1964

Since its first meeting on 21 April 1964, the *Ad Hoc* Committee on Oman has held five closed meetings. In the course of these meetings the Committee has considered the scope of its work and has begun an examination of the documentation that is already available to it.

The *Ad Hoc* Committee on Oman is an official committee of the United Nations, duly constituted by General Assembly resolution 1948 (XVIII) of 11 December 1963, and has been given specific tasks including that of reporting to the next session of the General Assembly.

The Committee has agreed that the mandate given to it by the General Assembly covers all aspects of the question of Oman. The Committee therefore intends to make an exhaustive study of any problem it deems to be germane to the issue. In particular, and in keeping with resolution 1948 (XVIII), it will study and evaluate the territorial, historical and political issues involved in the problem.

The Committee views its task as one of ascertaining the facts, making an evaluation of them and reporting fully and objectively to the nineteenth session of the General Assembly.

The Committee will give every opportunity to the parties directly concerned, and to Member States concerned in the area and the question, to place their views before the Committee and to discuss these views in detail with it.

In operative paragraph 2 of its resolution, the General Assembly called upon all the parties concerned to co-operate with the *Ad Hoc* Committee by all possible means, including that of facilitating visits to the area. The Committee is looking forward with confidence to receiving this co-operation from the parties concerned, to enable it to carry out the tasks given to it by the General Assembly in the most effective and judicious manner. The Committee will announce its plans to visit the area when such plans are completed.

ANNEX IV

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ANNEX V

Correspondence between the Chairman of the Committee and the Sultan of Muscat and Oman

1. LETTER DATED 18 MAY 1964 FROM THE CHAIRMAN TO THE SULTAN OF MUSCAT AND OMAN

I have the honour to refer to the consideration of the question of Oman by the General Assembly of the United Nations at its eighteenth session and to resolution 1948 (XVIII) adopted by the Assembly on 11 December 1963. It will be recalled that by this resolution the Assembly decided to establish an *Ad Hoc* Committee on Oman and, subsequently, the President of the General Assembly nominated Afghanistan, Costa Rica, Nepal, Nigeria and Senegal as members. At its first meeting the Committee did me the honour of electing me as its Chairman.

The *Ad Hoc* Committee on Oman was established by the General Assembly to examine the question of Oman and was requested to report to the Assembly at its nineteenth session. In pursuance of the mandate given to it by the General Assembly, the *Ad Hoc* Committee has begun its work and has considered the means it will employ in carrying out its tasks.

In keeping with the General Assembly resolution, the Committee intends to make a thorough and intensive examination of all aspects of the question, so as to enable it to report fully and objectively to the General Assembly. It is the earnest hope of the Committee that the information and the proposals it is able to place before the General Assembly will enable a just and equitable solution to be found for this problem.

I am sure you will agree with the Committee that it should be able to acquaint itself, at first hand, with the situation in the area. For it is only through such a visit that the Committee would be able to make the observations, investigations and interrogations that would assist it in its work, in accordance with its terms of reference, a copy of which is attached.

For these reasons, the Committee believes that a visit to the area is necessary and has asked me to request your co-operation in facilitating such a visit. In making this request, the Committee would draw your attention to operative paragraph 2 of the resolution, in which the General Assembly calls upon all the parties concerned to co-operate with the *Ad Hoc* Committee by all possible means, including that of facilitating visits to the area. The Committee would add that your co-operation in this matter would not only be of immeasurable assistance to the Committee but would constitute a gesture of goodwill toward the United Nations.

The Committee therefore hopes that you will understand the spirit in which this request is being made and that, after you

have given it your earnest consideration, you will find it possible to facilitate a visit of the Committee.

(Signed) Abdul Rahman PAZHAWAK

Chairman of the

Ad Hoc Committee on Oman

2. TELEGRAM DATED 20 JUNE 1964 FROM THE SULTAN OF MUSCAT AND OMAN TO THE CHAIRMAN

Your Excellency we thank you for your letter of 18 May which was received on 8 June. As you know on a number of occasions we have sent messages to His Excellency the President of the General Assembly reminding the distinguished delegates of the United Nations that we hold sole responsibility for all matters within the Sultanate of Muscat and Oman, which has been a sovereign and independent State for over 200 years. We have also reminded the distinguished delegates that we have not yet thought it necessary to join the United Nations. The resolution of the General Assembly to which you refer concerns matters which are within our jurisdiction and is therefore an encroachment upon our domain which, we understand, the Charter of the United Nations itself reserves to our sovereign competence. For these reasons we regret that we cannot agree that your Committee should visit any part of our territories.

(Signed) Said bin TAIMUR

Sultan of Muscat and Oman

3. LETTER DATED 1 JULY 1964 FROM THE CHAIRMAN TO THE SULTAN OF MUSCAT AND OMAN

I have the honour to refer to your telegram dated 20 June 1964. In reply to my letter of 18 May 1964 concerning a visit to Muscat and Oman by the United Nations *Ad Hoc* Committee on Oman, in which you state that you cannot agree with the request of the Committee.

The Committee expresses its deep regret that you cannot agree with its request. Such a visit, the Committee believes, would have been of great assistance to it in carrying out the task entrusted to it by the General Assembly.

However, in pursuance of its mandate and in keeping with its desire to give every opportunity to all concerned to place their views before it in order to enable it to report objectively to the General Assembly, the Committee believes that it would be most useful and desirable if it could have the opportunity of seeking information on the matter through some other arrangements.

Since the Committee is anxious to make the final arrangements concerning its programme of work as soon as possible, it would greatly appreciate receiving any suggestions you may wish to make, at your earliest convenience.

(Signed) Abdul Rahman PAZHAWAK

Chairman of the

Ad Hoc Committee on Oman

4. TELEGRAM DATED 15 JULY 1964 FROM THE SULTAN OF MUSCAT AND OMAN TO THE CHAIRMAN

With reference to your letter dated 1 July 1964, we wish to say that without prejudice to our attitude towards the United Nations as explained in our previous telegram we would be willing to receive one member of your Committee provided that the specific points on which our comments are desired are submitted beforehand. We intend to visit London for approximately two months from the beginning of August and would be ready to receive the member of your Committee during that period. Our address in London is C/- Capt. Charles Kendall, Consul of Muscat and Oman, C/- Charles Kendall and Partners Ltd., 7 Albert Court, Kensington Gardens S.W.7.

(Signed) Said bin TAIMUR

Sultan of Muscat and Oman

5. LETTER DATED 23 JULY 1964 FROM THE CHAIRMAN TO THE SULTAN OF MUSCAT AND OMAN

I have the honour to acknowledge receipt of your telegram dated 15 July 1964 stating that, without prejudice to your attitude towards the United Nations as explained in your

previous telegram, you would be willing to receive one member of the Committee provided that the specific points on which your comments are desired are submitted to you beforehand, and also stating that you would be in London for two months beginning in August and would be willing to receive the member of the Committee during that period.

On behalf of the *Ad Hoc* Committee on Oman, I should like to express to you the Committee's sincere appreciation for your response to my letter to you of 1 July 1964, and for your willingness to give the Committee the opportunity of acquainting itself with your views.

At the same time, bearing in mind that the members of the Committee will not be able to have the benefit of a visit to Muscat and Oman in order to more adequately gather on the spot information in fulfilment of the tasks assigned to the Committee by the General Assembly, as requested in my letter to you of 18 May 1964, it is the Committee's considered belief that it would be more useful if all of its members could profit by acquainting themselves at first hand with your views. The Committee would therefore earnestly request your giving consideration to a meeting with the Committee as a whole.

The *Ad Hoc* Committee on Oman, being ever desirous of fulfilling as thoroughly and objectively as possible the tasks assigned to it by the General Assembly in resolution 1948 (XVIII) would, in the event that a meeting with the Committee as a whole does not prove to be possible, consider nominating one of its members to meet you on its behalf.

(Signed) Abdul Rahman PAZHWAQ
Chairman of the
Ad Hoc Committee on Oman

6. TELEGRAM DATED 10 AUGUST 1964 FROM THE SULTAN OF MUSCAT AND OMAN TO THE CHAIRMAN

With reference to Your Excellency's letter of 23 July, as already indicated in my previous telegram I regret that I would be unable to receive more than one member of your Committee and provided that I receive in advance the details of the matters upon which you require our comment.

(Signed) Said bin TAIMUR
Sultan of Muscat and Oman

7. TELEGRAM DATED 12 AUGUST 1964 FROM THE CHAIRMAN TO THE SULTAN OF MUSCAT AND OMAN

With reference to your telegram of 10 August expressing your regret that you would be unable to receive more than one member of the *Ad Hoc* Committee on Oman, the Committee had hoped that you might find it possible to meet with all of its members for the reasons indicated in my letter to you of 23 July 1964, and expresses its regret that you are unable to do so. However, after considering your suggestion and in keeping with its desire to fulfil the tasks entrusted to it by the General Assembly as thoroughly and objectively as possible, the Committee has decided to appoint its Chairman to meet you on its behalf as its representative. The Chairman of the Committee plans to be in London from 28 August and I trust that this date will be convenient to you. The Committee will send to you, as soon as possible, the major points relating to the matters which it wishes to discuss with you. The Committee would appreciate receiving confirmation of the date on which the meetings could begin, at your earliest convenience.

(Signed) Abdul Rahman PAZHWAQ
Chairman of the
Ad Hoc Committee on Oman

8. TELEGRAM DATED 17 AUGUST 1964 FROM THE SULTAN OF MUSCAT AND OMAN TO THE CHAIRMAN

Your telegram giving date of your proposed arrival London. Shall have to confirm date on which meeting can begin after receipt and study of papers you will be sending.

(Signed) Said bin TAIMUR
Sultan of Muscat and Oman

9. LETTER DATED 20 AUGUST 1964 FROM THE CHAIRMAN TO THE SULTAN OF MUSCAT AND OMAN

I have the honour to acknowledge receipt of your telegram of 17 August stating that you would have to confirm date on which our meeting could begin after receipt and study of the papers that would be sent.

I am attaching a list of the major points relating to the matters which the Committee wishes its representative to discuss with you and trust that it will now be possible for you to confirm the date for the beginning of our meetings.

I should appreciate receiving your reply at your earliest convenience to enable me to complete the necessary travel arrangements in good time.

(Signed) Abdul Rahman PAZHWAQ
Chairman of the
Ad Hoc Committee on Oman

Major points relating to the matters to be discussed

The matters the Committee wishes its representative to raise for discussion fall into five main categories.

- (1) History
- (2) Economy
- (3) Relationship with the United Kingdom
- (4) Situation since 1954
- (5) Other matters

The major points relating to these matters are as follows:

- (1) *History*
 - (a) Establishment of the Al Bu Said dynasty
 - (b) Control of the interior exercised by the Sultans
 - (c) Treaties with the United Kingdom and other countries
 - (d) Relations between the Sultan and the Imam, 1913-1954
- (2) *Economy*
 - (a) Public finance
 - (b) Economic and technical assistance
 - (c) Oil concessions and prospecting agreements
- (3) *Relationship with the United Kingdom*
 - (a) Treaty of 1951
 - (b) Exchange of letters of 1951 regarding consular jurisdiction
 - (c) Exchange of letters of 1958 regarding economic assistance and the armed forces
 - (d) Basis on which the United Kingdom handles the foreign relations of the Sultanate
- (4) *Situation since 1954*
 - (a) Relations between the Sultan and the Imam
 - (b) Basis of the intervention by United Kingdom armed forces
 - (c) Negotiations with the Imam in Lebanon, 1960-1961
 - (d) Means of resolving the dispute
- (5) *Other matters*

For the purpose of gathering first-hand information, the Committee would also wish its representative to discuss the general system of administration in Muscat and Oman.

10. LETTER DATED 1 SEPTEMBER 1964 FROM THE CHAIRMAN TO THE SULTAN OF MUSCAT AND OMAN

Following our meeting this morning, and in accordance with our agreement, I have the honour to submit the list of specific

questions based on the general outline forwarded to Your Highness by my letter of 20 August 1964.

I shall be pleased to discuss these questions with you, at your convenience, at any time before 4 September, on which day I shall have to depart from London.

(Signed) Abdul Rahman PAZHWAQ
Chairman of the
Ad Hoc Committee on Oman

(1) History

1. It has been claimed that according to Omani constitutional law, which is based on Ibadhi doctrines, leadership is embodied in an Imam who must be elected to office and who can be deposed by the same process. It has also been claimed that, in 1792, Seyyid Sultan bin Ahmed illegally seized power from the Imam Said bin Ahmed, and that the rule of his successors at Muscat, with the exception of Azzan bin Kais (1868-1871), has been unconstitutional, since they have not been elected. What are the Sultan's views of this interpretation?

2. Can the Sultan give any reasons why his predecessors did not seek election to the Imamate?

3. It has been claimed that the Sultanate has exercised little control over the interior and that it owed its continued existence to support from the British, without which it would have been overthrown by the people. What is the Sultan's view of this interpretation?

4. It has been claimed that the treaties concluded by the Sultanate with the United Kingdom since 1798 imposed unfair conditions on the Sultanate and that they therefore indicate a colonial relationship. The treaties cited are those concluded in 1798, 1800, 1839, 1891, the Non-Alienation Bond of 1891, the Deed of Cession of the Kuria Muria Islands in 1854, the agreement concerning the Sur Coal-fields of 1902, the concession to a Sponge Exploration Syndicate in 1905, the undertaking given by the Sultan concerning oil in 1923, and the agreement with Petroleum Concessions Ltd. in 1937. Would the Sultan care to comment on this claim? A separate series of questions relating to the treaties is attached.^a

5. Following the election of an Imam in 1913, it has been claimed that, from that date to 1954, the Imams controlled inner Oman and exercised administration through *walis*. How were these Imams regarded by the Sultanate? What areas were controlled by the Imam and by the Sultan respectively?

6. What is the Sultan's view of the claim that from 1913 to 1954 there were two States in the area, namely the Sultanate of Muscat and the Imamate of Oman?

7. In paragraphs 144 and 145 of the report of the Secretary-General's Special Representative (A/5562), the Sultan was quoted as having said that the Agreement or Treaty of Sib was a dead issue and that he did not recognize the treaty. Would the Sultan care to explain the basis of his position on this point?

8. What was the nature of the relationship between the Sultan and Imam Mohammed bin Abdullah? Did the Sultan ever come into official contact with the Imam Mohammed?

9. Did the Imam Mohammed ever challenge the rule of the Sultan? Did he question the right of the Sultan to make oil concessions?

10. What co-operation, if any, did the Sultan get from the Imam Mohammed bin Abdullah at the time of the Buraimi crisis of 1952?

(2) Economy

1. What are the sources of the public revenue of the Sultanate? Is there any other public revenue aside from customs and excise taxes?

2. Is *sakat*, or tribute, paid? Does the payment of *sakat* imply a recognition of overlordship?

3. Is a budget of revenue and expenditure prepared annually? Is it made available to the public? Is the Sultanate self-

^a Not reproduced in this annex. The questions are the same as those contained in annex X, section II.

supporting? Does it receive grants from another country to balance its budget?

4. What assistance is being given by the United Kingdom? Does the Sultan regard this as sufficient? Does he regard the arrangement under which this assistance is given as a just one? Has the Sultan considered seeking economic and technical assistance from countries other than the United Kingdom?

5. Has the Sultan considered requesting assistance through the United Nations and its specialized agencies? Has the Sultan considered becoming a member of any of the specialized agencies? Does the Sultan receive any communications from the specialized agencies?

6. What is the Sultan's understanding on the question of mineral rights in Muscat and Oman? In whom are these rights legally vested? Are they vested in the people, the Sultan, his Government or tribal leaders? Are these matters set out in any legal or constitutional instrument?

7. There have been repeated rumours, reported in the Press, about the discovery of oil in Oman. Can the Sultan shed any light on this issue?

8. Is the agreement with Petroleum Concessions Ltd., of 1937, still in force? In view of the fact that this agreement provides for the payment of a royalty on each ton of oil produced and that more recent agreements in the Persian Gulf area provide for payments on a fifty-fifty basis, is the Sultan satisfied with these terms? Is a new agreement being considered?

9. What are the terms of the Sultan's agreement with the American oil company which is operating in Dhofar?

(3) Relationship with the United Kingdom

1. Has the Sultan anything to add to his previous statements concerning the claim that has been made that a colonial relationship exists between the Sultanate and the United Kingdom? Does he wish to bring forward any additional material to support his position?

2. The Government of the United Kingdom has stated that its relationship with the Sultanate is governed by the Treaty of 1951, by the exchange of letters at that time regarding consular jurisdiction and by the exchange of letters in 1958 concerning the armed forces. Does the Sultan regard the 1951 Treaty as satisfactory to him? Since the Treaty is due to expire in 1966, is the Sultan considering renewing the Treaty and if so, is he considering any changes?

3. Does the Sultan regard the Non-Alienation Bond of 1891 as still operative?

4. The Committee notes the continued existence of extra-territorial rights in Muscat and Oman for certain British and Commonwealth nationals and subjects. Could the Sultan state precisely to whom these extraterritorial rights apply? Does the Sultan regard this as consistent with his position and authority? Does he regard this as a satisfactory arrangement? The Committee notes that this agreement will expire in 1966. Does the Sultan wish to expedite the expiration of this agreement? Does the Sultan intend to renew such an arrangement on its expiration?

5. Does the Sultan regard the agreement with the United Kingdom concerning assistance to his armed forces as satisfactory? Does this agreement in any way affect the Sultan's control of his armed forces? What are the terms and conditions of service of the seconded officers, particularly as it affects the Sultan's control of them?

6. It is noted that this agreement provides for the continued use by the Royal Air Force of the airfields at Salalah and Masirah. To what use have these airfields been put and does the Sultan have any control over their use? For instance, if the Sultan was opposed to operations being conducted by forces using these airfields, is there anything in the agreement that would allow the Sultan to cancel the agreement or withdraw the airfields from use?

7. Who conducts the external affairs of Muscat and Oman? How are these functions performed?

8. Is there any written agreement with the Government of the United Kingdom concerning its handling of the foreign relations of the Sultanate?

9. Does the United Kingdom handle all the Sultanate's relations with foreign Powers and international bodies? Are the Sultanate's relations with the Trucial States conducted by the United Kingdom?

10. What part, if any, did the United Kingdom play in the transfer of Gwadar to Pakistan? Was this agreement embodied in a document and has it been made public?

11. With what other countries does the Sultanate have diplomatic and consular relations?

12. Did the Sultanate ever consider joining the League of Nations, the United Nations or any United Nations specialized agencies?

(4) *The situation since 1954*

1. Has the Sultan at any time recognized the election of Ghalib bin Ali to the Imamate?

2. What were the relations between the Sultan and the Imam before fighting began and since?

3. What is the Sultan's understanding of the events that have taken place since 1954?

4. What is the Sultan's view of the charge that, in calling on British armed assistance, he was confirming his colonial relationship with the United Kingdom and acting in the interests of the United Kingdom, rather than in those of his people?

5. In 1960/1961 several meetings took place in Lebanon between representatives of the United Kingdom Government and the Imamate. Was the United Kingdom representative acting on behalf of the Sultan? Who initiated these meetings and why were they held? What did the Sultan hope to obtain out of these meetings? What are the Sultan's views on the conditions put forward by the Imamate as a basis of negotiation?

6. With regard to the activities of the Imam's supporters up to 1963, would the Sultan confirm the statements made by the Secretary-General's Special Representative in paragraphs 96-102 of his report?

7. Is it true as has been claimed that the Imam still dispenses justice in areas partially under his control?

8. How many political prisoners are there in Muscat and Oman? Is there any information about the whereabouts of Sheikh Ibrahim bin Isa al-Harthi?

9. Claims have been made that activity by the Imam's supporters in Oman has continued since Mr. de Ribbing's report. In particular:

(a) That resistance is being continued by the Bani Bu Ali in the Ja'lan area;

(b) That in or around May 1964 members of the Omani Liberation Army blew up an arms depot at a well-fortified British military post at Rustaq;

(c) That at about the same time the Sultan's headquarters at Muscat and the nearby military barracks were set afire and that as a result the British authorities in Muscat had declared a state of emergency in Muscat and Matrah;

(d) That in or around June 1964 British aircraft bombed Nazwa, especially the northern part of the town where resistance is said to have increased, and a nearby town where three persons had been killed and six wounded;

(e) That during May 1964, no less than 10,000 homes in various parts of Oman were destroyed by fires which had been started by the British occupation authorities. The people of Oman had been unjustly charged with responsibility for these fires and many people had been thrown into prison.

10. Could the Sultan list the principal Sheikhs who are co-operating with him and those who are not?

11. Is there at present any fighting between the tribes?

12. What is the opinion of the present generation in Muscat and Oman about the restoration of the Office of Imam with religious and secular powers? What is the opinion of the people in general on the same matter?

13. What are the Sultan's views on how the present dispute can be resolved?

14. Does the Sultan feel that the discovery of oil will affect the dispute in any way?

15. What are the Sultan's views on the possibility of a consultation of the people conducted under the supervision of the United Nations as a means of ascertaining their wishes and resolving any doubts on this aspect of the question?

(5) *Other matters*

1. What are the boundaries of the Sultanate of Muscat and Oman? Are they marked or are there other ways that they can be identified?

2. Does the Sultanate have a written Constitution? If not, what is the legal basis of government? To what extent are the constitutional arrangements related to Ibadhi doctrines? Do the constitutional arrangements provide for an Imam? If so, what are his functions? Is there at present a spiritual leader?

3. What are the powers and functions of the Sultan? Is the office hereditary? If not, how does the succession take place?

4. Does the Sultan have a council to advise him in the exercise of his powers? If so, what are the powers of this council, who are the members of it, and how are they appointed? Is there a legislative body? If so, what are its powers, what is its membership, and how are members appointed?

5. In paragraphs 122 to 125 of the report of the Secretary-General's Special Representative, some information on the system of government and administration is given. It is stated there that "political power has been, and to a great extent still is, in the hands of tribal chiefs, territorial notables and religious leaders, but some of that political power is in the process of being transferred from this traditional ruling group to the central government". What steps are being taken to transfer political power to the central government? In carrying out this process, are there any safeguards against arbitrary rule by the central government or any guarantees of the liberty of the people?

6. How are the wishes of the people made known? Has the central government any means of knowing that it is governing in accordance with the wishes of the people and that its administration is supported by the people at large?

7. Does the existence of many different tribes affect government and administration?

8. The Committee understands that although almost all the inhabitants are Moslems, they belong to different sects. Do these differences affect government and administration in any way?

9. What Government Departments are there? Who heads them and how is policy translated into practice at the local level?

10. What are the powers and functions of the *walis*? By whom are they appointed and to whom are they responsible?

11. What is the relationship between the Sheikhs and tribal and religious leaders? In cases where the central government works through them, what are their powers and functions? Do these conflict in any way with their traditional powers and functions?

12. In cases where Sheikhs and tribal and religious leaders are not part of the administration, what are their powers and functions? How are they appointed? Do their powers and functions conflict with those of officials of the central government?

13. What machinery exists for the maintenance of law and order?

14. What are the distinctive functions of the "gendarmerie" referred to in the information on the armed forces supplied to the Secretary-General's Special Representative (A/5562, annex VIII). Is it a police force? If so, is it in any way separate from the military forces proper in matters of control? How many contract officers and local officers respectively are in the *gendarmerie*? Apart from the officers, are all the other members of the *gendarmerie* of local origin?

15. How does the Sultan ensure that the control of his armed forces remains in his hands when most of its officers and all of its senior officers are foreigners? Do the contracts under which these officers are employed contain any clauses about allegiance to the Sultan?

16. Since the Sultanate has no treaty relations with Pakistan, what procedures are followed in recruiting Pakistani officers?

17. What ranks and positions do the British and Pakistani officers hold? What progress has been made in training officers of local origin? Is the rank of Lieutenant still the highest rank held by a local officer?

18. Recently it has been claimed that "mercenaries who served in Katanga" are now serving in Oman. Is this correct?

19. Is there a national currency in Muscat and Oman, a national flag or a national anthem?

20. What is the position of foreigners (other than British) in Muscat and Oman?

21. Would the Sultan care to comment on other charges that have been made about his administration. These charges include (a) the continued existence of slavery and (b) inhuman conditions in prisons.

11. LETTER DATED 19 SEPTEMBER 1964 FROM THE CHAIRMAN TO THE SULTAN OF MUSCAT AND OMAN

I have the honour to inform you that I arrived in London on 18 September in accordance with our agreement at our meeting on 1 September 1964, in order to be available to continue our discussions on your return from your tour on 19 or 20 September. I have been informed, however, that Your Highness is still in Scotland. Your Highness will recall that I was looking forward to the continuation of those discussions. I regret that it was not possible for us to continue our discussions on this occasion.

I shall be travelling through London again at the beginning of October and if a mutually suitable time can be arranged I should be glad to continue our discussions then. If this does not prove to be possible, I should be most grateful if Your Highness would find it possible to send me the clarifications you intended to make concerning the remaining questions I raised with you in my letter of 1 September. I am also attaching a short list of additional points on which the Committee would wish to have Your Highness's comments.

I had intended to raise again with Your Highness the question of your reconsidering your position concerning a visit by the Committee to Muscat and Oman. Following their visit to the neighbouring area, the members of the Committee are more convinced than before that such a visit would be very useful indeed and would be in the interests of all parties concerned.

It is my hope that the Committee's sincerity and good intentions in this matter will not have failed to impress themselves on Your Highness and that they will be recalled by Your Highness in your consideration of the matters I have discussed with you on the Committee's behalf.

(Signed) Abdul Rahman PASEWAK
Chairman of the
Ad Hoc Committee on Oman

Additional points

1. Can the Sultan make available the text of a written request to him, from the Imam, for information concerning a number of matters connected with the intentions of the Saudi authorities after their occupation of Buraimi in 1952?

2. Can the Sultan make available the Imam's written answer to his request for military assistance at that time?

3. The United Kingdom delegation has stated in the General Assembly on behalf of the Sultan that the Duru area was outside the territory covered by the Treaty of Sib.

(a) What was the basis of this statement and how can it be proved correct?

(b) Does the Duru area include the town of Ibrî?

12. LETTER DATED 22 SEPTEMBER 1964 FROM THE SULTAN OF MUSCAT AND OMAN TO THE CHAIRMAN

We are in receipt of Your Excellency's letter of 19 September, which was handed to us on our return from Scotland at 8.30 p.m. on 20 September.

As you say in your letter to which we refer, we had agreed to continue our discussions on our return from tour on 19 or 20 September. Having duly returned on the 20th, we were surprised to find that you had already left for New York, but understood from our official who met Mr. Miles that you were called to New York unexpectedly.

You mention in your letter that you will be passing through London at the beginning of October, but as we leave then it seems that we cannot meet again.

As we have already said, we are unable to agree to further visits to our Sultanate of members of the United Nations Committees, nor, as we also stipulated, are we prepared to enter into correspondence in these matters.

It is unfortunate that you were unable to spare more time in London either on your earlier visit when we met or on your return, or, had we received the details of what you wished to discuss and which we repeatedly asked for in advance, we would have been able, perhaps, to complete our discussions even in the brief time which you appear to have had at your disposal.

(Signed) Said bin TAIMUR
Sultan of Muscat and Oman

13. LETTER DATED 25 SEPTEMBER 1964 FROM THE CHAIRMAN TO THE SULTAN OF MUSCAT AND OMAN

I received your letter of 22 September this morning. I wish to thank you for the acknowledgment of my communication of 19 September 1964.

Your letter arrived just before my trip to London of which I informed you in my above-mentioned letter. I had hoped that it might be possible to meet you, but since Your Highness will be leaving, it seems that we cannot meet again in London.

I understand that Your Highness does not agree to further visits by members of the United Nations *Ad Hoc* Committee on Oman, to the Sultanate. I regret that Your Highness maintains his previous position on this matter, in spite of my earnest request after the visit of the Committee to the neighbouring territories as stated in my last communication. However, I am encouraged that you consider missing the opportunity I was seeking to meet you as unfortunate as I do. I still find myself in a position to be at your disposal not only in London, but anywhere else. I shall now be going directly to Cairo to attend the Conference of Heads of State or Government of Non-Aligned Countries, in my capacity as representative of Afghanistan. After the Conference terminates, I shall be at your disposal to meet you in Europe, in the Middle East, or in Muscat and Oman, in the same manner as we met in London. In case this is not convenient for Your Highness, I shall be grateful if you could let me have in writing your views on the questions which, in accordance with your wishes, I had submitted in advance. I would recall that Your Highness was kind enough to discuss some of these questions with me at our meetings in London and that you have agreed that some of the points could be discussed after you had had time to consider them. I had made this request also in my last letter submitted to your officials by Mr. Miles, the Principal Secretary of the Committee.

It is my earnest hope that Your Highness would find it possible to extend to me your co-operation which I seek, with a view to enabling the Committee to submit a full report on the situation, based on the information the Committee needs and wishes to directly gather from all the parties concerned.

(Signed) Abdul Rahman PASEWAK
Chairman of the
Ad Hoc Committee on Oman

ANNEX VI

Statement made to the Committee on 12 August 1964
by the representative of the United Kingdom

I greatly appreciate this opportunity to meet with you, Mr. Chairman, and the members of your Committee today and, also, if I may say so, I very much appreciate the words that you have just spoken. It is our wish to co-operate in every way we can with the Committee and we are very glad now to be able to do so.

I propose only to make a brief statement, since I have been authorized by my Government to hand to you a comprehensive memorandum describing the relationship between the United Kingdom and the Sultanate of Muscat and Oman.

I think that perhaps I should make it clear at once that any information which we give to this Committee about Muscat and Oman can only properly be related to the matter of Her Majesty's Government's relations with that country and with its ruler, His Highness Sultan Said bin Taimur.

Our memorandum, therefore, deals with the British relationship with the Sultanate and only mentions other relationships and the Sultanate's domestic affairs in so far as these are required to clarify the relations of the United Kingdom with Muscat and Oman. Accordingly, the memorandum does not set out to describe the domestic affairs of Muscat and Oman, which are solely the concern of the Sultan and his Government.

The United Kingdom's relationship with the Sultanate has at all times been one between two sovereign Powers. At no time in history has Muscat and Oman been a dependency of the United Kingdom or had the status of a protectorate, a protected State or a colony.

In the eighteenth century and throughout the nineteenth century, Britain's interest in the trade route to India and in the suppression of piracy, the slave-trade and gun-running in the Indian Ocean and the Persian Gulf had much to do with the character of the relationship between it and Muscat and Oman.

At that time, Britain, which had no reason or desire to derogate from the sovereignty of the Sultan, had an interest in ensuring that other Powers equally respected that sovereignty. It was in recognition of this interest that the then Sultan of Muscat and Oman agreed with the British Government in 1891 not to alienate his territory to any third Power.

The position today, as it has been in the past, is that British assistance, whether economic, military or political, has been provided to the Sultanate as a fully independent sovereign State.

The United Kingdom is only one of a number of countries to have recognized the independent status of Muscat and Oman, and several have maintained direct relationships with the Sultanate and have had treaties of various kinds with its rulers. The Committee is no doubt fully aware of this, but perhaps I may be permitted to refer to some specific examples.

The United States of America, for example, concluded a Treaty of Amity and Commerce with Muscat and Oman in 1833 and a Treaty of Friendship and Commerce in 1958.

In 1844 France concluded a Treaty of Commerce which was ratified in 1846 and which provided, among other things, for the appointment of consuls.

In 1877 the Netherlands concluded a commercial declaration with the Sultanate.

The Government of India in 1953 concluded a treaty with the Sultan and established a consular post in Muscat.

While these treaties are of no direct concern to Her Majesty's Government, their existence illustrates that other countries with interests in Muscat and Oman have concluded instruments direct with the Sultan as an independent Power. It is worth noting in this connexion that the treaties referred to which have been concluded since 1945 have been registered with the United Nations under Article 102 of the Charter.

It may well be, Mr. Chairman, that your Committee, in accordance with its stated aim of producing an objective report,

will ask the countries concerned to confirm that their relationships with Muscat and Oman are as I have described them.

Now, as for the United Kingdom's present relations with the Sultanate, they are governed by the Treaty of Friendship, Commerce and Navigation of 20 December 1951, a copy of which is attached to the memorandum I shall be handing to you, and it will be seen that this is a treaty of the kind which is normal between sovereign States. Its only unusual feature is the provision in the exchange of letters attached to it for a limited degree of extraterritorial jurisdiction. This jurisdiction, which dates from the last century and which is due to expire on 31 December 1966, has, with the agreement of the Sultan, been greatly reduced by successive changes, both in and since the Treaty of 1951, and, as the memorandum makes clear, the cases still heard by the British courts in Muscat and Oman now in essentials relate only to proceedings against non-Muslim servants of the British Crown and proceedings between non-Muslim United Kingdom or Commonwealth citizens.

I should also like to draw your attention to an exchange of letters between the United Kingdom and the Sultanate of 1958 which provided the Sultan with assistance in the reorganization and equipping of his armed forces and financial and technical aid for the economic development of his country.

I have noted, Mr. Chairman, from your letter of 7 August, which I have unfortunately only just received, that your Committee is proposing to visit London next month. I will arrange for an official reply to this letter as soon as possible, but I would like, if I may, Mr. Chairman, to take this opportunity of assuring you that your Committee will be most welcome in London and that I am at your disposal to facilitate matters for you in any way that I can.

If, Mr. Chairman, after your Committee has studied this memorandum, there are any questions that you would wish to raise arising out of it, I shall, of course, be only too glad to consider them. However, you may think perhaps that any such questions might be more conveniently raised in London directly with the Foreign Office there when your Committee is there, and this also I should be very happy to arrange—whichever procedure may be most convenient to you and to your Committee.

Again I must repeat my thanks for this opportunity. I have here, Mr. Chairman, the memorandum and its annexes to which I have referred in this statement, which I would be very glad to hand to you.

ANNEX VII

Memorandum submitted to the Committee by the
United KingdomTHE RELATIONSHIP BETWEEN THE UNITED KINGDOM AND THE
SULTANATE OF MUSCAT AND OMAN

1. Until the end of World War I, and to a great extent until the end of His Majesty's Government's responsibility for the government of the Indian sub-continent in 1947, British interests in Eastern Arabia were handled by the Government of India, and British diplomatic relations with Governments in the area, including those with the Sultanate of Muscat and Oman, were conducted by members of the Indian Political Service, who employed styles and titles used by that Service (some of which persist to this day). This was essentially a question of administrative practice in the days before modern communications. References to, for example, "the British authorities", "the Government of India", the "Political Agent", and "the Political Resident" should be read with this in mind.

A. 1798-1900

2. Apart from occasional trading contacts in the middle of the eighteenth century, British relations with Muscat and Oman date effectively from an Agreement of 1798 between the Imam^b and the East India Company, representing the

^b The rulers of Muscat and Oman used the religious title "Imam" until the reign of Said (1807-1856), who preferred to be called "Sayid" Said. The term "Sultan" came into use in the early 1860's, as was shown by its use in the Anglo-French Declaration of 1862.

British Government. This was concluded in order to protect the sea routes to India from privateers during the Napoleonic Wars. The then Imam was persuaded to promise to exclude French vessels, which had made Muscat a base for privateering attacks on British shipping, from the inner anchorage of Muscat's harbour; and also to deny to the French and the Netherlands Governments a commercial or other foothold for the duration of the war.

3. Privateering was endemic in the southern Persian Gulf at the time and its suppression continued to be a major British and Muscati interest after the close of the Napoleonic Wars. On several occasions British naval support was given to the Imam and later to the Sayid of Muscat and Oman against the seafaring tribes of the Pirate Coast, who made a living from plundering shipping. In 1809, and again in 1819, military expeditions were mounted by the Government of India to root out these pirates based on the coast, and in 1820 and 1821 an expedition was also made into the interior of Muscat and Oman against a tribe guilty of complicity in piracy.

4. Besides the suppression of piracy, the British Government devoted considerable efforts during the nineteenth century to bringing to an end the slave-trade. A treaty was signed in 1822 by which the Sayid agreed to help in suppressing the slave-trade with Christian nations, and the scope of this co-operation was gradually extended in similar agreements, particularly the Treaty of 1873, under which the Sultan (as he was by then called) agreed to the complete abolition of the slave-trade.

5. British commercial relations with Muscat and Oman were first regularized by a Treaty of Commerce signed in 1839, on the lines of that previously concluded between Muscat and Oman and the United States Government in 1833. Under it, both countries received what would now be called reciprocal most-favoured-nation treatment for their goods; it was supplemented by a Customs Agreement in 1846, by which the trans-shipment dues on cargo were fixed at 5 per cent. Two other events in the ensuing years were the establishment of a British Assistant Political Agency at Gwadar (then a Dependency of Muscat and Oman) in 1863 and an Agreement to establish telegraph facilities in 1864.

6. The next important British contact with Muscat and Oman's affairs came in 1858, when the Sayid of Muscat and Oman prepared an expedition against Zanzibar in pursuance of his claim to Zanzibar. The British authorities in India made active representations for restraint in the interest of stability in the Indian Ocean. The Sayid agreed to accept the arbitration of the Governor-General of India over his claim to Zanzibar, and in 1861 acknowledged recognition of Lord Canning's award, by which Zanzibar was separated from Muscat and Oman.

7. This settlement was followed by the Anglo-French Declaration of 1862 in which both Governments, "taking into consideration the importance of maintaining the independence of His Highness the Sultan of Muscat and of His Highness the Sultan of Zanzibar, have thought it right to engage reciprocally to respect the independence of these Sovereigns". Frequent references to this agreement in Anglo-French exchanges over the ensuing years show the determination of both parties that its terms should be scrupulously observed. The significance of the Declaration was not only in its respect for the independence of Muscat and Oman, but also in the manner in which the two major Powers recorded that independence as a fact and as something which it was important to preserve.

8. It has been recognized, however, that in the conditions of the nineteenth century a major Power enjoyed a position to which smaller Powers of unquestioned independence were inclined to defer. An example of this is available from 1890, when the Political Resident in the Persian Gulf conveyed Her Majesty's Government's formal recognition of Sultan Faisal's accession. The Sultan of Muscat and Oman was informed that Her Majesty's Government hoped "to continue with Your Highness the same relations of friendship that have existed between the two States". No conditions attached

to this. In reply, Sultan Faisal indicated that he intended to maintain the good relations that had existed in his father's time, and to keep his father's and predecessor's engagements. He added, of his own volition, that it was his "earnest desire to be guided in all important matters of policy by the advice of the British Government, and so to conduct his Government as to secure the continued friendship and approbation of His Excellency the Viceroy and the British Government". Similarly the Sultan signed an Agreement in 1891, by which he bound himself, his heirs, and his successors, "never to cede, to sell, to mortgage, or otherwise give for occupation, save to the British Government, the dominions of Muscat and Oman or any of their dependencies". The essence of this Agreement was that while the Government of India sought no derogation of the Sultanate's independence, the Sultan deferred to Her Majesty's Government in ensuring that no other Power should derogate from that independence to British disadvantage. (As circumstances changed, this particular Agreement lost its force. It was finally terminated by an exchange of letters between the present Sultan and Her Majesty's Government in 1958, after having long been regarded as a dead letter.) The Agreement of 1891 was linked with the signature of a Commercial Treaty of the same year, little different in substance from that of 1839. In 1895, the British Government agreed to come to the assistance of the Sultan in the event of any attacks on the two principal towns of his country, Muscat and Matrah.

B. 1900-1932

9. The suppression of arms smuggling in Muscati vessels was a subject of great concern to the British Government during the first fifteen years of this century. In 1903 the Sultan accepted the co-operation of British (and also Italian) ships in searching Muscati vessels suspected of carrying arms, and this service was continued until the outbreak of world war in 1914. These precautions were strengthened in 1912, when the Sultan decided in agreement with the British authorities to establish in Muscat a bonded warehouse in which all arms and ammunition would be deposited on importation. Exports from it were only to be made on the issue of a "no-objection certificate" by the Sultan personally.

10. When, in 1913, the leaders of the Hinawi and Ghafari factions combined to appoint an Imam in Inner Oman and, in 1914, moved to attack Muscat, the Sultan called for British assistance, as promised in the Declaration of 1895, and the Government of India complied by sending troops. In the following year the British Political Agent in Muscat helped by way of mediation to bring the Sultan and the rebels together to reach a negotiated settlement. This was eventually achieved in the Agreement of Sib of 1920, some copies of which the Political Agent signed as a witness (he was not a party to the Agreement).

11. During 1918-1920, the Government of India made two financial loans to assist the Sultan in a programme of reform, including financial reorganization and the improvement of the administration of justice, and subsequently assisted reorganization by enabling the Sultan to engage Mr. Bertram Thomas as Financial Adviser.

12. In 1923 the then Sultan offered the British Government what was in effect a first option on any oil discovered in his territories. The form of this was an undertaking not to grant permission for the exploitation of oil without prior consultation with His Majesty's Government. The present Sultan and Her Majesty's Government have long regarded this undertaking as no longer binding, and after World War II, when a United States company sought and was granted a concession to seek oil in Dhofar province, no consultation with His Majesty's Government took place.

C. 1932-1964

13. The present Sultan succeeded his father in 1932. During his reign, Britain's friendly relations with his country have been maintained and their pattern has taken more modern forms. In 1934 a Civil Air Agreement gave His Majesty's Government permission to establish aerodromes in the Sultan's

territory. A Commercial Treaty in 1939 again provided for reciprocal most-favoured-nation treatment of the merchandise of both countries. At the outbreak of war in 1939, the Sultan promised His Majesty's Government all the assistance in his power. He prohibited all trading with Germany, and granted the Royal Navy and Royal Air Force such facilities as they should need.

14. Britain's present relationship with Muscat and Oman is governed by the Treaty of Friendship and Commerce of 1951, which superseded the Treaty of 1939 and of which a copy is annexed.^c It will be seen that this is a treaty of the kind normal between sovereign States. The only unusual feature is a provision, in a simultaneous Exchange of Letters, for a limited degree of extraterritorial jurisdiction discussed in paragraph 18 below.

15. Britain has also concluded agreements with the Sultan under which she has provided his Government with assistance in the reorganization and equipment of his Armed Forces and financial and technical assistance in the economic development of the Sultanate. A copy of the relevant Exchange of Letters of 1958 is also annexed. In addition Britain has, by agreement with the Sultan, been allowed to maintain and use airfield facilities at Salalah and Masirah. In view of frequent allegations that Britain's relationship with the Sultanate is "colonialist", it should be recalled that Ambassador de Ribbing's report to the Secretary-General in 1963 quoted evidence on the limited number of expatriate members of the Sultan's Armed Forces, and also evidence that the provision of British assistance did not affect the Sultan's sole control of his armed forces or of affairs generally.

16. In 1957, a rebellion occurred in the interior of Muscat and Oman, led by the ex-Imam Ghalib and enjoying assistance and the supply of arms from outside the country. It became serious in 1958, and the Sultan called for British assistance. This, in view of Britain's long-standing friendship with his country, was provided, chiefly in the form of a limited number of specialist airborne troops of a kind the Sultan did not dispose of himself. These were soon withdrawn when, early in 1959, the rebellion was put down and the rebel leaders fled.

17. Since then, conditions in the Sultanate have been peaceful and orderly, and the main feature of the British relationship with the Sultanate has been the routine operation of the military and civil assistance programmes mentioned above. Where civil development is concerned, the emphasis has been on the establishment of agricultural research stations and of a medical service. The latter is based on nine health centres each under a doctor, and fourteen medical dispensaries each staffed by a medical assistant. Measures have been taken to combat malaria, and the first maternity hospital has recently been set up. Besides these, a start has been made on improving the educational system, and extending the network of roads. The British Government's contribution to this programme was the subject of favourable comment by Mr. de Ribbing, representative of the Secretary-General, in his report of 1963.

Jurisdiction

18. The Commercial Treaties of 1891 and 1939 allowed extraterritorial jurisdiction over British subjects and protected persons in Muscat and Oman to be vested in Her Majesty's Political Agent and Consul in Muscat. The extent of this jurisdiction has been greatly reduced by successive changes, both in and since the Treaty of 1951. The field of cases still heard by British courts is, in essentials, the following:

- (i) Proceedings against non-Muslim servants of the British Crown (with certain exceptions relating to acts not on duty);
- (ii) Proceedings between non-Muslim United Kingdom or (with certain exceptions) Commonwealth citizens or corporate bodies.

The agreement providing for this limited degree of extraterritorial jurisdiction is due to expire on 31 December 1966.

^c Not reproduced.

Her Majesty's Government's representation in Muscat

19. Britain has had an official representative in Muscat since 1861, when the first resident Political Agent went there. In 1867, he became Political Agent and Consul, and in 1951 the style Political Agent was dropped. Subsequently and to the present time the resident British Representative in Muscat has had the rank of Consul-General.

British representation of the Sultanate's interests

20. Members of the *Ad Hoc* Committee will be aware that the Sultanate's domestic affairs have been the subject of increasingly unbridled attacks at international gatherings since 1958. As Her Majesty's Government have often been joined with the Sultan's Government as an object of these attacks, the British representatives have often played a prominent part in contesting them. Since Her Majesty's Government can only act internationally for the Sultan when he requests them to do so and since he has not asked them to represent his interests to the *Ad Hoc* Committee, Her Majesty's Government are not competent to discuss in the Committee Sultanate affairs other than relations between the United Kingdom and Muscat and Oman.

ANNEX VIII

Statement made to the Committee on 14 August 1964 by the representative of Morocco on behalf of Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, the United Arab Republic and Yemen

[Original text: French]

First of all, Mr. Chairman, I should like to express to you the gratitude of my delegation, and of the delegations on whose behalf I appear before you today, for kindly granting us this hearing at which to lay before the members of the *Ad Hoc* Committee on Oman the views of the delegations of members of the Arab League to the United Nations.

I should inform you at the outset that these delegations have prepared for the Committee over which you preside a memorandum bearing the signatures of all the Arab delegations to the United Nations.

If I may, I shall begin by handing you this document and then proceed to state various considerations connected with it; we regard this document as especially useful for an understanding of this problem—in our judgement, a typically colonial problem.

The Imamate of Oman has been in existence as a national entity for many centuries: more than twelve centuries, to be specific. Its national existence is invested with all the attributes of sovereignty. The Imam is both a sovereign pontiff and a temporal leader, in accordance with the very notion of Islam. Oman is a country which, like all other countries, has passed through the vicissitudes of history. It is a country which has sometimes extended its frontiers; at other times its frontiers have contracted; but the Imamate of Oman has always existed as such in a part of the Arabian Peninsula situated between the peninsular desert and the Sultanate of Muscat.

It was not until the late nineteenth century that the British, seeking to control certain imperial routes needed for their colonial expansion towards India and other parts of Asia, began taking an interest in this part of the world. They established, on the coast of the Arabian Peninsula, a control which was exercised in both the military and the political sphere; but that never affected the existence of the Imamate of Oman as an independent country.

This situation lasted until 1957, when the Imam of Oman, for reasons of national interest, did not accept agreements for the concession of parts of his territory to certain oil companies.

At that point—and the world remembers the Security Council meeting which took place in 1957—the British Army, using all the resources at its disposal in the area, launched a military action for no other purpose than to occupy that area. A pretext had, of course, to be found, and it was that the Imamate of Oman was legally subordinate to the Sultanate

of Muscat. Now we wish to make it clear that the Sultanate of Muscat and the Imamate of Oman are two separate and distinct national entities; each of them has always been independent of the other, and the Treaty of Sib, concluded in 1920 under the patronage of the United Kingdom representatives in the area, not merely embodied that separateness but also reaffirmed it.

The Imamate of Oman is an extremely peaceful country. By culture and by tradition, its inhabitants are calm people who want to live in peace. Unfortunately, the subsoil of this area has been found to contain sizable deposits of petroleum; again, the strategic position of the area in relation to the Middle East as a whole has prompted British colonialism to establish military, economic and political control over this part of the Arabian Peninsula.

The arguments put forward against the Oman nationalists, who have been forced to resort to armed conflict and, in thousands, to leave their native land; the fact that the main leaders have found it necessary to travel all over the world in order to make their people's voice heard: all these considerations explain why the problem of Oman is now of concern to world opinion and to the United Nations, and why it must be solved in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. The fact that the United Nations General Assembly decided last year to refer this matter to its Fourth Committee constitutes, in our opinion, ample proof that it is a typically colonial problem and not a question within the sovereign jurisdiction of a so-called independent State: namely, the Sultanate of Muscat and Oman.

I should point out, furthermore, that the Sultanate of Muscat exercises no sovereignty either in international affairs or in matters of defence and security. The police and the army are made up of foreigners, for the men are either of British nationality or else persons of somewhat obscure provenance who are generally described as "mercenaries".

It has even been reported that the mercenaries who served Katanga are also in the ranks of the mercenary army which now nominally under the orders of the Sultan of Muscat but which is in fact under the orders of the United Kingdom representative.

This is not the place for us to deal with the situation of the Sultanate of Muscat, because that is not the problem of direct concern to this Committee; but when we do come to speak of the Sultanate of Muscat we shall be discussing a colonized country which needs to be emancipated, which needs to control its own wealth, its own national resources and its own sovereignty. However, the problem that concerns us now is the problem of Oman, and we think the United Nations has an extremely important part to play in helping the people of Oman to attain peace, tranquility and freedom. We consider that the United Nations has on its list of colonial countries a number of areas in various parts of the world. The area of the Imamate of Oman is certainly one of those countries, and we think its independence and sovereignty should be settled in accordance with the principle of self-determination.

We consider that the colonial problem which creates obstacles to the emancipation of the people of Oman is a question of concern to the entire Middle East and to the whole of Africa; you will understand, it is this concern that has prompted the United Nations for which I have the honour of speaking here to send me to you and explain to you their anxieties and their desire that the United Nations Committee play its full part in securing for that the guarantees necessary for its self-determination.

ANNEX IX

Memorandum dated 12 August 1964 from the representatives of Algeria, Iraq, Jordan, Kuwait, Libya, Morocco, Saudi Arabia, Sudan, Syria, the United Arab Republic and Yemen

Representatives of Algeria, Iraq, Jordan, Kuwait, Libya, Morocco, Saudi Arabia, Sudan, the Syrian Arab Republic, Tunisia, the United Arab Republic and the Yemen Arab Republic have the honour to refer to their communication addressed to Your Excellency as

Chairman of the *Ad Hoc* Committee on Oman and to enclose herewith a memorandum embodying their views on the question of Oman.

The representatives of the following Member States:

(Signed)	(Signed)
Raouf BOUDJAKDJI <i>Algeria</i>	Saleh SUGAIR <i>Saudi Arabia</i>
Salim SALEEM <i>Iraq</i>	Osman HAMID <i>Sudan</i>
Fawaz SHARAF <i>Jordan</i>	Rafik ASHA <i>Syrian Arab Republic</i>
Soubhi KHANACHET <i>Kuwait</i>	Mohamed EL MEMMI <i>Tunisia</i>
Souheil CHAMMAS <i>Lebanon</i>	Mohamed EL-KONY <i>United Arab Republic</i>
Saad M. ANGUDI <i>Libya</i>	Yahya H. GEGHMAN <i>Yemen Arab Republic</i>
Dey Ould SIDI BABA <i>Morocco</i>	

MEMORANDUM ON THE QUESTION OF OMAN

Submitted by the Arab delegations to the Ad Hoc Committee on Oman

1. The question of Oman has been before the United Nations since 1957. It was first considered by the Security Council in August 1957, and subsequently at the fifteenth, sixteenth, seventeenth and eighteenth sessions of the General Assembly. In all these instances, the views of the Arab delegations regarding the various aspects of the problem have been fully and elaborately expressed. Accordingly, the Arab delegations deem it unnecessary to restate their views on the merits of the question. They wish however to stress certain points and submit a few suggestions, which have, in their view, great and significant bearing on both the issue at stake and the task entrusted to the *Ad Hoc* Committee.

2. The existence of Oman as an independent and sovereign State under the Imamate system, a democratic form of authority chosen by the people, was an historical fact for over twelve centuries. This independence and sovereignty had not only been acknowledged by jurists, historians and writers, but also recognized as well as confirmed, in words and deeds, by officials of the United Kingdom Government in both their interactions with officials of the Imamate and other political entities.

3. With regard to the claims of the Sultan of Muscat and the United Kingdom Government that Oman was never an independent and sovereign entity, attention is drawn to the Treaty of Sib signed on 25 September 1920. Bearing in mind the identification of its participants, i.e., the Sultan, on one hand, the Imam on the other, and the Political Agent and Consul General of the United Kingdom in Muscat as a mediator, as well as its prescriptions regulating activities and interactions that exclusively fall within the purview of international treaties concluded between sovereign and independent States, it is the firm belief of the Arab delegations that these claims are unfounded. The Treaty was an unequivocal recognition by the Sultan of the independence of the Imamate and the existence of Oman as a distinct entity. Moreover, the fact that the Sultan has refused so far to produce the original text of the Treaty, confirms the argument that, under the provisions of the Treaty, the Imamate was recognized as independent and sovereign.

4. In spite of British attempts during the past two hundred years to subjugate Oman to colonial rule, the people of Oman were able to defend their independence. Nevertheless, certain parts were detached from Oman, amongst which what became the Sultanate of Muscat, and subjugated, under various forms and names, to British colonial rule. Because of the refusal of the Imam to sanction the granting of an oil concession to a British company and because of his opposition to British colonial interests in the strategic area, the United Kingdom found it opportune in 1955 and 1957 to extend, through military aggression, the Sultan's rule to the Imamate. Since then

British colonial rule has been extended to Oman under the guise of the Sultan's nominal authority, and the people of Oman have been denied their right to freedom and self-determination.

5. The Arab delegations wish to draw the attention of the Committee to the fact that the Sultanate of Muscat has neither complete international responsibility with respect to acts inherent in the exercise of sovereignty in external affairs, nor for corresponding acts relating to domestic administration, especially in the fields of economy and security. All external affairs of the Sultanate have been conducted by the United Kingdom Government, and the latter has at all times been the spokesman of the Sultan of Muscat in the United Nations. Decisions relating to economic and security affairs are either directly or indirectly made by officials of the United Kingdom Government or British advisers. British military bases are established in the territory, and British officers dominate the Sultan's army. In view of the foregoing and in accordance with the provisions of the various treaties concluded between the United Kingdom Government and the Sultanate of Muscat, it is obvious that the territory is of the colonial type.

6. The present situation in Oman is that of a country deprived of its independence and freedom as a result of an invasion by the armed forces of a colonial Power. Such a situation should no longer be tolerated, particularly since the adoption of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples. The United Nations, which has assumed a primary responsibility for the total liquidation of the colonial system, should not be indifferent to the fate of the people of Oman, and cannot but adopt specific measures to help the Omani people in regaining their freedom and independence. The United Nations should take steps to end British colonial rule, and to transfer all sovereign power to the true representatives of the people in accordance with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples. To that end, the Arab delegations deem it necessary that the question be referred to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

7. The continued policy of repression pursued by the United Kingdom Government has forced thousands of Omani citizens and many nationalist leaders to leave their country and to seek refuge in neighbouring countries and territories. The views of the representatives of these Omani communities on the question are of paramount importance, especially if the Committee is not allowed to visit the territory. It is hoped that the Committee, in pursuance of operative paragraph 2 of General Assembly resolution 1948 (XVIII) of 11 December 1963, will arrange visits to as many areas as possible.

8. The people of Oman have on numerous occasions shown their faith in the United Nations as the guarantee for the solution of their problem. It is that same faith which leads them to believe that the Committee will embody in its report specific recommendations on the restoration of their inalienable right to independence and sovereignty.

ANNEX X

Letter dated 24 August 1964 from the Chairman of the Committee to the Permanent Representative of the United Kingdom

The Committee has asked me to express to you and your Government its appreciation of your co-operation in welcoming the Committee's visit and in offering to facilitate it in any way you can.

The Committee has also decided to take advantage of your offer and discuss with officials of the Foreign Office in London a number of points arising from your memorandum. To facilitate the discussions, I am attaching a list of questions and points on which the Committee is seeking clarification. I trust that this procedure will be suitable and will contribute to the usefulness of the discussions in London.

(Signed) Abdul Rahman PAZHWAK
Chairman of the
Ad Hoc Committee on Oman

POINTS FOR CLARIFICATION

The United Kingdom Government has stated that its relationship with Muscat and Oman is a relationship between two independent countries. This has been challenged by a number of Member States who have said that the relationship is a colonial one. To support this view these States have presented a number of arguments. The Committee would like to hear the views of the United Kingdom on these arguments and related matters. It therefore addresses the following questions.

I. General

It has been claimed that the United Kingdom exercises colonial rule in the Arabian Peninsula and in Muscat and Oman in particular, and that the reasons for this are the presence of oil and strategic considerations. What is the United Kingdom's view of this contention? If it is not correct, what is the basis for the United Kingdom's interest in the area and in Muscat and Oman in particular?

II. Treaties and agreements between the United Kingdom and Muscat and Oman

1. It has been claimed that British colonialism in Oman is exemplified by a series of treaties with the United Kingdom imposing heavy and unreasonable obligations. In support, the treaties of 1798, 1800, 1839 and 1951 have been quoted. Attention has also been drawn to the Deed of Cession of the Kuria Muria Islands of 1854, to the Declaration of 1862 between France and the United Kingdom and to the Non-Alienation Bond of 1891. The Committee is aware that the United Kingdom has stated that its relationship with Muscat and Oman is governed by the Treaty of 1951 and the exchanges of letters in 1951 and 1958. However, since the Committee is examining the historical problems connected with the question of Oman in accordance with the mandate given to it by the General Assembly, it would appreciate comment and information on the treaties which have been concluded in the past between the United Kingdom and Muscat and Oman. The Committee would therefore like to know the United Kingdom's view of the interpretation of these treaties which have been referred to above.

2. What significance can be attached to the titles of the parties to the treaties? In this connexion it is noted that the following titles have been used in the Treaties and Agreements indicated:

- (i) Imaum of Muscat (Treaty of 1798);
- (ii) Imaum of the State of Oman (Agreement of 1800);
- (iii) Sultan of Muscat (Treaty of 1839);
- (iv) Sultan of Muscat and Oman (Treaty of 1891 and Agreement of 1891);
- (v) Sultan of Oman (Undertaking regarding the Sur Coal-fields, 1902);
- (vi) Sultan of Muscat and Oman and Dependencies (Treaties of 1939 and 1951).

3. Is there any significance to be attached to the title of "His Highness" which was given to the Sultan by the British authorities and apparently accepted by him?

4. Most of the treaties and agreements have been concluded by the Sultan himself whereas on the United Kingdom side there has always been a representative. This suggests an inequality between the two parties.

5. In some cases the treaties or agreements with the Sultan have been made by agents on behalf of the East India Company. What is the status of such agreements as international treaties?

6. The Treaty of 1798 has been described as one-sided in that its articles impose obligations on one party, the "Imaum", without corresponding obligations being imposed on the other party, and in that most of these obligations are unreasonable.

7. It has been noted that under the Agreement of 1800 provision is made for the appointment of a British agent in Muscat and that there is no reciprocal provision for the appointment of an agent for Muscat in the United Kingdom or one of its territories.

8. It has been noted that the Treaty of 1839 makes provision for extraterritorial rights for British subjects and gives the British Consul certain powers and that these are not reciprocal provisions. Further, articles IX, X and XI of this Treaty impose obligations on the Sultan in the matter of trade by British subjects in Muscat, although no similar obligations are imposed on the United Kingdom in the matter of trade by Muscat subjects in British territories.

9. It has been noted that the agreement by which the Sultan ceded the Kuria Muria Islands to the United Kingdom in 1854 is one-sided since the Sultan received nothing in return. The question has also been raised as to whether the Sultan exercised sovereignty over these islands and therefore whether he had the power to cede them.

10. It has been noted that in the Declaration of 1862 between France and the United Kingdom the two parties agreed to respect the independence of the two sovereigns of Muscat and Zanzibar, but that nothing is said about respecting their territorial integrity.

11. It has been noted that the Treaty of Friendship, Commerce and Navigation of 1891 includes a number of provisions which impose obligations on the Sultan alone, and that the reciprocal most-favoured-nation treatment which was provided for in the Treaty of 1839 is now made unilateral, applying only to British subjects in Muscat. Attention has also been drawn to the requirement that the Sultan was not to impose export duties without the consent of the United Kingdom Government.

12. It has been stated that the Non-Alienation Bond of 1891 was nothing more than a "protectorate" agreement. The representative of the United Kingdom has stated that Britain had an interest in ensuring that other Powers respected the sovereignty of the Sultan and that it was in recognition of this interest that the then Sultan of Muscat and Oman agreed with the British Government in 1891 not to alienate his territory to any third Power. The view has been expressed, however, that the undertaking given by the Sultan goes beyond an agreement not to alienate to a third Power and clearly provides for cession of a territory to the British Government. Further it has been stated that in so limiting his power in such an important matter, the Sultan has relinquished his sovereignty to the British Government. The Committee would also like to know whether this agreement has been terminated.

13. It has been noted that in the Undertaking of 1902 regarding the Sur Coal-fields, the Sultan agrees not to grant permission to any Government or company to work these fields without first informing the British Government so that they might take up the work if they feel so inclined. It has been stated that no ruler claiming to be sovereign would conclude such an agreement. Moreover the meaning of the sentence "This is what had to be written", which appears in the agreement, seems to call for some explanation. The Committee would also wish to know whether this agreement has been terminated.

14. Attention has been drawn to the agreement by the Sultan in 1905 with a British Sponge Exploration Syndicate whereby the syndicate received certain privileges although there is no indication that the Sultan received anything in return. The Committee would like to have more information in this aspect of the agreement and would like to know what part, if any, the United Kingdom Government played in the negotiation of the agreement.

15. Attention has been drawn to the undertaking given by the Sultan in 1923 not to grant permission for the exploitation of oil in his territories without consulting the Political Agent in Muscat and without the approval of the "High Government of India". It has been stated that no ruler claiming to be sovereign would conclude such an agreement. The Committee would like to have some explanation of the use of the term "The High Government of India" and its effect on the international status of the agreement. The Committee would also wish to know whether this agreement has been terminated.

16. It has been pointed out that the United Kingdom's relations with Muscat and Oman were for many years handled by the British authorities in India and it has been suggested that the United Kingdom's treaties with Muscat and Oman are similar to those with the rulers of the Indian States. What is the United Kingdom's view of this suggestion?

III. *Treaties with countries other than the United Kingdom*

The United Kingdom has claimed that the fact that other countries concluded treaties with Muscat and Oman illustrates that other countries regard Muscat and Oman as an independent country. In his statement to the Fourth Committee (1499th meeting) at the eighteenth session of the General Assembly, the representative of Syria said that the fact that the Sultanate had entered into agreements or treaties of limited scope did not prove that it was an independent State. He pointed out that jurists, including Oppenheim, agreed that while the status of a British Protectorate was not clear, the relationship between sovereign and vassal and protector and protectorate did not prevent the vassal or protectorate from concluding agreements of limited scope (A/C.4/627). What is the United Kingdom's view of this argument?

IV. *Other historical matters*

1. According to several writers, the Sultan of Muscat and Oman would have been overthrown on many occasions had it not been for the military support of the British Government in India. In particular, reference has been made to military assistance given by the British to Said bin Sultan throughout his reign, to Sultan Faisal in 1895, and to Sultan Taimur in 1915. What are the comments of the United Kingdom on these claims? On what basis were those interventions made?

2. It has been claimed that the United Kingdom was opposed to the Imam Azzan bin Kais (1868-1871) and assisted in bringing about his downfall. Is this correct?

3. In a statement to the *Ad Hoc* Committee on Oman, the United Kingdom representative mentioned a Declaration of 1895 by which the United Kingdom promised the Sultan military assistance if Muscat and Oman were attacked. The Committee has not seen a copy of this Declaration nor is it aware of its contents, and would appreciate further information.

4. There are frequent references in the literature on the subject of a British Political Agent at Muscat. What were the Agent's functions? Was he also the Consul? To which Department in the United Kingdom was he responsible? What was the relationship between the Political Agent at Muscat and the Resident in the Persian Gulf?

5. What part was played by the British Political Agent in negotiating the Treaty or Agreement of Sib? Was he acting under instructions from the United Kingdom Government?

6. Has it been the practice of the United Kingdom authorities to extend "recognition" to rulers of Muscat and Oman? Has recognition been granted to all rulers within the last 200 years? Has it ever been withheld?

7. How did the United Kingdom Government regard the election of an Imam in 1913? Did he request or receive recognition from the United Kingdom Government?

8. Did the British Political Agent at Muscat maintain any official or unofficial relations with the Imam and his successors?

V. *Recent treaties and agreements*

Questions on:

(a) Treaty of 1951;

(b) Exchange of letters in 1951 concerning consular jurisdiction;

(c) Exchange of letters in 1958 concerning the Armed Forces.

VI. *The present dispute, 1954-1964*

Questions on United Kingdom involvement in the dispute.

ANNEX XI

Copy of a letter handed to the Committee by the Imam containing the conditions of the Treaty (Agreement) of Sib

[Original text: Arabic]

In the name of God the Compassionate the Merciful.

From Abdullah bin Helal to brother Sheikh Khalid bin Helal, God's peace and blessings upon him.

I wish to advise you that a treaty was signed between the Imam and the British and Sayid bin Taimur through Sheikh Isa and the Englishman, Mr. Wingate, according to which the war between the two parties will immediately cease. But even though this treaty provides for stopping the war, it has separated Muscat from Oman and that was caused by the British. The treaty included four provisions relating to the people of Oman. These provisions are as follows:

First. Not more than 5 per cent shall be taken from any import from Oman to Muscat, Matrah, Sur and all the coastal towns, no matter what those imports are.

Second. All Omanis shall enjoy security and freedom in all the towns of the coast.

Third. All restrictions upon everyone entering or leaving Muscat, Matrah and all the coastal towns shall be removed.

Fourth. The Government of the Sultan shall not provide refuge to any offender fleeing from the justice of the Omanis. It shall return him to them if they request it to do so. It shall not interfere in their internal affairs.

The four conditions pertaining to the Government of the Sultan are:

First. All the sheikhs and tribes shall be at peace with the Government of the Sultan. They shall not attack the coastal towns and shall not interfere in his Government.

Second. All travellers to Oman on lawful business and for commerce shall be free. There shall be no restrictions on commerce, and they shall enjoy security.

Third. Any offender or wrongdoer fleeing to them shall be expelled and shall not be given refuge.

Fourth. The claims of merchants and others against Omanis shall be heard and settled on the basis of justice according to the law of Islam.

Written and signed in the town of Sib, 11 Muharram 1339 H corresponding to 25 September 1920.

As a deputy of the Imam Muslimeen Mohammed bin Abdullah Al-Khalili, I declare that I have accepted the conditions laid down therein by virtue of an authorization from the Imam Al-Muslimeen. Written by Isa bin Saleh and by Sulaiman bin Himyar in their handwriting.

I have completed what Sheikh Isa bin Saleh has done on my behalf regarding these provisions. Certified by Imam Al-Muslimeen, Imam Mohammed bin Abdullah in his own handwriting.

This is the treaty which was signed between the Government of His Highness Sultan Taimur bin Faisal and the Omanis in my presence: Ihtishom Al-Munshi, 12 September 1920 corresponding to 26 Muharram 1339.

Certified by Mr. WINGATE

I.C.S.

Political Agent and Consul of Great Britain in Muscat

These, my brother, are the provisions of the treaty. I have summarized them for you as they are to be applied. We pray to God to prevent bloodshed and to return Taimur's senses so that he abandons his conflict with the Imam, and gives up his dependence on the British and prevents their interference in Muscat because they are actually his enemies and the enemy of the Imam, nay, of all the people of Oman. They are concerned only with their interests and do nothing but to achieve those interests.

Please send me four camels in order to enable us to return to you, for there is no need for us to stay in Al-Khauth, since peace has been declared.

Peace upon you and all the brothers and children.

Salem bin Saif, the writer of this letter for the Sheikh, sends his greetings and wishes to inform you that after the establishment of peace and when the British open the high seas and remove the blockade, he shall go to Zanzibar for a visit and shall return, God willing, next year.

Written on 12 Muharram 1339 H (corresponding to 26 September 1920).

(Signed) Your brother
Abdullah bin HELAL

ANNEX XII

Extract from a memorandum to the Committee by Sheikh Saleh bin Isa containing the provisions of the Treaty (Agreement) of Sib

This is the Treaty of Sib which was signed on behalf of Imam Mohammed bin Abdullah Al-Khalili by my father, Isa bin Saleh Al-Harithi, deputy to the Imam of Oman and on behalf of Sultan Taimur bin Faisal, by Mr. Wingate, I.C.S., Political Agent and Consul of Great Britain in Muscat. The Treaty included the following provisions in their exact wording:

First. No more than 5 per cent shall be taken from any import from Oman to Muscat, Matrah, Sur and all the coastal towns, no matter what those imports are.

Second. All Omanis shall enjoy security and freedom in all the towns of the coast.

Third. All restrictions upon everyone entering or leaving Muscat, Matrah and all the coastal towns shall be removed.

Fourth. The Government of the Sultan shall not provide refuge to any offender fleeing from the justice of the Omanis. It shall return him to them if they request it to do so. It shall not interfere in their internal affairs.

These are the four provisions for the Imamate in recognition of its independence.

There were also four provisions for the Sultanate:

First. All the sheikhs and tribes shall be at peace with the Government of the Sultan. They shall not attack the coastal towns and shall not interfere in his Government.

Second. All travellers to Oman on lawful business and for commerce shall be free. There shall be no restrictions on commerce, and they shall enjoy security.

Third. Any offender or wrongdoer fleeing to them shall be expelled and shall not be given refuge.

Fourth. The claims of merchants and others against Omanis shall be heard and settled on the basis of justice according to the law of Islam.

Written and signed on 11 Muharram 1339 H corresponding to 25 September 1920.

I have accepted what has been done on my behalf by Sheikh Isa bin Saleh regarding the above-mentioned conditions: Imam Al-Muslimeen, Mohammed bin Abdullah Al-Khalili. I have agreed to the conditions laid down herein by virtue of a mandate from the Imam Al-Muslimeen, Mohammed bin Abdullah Al-Khalili: Isa bin Saleh in his own handwriting.

ANNEX XIII

Unofficial text of the Treaty (Agreement) of Sib, as published in *The New York Times* of 13 August 1957 and in pamphlets issued by the Arab Information Center, New York

In the name of God, the Compassionate, the Merciful.

This is the peace agreed upon between the Government of the Sultan, Taimur ibn Faisal, and Sheikh Iso ibn Salih ibn Ali on behalf of the people of Oman whose names are signed hereto, through the mediation of Mr. Wingate, I.C.S. political agent and consul for Great Britain in Muscat, who empowered by his Government in this respect and to be intermediary between them. Of the conditions set forth below four pertain to the Government of the Sultan and four pertain to the people of Oman.

Those pertaining to the people of Oman are:

1. Not more than 5 per cent shall be taken from anyone, no matter what his race, coming from Oman to Muscat or Matrah or Sur or the rest of the towns of the coast.
2. All the people of Oman shall enjoy security and freedom in all the towns of the coast.
3. All restrictions upon everyone entering and leaving Muscat and Matrah and all the towns shall be removed.
4. The Government of the Sultan shall not grant asylum to any criminal fleeing from the justice of the people of Oman. It shall return him to them if they request it to do so. It shall not interfere in their internal affairs.

The four conditions pertaining to the Government of the Sultan are:

1. All the tribes and sheikhs shall be of peace with the Sultan. They shall not attack the towns of the coast and shall not interfere in his Government.
2. All those going to Oman on lawful business and for commercial affairs shall be free. There shall be no restrictions on commerce, and they shall enjoy security.
3. They shall expel and grant no asylum to any wrongdoer or criminal fleeing to them.
4. The claims of merchants and others against the people of Oman shall be heard and decided on the basis of justice according to the law of Islam.

Written on 11 Muharram 1339, corresponding to 25 September 1920.

ANNEX XIV

General plan for social, economic, scientific and cultural development which Imam Ghalib bin Ali, the Imam of Oman, had intended to implement

[Original text: Arabic]

The general plan for social, economic, scientific and cultural improvements which was intended to be implemented by Imam Ghalib bin Ali, the Imam of Oman, who was elected by the people in a free election without any condition whatever in the year 1954, is based on the most modern and up-to-date political theory and not on prejudice, ignorance, and the hereditary system, but on a system which would spread social justice in practice. This would result in giving all the people of Oman equal opportunity to work for the good of their nation and in treating all of them equally and protecting them as one family in accordance with the Sharia of Islam, the essence of which is summarized in this statement: "People are equal as the teeth of a comb". They are all equal before the law and assume equal responsibility to co-operate for the establishment of a healthy society in the full meaning of that term.

Oman had lived under such a true social system from time immemorial until the British aggression of 1955. Its life had been one of prosperity, security, self-sufficiency and social justice and many of the most advanced countries have not yet reached these high goals. What had been lacking in Oman was an abundance of funds, as it is a relatively poor country, for the establishment of hospitals, schools, centres of culture, science, industry and agriculture. However, the Imam was planning to do all these and more, whenever opportunities came to him and whenever the facilities were available for the fulfilment of these essential plans. For that purpose, he decided from the time he ascended to the Imamate to contact his brothers in the Arab world asking them for assistance in order to establish economic, agricultural, industrial and cultural projects. Accordingly he sent representatives to Cairo and some other Arab countries to achieve these goals a few months before the last British aggression took place.

He had also intended to send missions to study science and employ international experts to raise the standards of the country at all levels. I am sure that one of the reasons for British aggression against the Omani people was British fear at these social and economic goals would be achieved and ultimately lead to great progress in Oman in the fields of

economics, culture, science and agriculture. British fears that these developments would take place led Britain to attack the freedom and independence of the people of Oman. This is particularly true because Britain knew that Oman was rich in mineral resources, including petroleum, which one day would become the nucleus of a great movement for the progress of Oman and its people, who have a deep-rooted culture and civilization and who have had experience in social justice, peace and prosperity. Indeed, the Imam had been planning to lead Oman and his people towards progress and great achievements at all levels affecting the life of the people, so that they would reach the level of the advanced societies. He had been planning to take the best from present civilization and discard its evils. He had been aiming at balancing spiritual and material life in order to bring the best to the people of Oman, who have enjoyed a great civilization in the past.

I should like to say before concluding this statement that the people of Oman do not look at the problem of Oman as an issue between the Imam and the Sultan; rather the real problem is the problem of aggressive colonialism which wants to rob the people of Oman of their freedom, independence, dignity, and take over by the force of arms their resources and petroleum potentialities along with their mineral resources and agricultural wealth so that ignorance and poverty, disease, misery and backwardness would prevail. But, today, people are no longer as a piece of property to be sold or bought in slave markets. The people of Oman have decided to live and to rise to the occasion. Britain must leave Oman sooner or later; at that time there will be great progress in Oman which will link its present to its past and its future.

(Signed) Himyar SULAIMAN

The Representative of the State of Imamate of Oman in Cairo

ANNEX XV

Replies to the additional questions addressed to the Imam by the Committee

(received on 19 January 1965)

QUESTIONS

1. At the time of the Buraimi crisis in 1952, is it a fact that the Imam responded to a request made to him by the Sultan as his superior, for military assistance to expel the invaders?
2. Is it also a fact that the Imam dispatched a considerable number of his subjects to Buraimi in compliance with that request?
3. In Dammam, the Imam said: "In 1954, Ibrī was in the charge of a *wali* appointed by the Imam. There had been trouble there and he had sent a delegation to discuss peace, but there had been a misunderstanding". Can this misunderstanding be clarified?
4. Is it true that the Duru area, including the town of Ibrī, was outside the territory of the Imam as agreed by the Treaty of Sib?

ANSWERS

1. The Imam of Oman never considered Said bin Taimur as a superior authority before, during, or after the Buraimi crisis. The Imam did not respond to any request from anybody who would consider himself superior in authority.
2. What really happened was that under the true democratic processes which the Omani people enjoyed under the government of the Imam, one of the prominent people criticized certain administrative measures taken by the *wali* of Ibrī who had been appointed by the Imam. The *wali* strongly defended himself against that criticism. When the Imam heard of this news he sent a delegate to ascertain the truth. However, the dispute between the *wali* and the person who had criticized him had become more serious. The Imam then visited Ibrī and settled the matter himself. The situation became normal again.
3. The Treaty of Sib is known by all. The region inhabited by the Duru tribe is a desert land, a part of which is in the

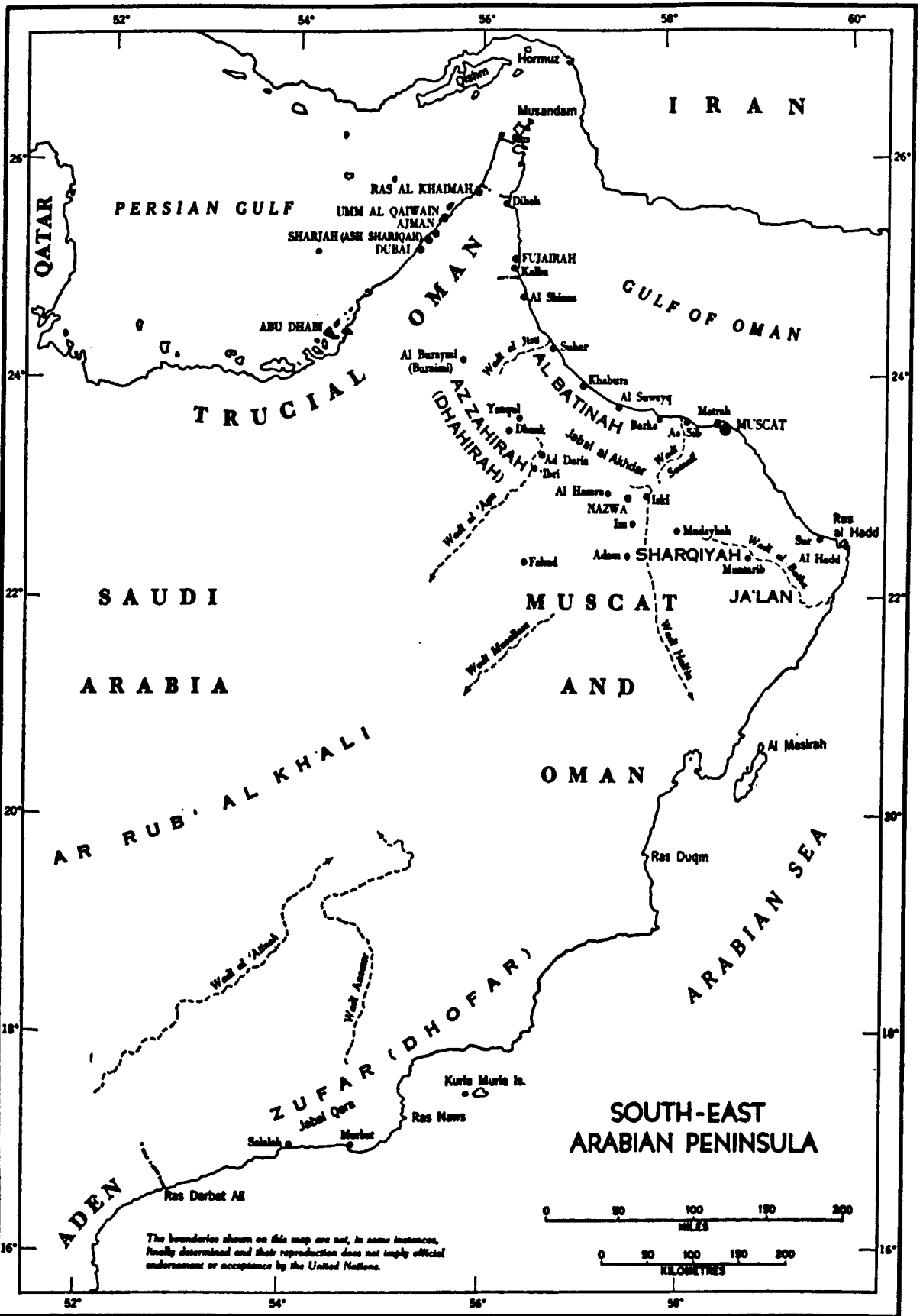
province of Nazwa, another in the province of Adam, another in the province of Bali, and another in the province of Ibri. These provinces, and all other provinces, are administered by the Imam of Oman. The Duru tribe is a tribe whose people do not inhabit the province of Bali, which is administratively in the province of Ibri and is 16 kilometres away from the town of Ibri.

ANNEX XVI

Maps

(As indicated in paragraph 166 of the report, the terminology used by the Committee in these maps in no way prejudices any of the questions at issue, including the question of sovereignty.)

(See pages 95 and 96)



MAP NO. 1879 UNITED NATIONS
JANUARY 1968

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1330th plenary meeting, on 18 February 1965, the General Assembly noted that the report of the *Ad Hoc* Committee on Oman (A/5846) had been received.

CHECK LIST OF DOCUMENTS

Document No.	Title	Observations and references
A/4521	Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen: request for the inclusion of an additional item in the agenda of the fifteenth session	<i>Ibid.</i>
A/5149	Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic and Yemen: request for the inclusion of an item in the provisional agenda of the seventeenth session	<i>Ibid.</i>
A/5284	Letter dated 8 November 1962 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the General Assembly	<i>Ibid.</i>
A/5492 and Add.1	Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic and Yemen: request for the inclusion of an additional item in the agenda of the eighteenth session	<i>Ibid.</i>
A/5562	Report of the Special Representative of the Secretary-General on his visit to Oman	<i>Ibid.</i>
A/C.4/604 and Add.1	Requests for hearings: letter dated 24 September 1963 from Mr. Robert Edwards, M.P., Chairman of the Committee for the Rights of Oman, addressed to the Secretary-General; and enclosed memorandum	Mimeographed
A/C.4/619	Telegram dated 26 October 1963 from the Sultan of Muscat and Oman to the President of the General Assembly	
A/C.4/627	Statement by the representative of Syria at the 1499th meeting of the Fourth Committee	
A/C.4/L.783 and Corr.1	Afghanistan, Algeria, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia: draft resolution	<i>Ibid.</i>
A/C.4/L.783/Rev.1	Afghanistan, Algeria, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia: revised draft resolution	para. 9
A/C.4/L.784	Argentina, Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru, Uruguay and Venezuela: draft resolution	<i>Ibid.</i> , para. 10
A/SPC/59	Letter dated 26 October 1961 from the Permanent Representatives of Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic and Yemen to the Chairman of the Special Political Committee	item 23 item 23 item 23 item 23 item 23 item 23 item 23
A/SPC/62	Cable dated 29 November 1961 from the Sultan of Muscat and Oman to the President of the General Assembly	<i>Ibid.</i>
A/SPC/73	Letter dated 13 November 1962 from the representatives of Algeria, Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia and United Arab Republic to the Chairman of the Special Political Committee	<i>Ibid.</i> , Seventeenth Session, Annexes, agenda item 79
A/SPC/L.67	Afghanistan, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Tunisia, United Arab Republic, Yemen and Yugoslavia: draft resolution	<i>Ibid.</i> , Sixteenth Session, Annexes, agenda item 23, document A/5010, para. 10
A/SPC/L.78 and Add.1	Afghanistan, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia: draft resolution	<i>Ibid.</i> , Seventeenth Session, Annexes, agenda item 23, document A/5010, para. 10
A/SPC/L.88	Afghanistan, Algeria, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Mali, Mauritania, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia: draft resolution	<i>Ibid.</i> , Seventeenth Session, Annexes, agenda item 23, document A/5010, para. 10