

No. 1956

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
SULTANATE OF MUSCAT AND OMAN**

**Treaty of Friendship, Commerce and Navigation (with  
exchange of letters). Signed at Muscat, on 20 De-  
cember 1951**

*Official texts of the Treaty: English and Arabic.*

*Official text of the exchange of letters: English.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on  
24 November 1952.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
SULTANAT DE MASCATE ET OMAN**

**Traité d'amitié, de commerce et de navigation (avec échange  
de lettres). Signé à Mascate, le 20 décembre 1951**

*Textes officiels du Traité: anglais et arabe.*

*Texte officiel de l'échange de lettres: anglais.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le  
24 novembre 1952.*

No. 1956. TREATY<sup>1</sup> OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE SULTANATE OF MUSCAT AND OMAN. SIGNED AT MUSCAT, ON 20 DECEMBER 1951

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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,

Desiring to confirm and strengthen the friendly relations which now subsist between them and to promote and extend their commercial relations by the conclusion of a new treaty to replace the Treaty of Friendship, Commerce and Navigation signed at Muscat on 5th February, 1939,<sup>2</sup>

Have accordingly appointed as their plenipotentiaries :—

His Majesty The King of Great Britain, Ireland, and the British Dominions beyond the Seas (hereinafter referred to as His Majesty) :

For the United Kingdom of Great Britain and Northern Ireland :

Lieutenant-Colonel Sir William Rupert Hay, K.C.I.E., C.S.I., His Majesty's Political Resident in the Persian Gulf;

The Sultan of Muscat and Oman and Dependencies (hereinafter referred to as the Sultan), in person;

Who have agreed as follows :—

*Article 1*

For the purposes of the present Treaty :—

- (1) The term "territories of His Majesty" or references to territories of a High Contracting Party in relation to His Majesty mean the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the United Kingdom) and any territories to which the present Treaty applies by reason of extensions under Article 15, and the term "territories of the Sultan" or references to the territories of a High Contracting Party in relation to the Sultan mean Oman and its Dependencies.
- (2) The term "nationals of His Majesty" or references to nationals of a High Contracting Party in relation to His Majesty mean all citizens of the United

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<sup>1</sup> Came into force provisionally on 1 January 1952 and definitively on 19 May 1952 by the exchange of the instruments of ratification at Muscat, in accordance with article 16.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. CXCVI, p. 303. See also p. 430 of this volume.

Kingdom and Colonies, all Southern Rhodesian citizens and all British protected persons, except nationals of Kuwait, Bahrain, Qatar, Abu Dhabi, Dubai, Sharjah, Ajman, Umm-al-Qaiwain, Ras-al-Khaimah and Kalba, and the term "nationals of the Sultan" or references to nationals of a High Contracting Party in relation to the Sultan mean all the Sultan's subjects, wherever domiciled. For the purposes of Articles 3, 5, 6 and 7, the term "nationals" shall be deemed to include corporate bodies created under the law of the territories of a High Contracting Party.

- (3) The term "British vessels" or references to vessels of a High Contracting Party in relation to His Majesty mean all ships registered at a port in the United Kingdom or in any territory to which the present Treaty applies by reason of extension under Article 15; and the term "Omani vessels" or references to vessels of a High Contracting Party in relation to the Sultan mean all ships registered under the law of the Sultan's Government.
- (4) The term "British aircraft" or references to aircraft of a High Contracting Party in relation to His Majesty mean all aircraft registered under the law of the United Kingdom or of any territory to which the present Treaty applies by reason of extension under Article 15; and the term "Omani aircraft" or references to aircraft of a High Contracting Party in relation to the Sultan mean all aircraft registered under the law of the Sultan's Government.
- (5) The term "foreign country" means:—
- (a) in relation to His Majesty any country or territory other than—
- (i) the United Kingdom;
  - (ii) Canada;
  - (iii) the Commonwealth of Australia;
  - (iv) New Zealand;
  - (v) the Union of South Africa;
  - (vi) India;
  - (vii) Pakistan;
  - (viii) Ceylon;
  - (ix) any territory for the international relations of which His Majesty is responsible through any of His Governments at the date of signature of the present Treaty;
  - (x) the Irish Republic; and
  - (xi) for the purposes of Article 6, Burma; and
- (b) in relation to the Sultan, any country or territory not being a part of Oman or its dependencies.

*Article 2*

There shall be perfect freedom of commerce and navigation between the territories of the High Contracting Parties. Each High Contracting Party shall allow the nationals of the other to enter all ports, creeks and rivers with their vessels and cargoes, also to enter, travel, reside and pursue commerce and trade, whether wholesale or retail, in any of His territories, and to depart therefrom, provided that they satisfy and observe the conditions and regulations which are in force or may be applied therein relating to the entry, travel, residence and departure of all foreigners.

*Article 3*

(1) Nationals of each High Contracting Party shall enjoy throughout the territories of the other with respect to commerce, shipping and the exercise of trade all the rights, privileges, immunities, advantages and protection, of whatsoever nature, which are or may be enjoyed by the nationals of the other High Contracting Party or the nationals of any other foreign country. In particular each High Contracting Party shall allow in His territories the nationals of the other, to bargain for, buy, barter, sell, import and export all kinds of goods on the same conditions as are or may be applicable to His own nationals or to the nationals of any other foreign country.

(2) Nationals of each High Contracting Party shall not be liable in any territory of the other to taxes, duties, imposts, restrictions or obligations of any description whatever, other or more onerous than those to which the nationals of the other High Contracting Party or the nationals of any other foreign country are or may be subjected; provided however that nothing in this Article shall be construed in relation to any territory of either High Contracting Party as obliging that High Contracting Party to grant to nationals of the other, who are not resident for tax purposes in that territory, the same personal allowances, reliefs and reductions for tax purposes as are granted to His own nationals.

*Article 4*

(1) In all that relates to navigation and the treatment of shipping each High Contracting Party undertakes to treat in any of His territories the vessels of the other (including the passengers and cargoes carried therein) not less favourably in any respect than His own vessels or the vessels of any other foreign country (including the passengers and cargoes carried in such vessels as aforesaid).

(2) The provisions of this Article shall not apply to the coasting trade or to inland navigation.

#### *Article 5*

Nationals of His Majesty shall be permitted in the territories of the Sultan to hire and to acquire in any legal manner, property of every description, to possess the same, and to dispose thereof in any legal manner, as regards immovable property on the same conditions as are in force or may be established with regard to the nationals of the most favoured foreign country, and as regards movable property on the same conditions as are in force or may be established with regard to the nationals of the Sultan or the nationals of the most favoured foreign country.

#### *Article 6*

(1) Goods grown, produced or manufactured in the territories of one High Contracting Party imported into the territories of the other from whatever place arriving, shall not be subjected to customs duties or charges other or more onerous than those paid on the like goods grown, produced or manufactured in any other foreign country.

(2) Goods to be exported to the territories of one High Contracting Party shall not be subjected in the territories of the other to customs duties or charges other or more onerous than those paid on the exportation of like goods to any other foreign country.

(3) The customs duties leviable in the territories of the Sultan on goods grown, produced or manufactured in the territories of His Majesty and on goods imported by nationals of His Majesty shall be paid at the port or other place in the Sultan's territories where the goods are first imported, and on payment being duly made such goods shall thereafter be exempt from all other customs duties.

(4) In the territories of the Sultan goods grown, produced or manufactured in the territories of His Majesty or imported by nationals of His Majesty shall be exempted from customs duties in the following cases, namely:—

- (a) Goods which, being destined and manifested for a foreign country, are transhipped from one vessel or aircraft to another in any of the ports or airports of the Sultan or which have been for this purpose provisionally landed and deposited in any of the Sultan's custom-houses to await the arrival of a vessel or aircraft in which to be reshipped

abroad; but goods so landed shall only be exempted if the consignee or his agent shall have, on the arrival of the vessel or aircraft, handed over the said goods to be kept under customs seal, and declared them as landed for transshipment, designating at the same time the foreign place of destination, and if within a period not exceeding three months after their first landing the said goods are actually shipped for the said foreign country as originally declared and without having in the interval changed owners, and if all customs charges are paid before they are reshipped.

- (b) Goods which, not being destined and manifested for the territories of the Sultan, have been inadvertently landed, provided that such goods are left in the custody of the customs authorities and are reshipped for a destination abroad within two months of being so landed, and that all customs charges are paid before the goods are reshipped.
- (c) Coal, fuel and oil, Naval and Air Force provisions and stores and fittings, the property of His Majesty, landed in the territories of the Sultan for the use of the ships of His Majesty's Naval Forces and the aircraft of His Air Forces; duty shall, however, be payable if any of the goods thus exempted are sold or otherwise disposed of in the local markets.
- (d) Goods transhipped or landed pending the repair of damage caused to the vessel or aircraft by stress of weather or disasters at sea or in the air, provided the cargo so discharged shall be left in the custody of the customs authorities and be reshipped abroad within a period of three months from the date of the original landing and that all customs charges have been paid.

(5) In the cases referred to in paragraph (4) of this Article customs formalities in respect of landing, examination, clearance and shipment of goods shall be observed.

(6) All goods remaining uncleared in the Sultan's custom-houses after four months from the date of their original landing may be disposed of by the Sultan's customs authorities by a public auction after notifying the steamer or aircraft agents concerned. The proceeds of the sale of such goods, after payment of the auctioneering fees, customs duties and charges, shall be kept in deposit for a period of one year and refunded to the owner if he establishes his claim to them during this period, after which no claim shall be entertained.

(7) In this Article the words "customs charges" shall mean charges other than customs duties and shall include landing, transit, weighing, wharfage or ground rent, supervision and overtime fees.

#### *Article 7*

(1) All customs duties leviable in the territories of the Sultan shall be paid in cash and not in kind.

(2) The value of the goods on which customs duty is to be levied shall be fixed according to their market price following the normal usage of trade in Muscat.

(3) Any dispute arising between a national of His Majesty and the Omani Customs authorities regarding the value of any goods, shall be determined by reference to two experts (each party nominating one) whose decisions as to the value shall be binding upon both parties. Should these experts not be able to agree, they shall choose an umpire, whose decision shall be final.

#### *Article 8*

Internal taxes and internal charges of any kind levied within the territories of one High Contracting Party for the benefit of the State, or of organs of local or municipal government, on or in connexion with goods grown, produced or manufactured in the territories of the other High Contracting Party, shall not be other or greater than those levied in similar circumstances on or in connexion with like goods grown, produced or manufactured in the territories of the former High Contracting Party or in any other foreign country.

#### *Article 9*

(1) No prohibition or restriction shall be imposed or maintained on the importation into the territories of the Sultan of any goods, from whatever place arriving, grown, produced or manufactured in the territories of His Majesty which shall not equally extend to the importation of the like goods grown, produced or manufactured in any other foreign country.

(2) No prohibition or restriction shall be imposed or maintained on the exportation of any goods from the territories of the Sultan to the territories of His Majesty which shall not equally extend to the exportation of the like goods to any other foreign country.

(3) Exceptions to the general rules laid down in the foregoing paragraphs of this Article may be made only in the case of—

(a) prohibitions or restrictions imposed in the interests of public security;

- (b) prohibitions or restrictions regarding traffic in arms, ammunition and implements of war, or in exceptional circumstances, all other military supplies;
- (c) prohibitions or restrictions imposed for the protection of public health;
- (d) prohibitions or restrictions imposed for the protection of animals or plants, including protection against diseases, degeneration or extinction, as well as measures taken against harmful seeds, plants and animals.

#### *Article 10*

The Sultan engages by the present Treaty to provide that the movement of goods in transit shall not be obstructed or delayed by unnecessary customs formalities and regulations, and that every facility will be given for their transport.

#### *Article 11*

(1) Either of the two High Contracting Parties may appoint Consuls to reside in the territories of the other, subject to the consent and approval of the other as regards the persons so appointed and the places at which they reside. Each High Contracting Party further agrees to permit His own nationals to be appointed to consular offices by the other High Contracting Party, provided always that any person so appointed shall not begin to act without the previous approbation of the High Contracting Party whose national he may be.

(2) Such Consuls shall be permitted to perform such consular functions and shall enjoy such privileges and immunities as are in accordance with international law or practice relating to Consuls as recognised in the territories in which they reside.

#### *Article 12*

(1) British vessels and aircraft coming to the territories of the Sultan, in distress, shall receive from the local authorities all possible necessary aid to enable them to revictual, refuel and refit so as to proceed on their voyage or flight.

(2) Should a British vessel run aground or be wrecked on or near the coast of the Sultan's territories, or a British aircraft be wrecked or make a forced landing in the Sultan's territories, the authorities of the Sultan shall render all possible assistance to save the vessel or aircraft, its cargo and those on board; they shall also give all possible aid and protection to persons saved, and shall assist them in reaching the nearest British Consulate; they shall further take



every possible care that such vessels or aircraft and the cargo, stores, equipment and fittings, and articles carried by or forming part of the vessel or aircraft, or the proceeds thereof, if sold, as well as all papers found on board such vessel or aircraft, shall be given up to their owners or to their agents when claimed by them, or to the British Consul.

(3) The Sultan's authorities shall further see that the British Consulate is as soon as possible informed of any such event as is mentioned in the preceding paragraph of this Article having occurred.

(4) Likewise should an Omani vessel come to His Majesty's territories in distress, or run aground or be wrecked on or near the coast of His Majesty's territories, or should an Omani aircraft be wrecked or make a forced landing in His Majesty's territories, the like help and assistance shall be rendered by the authorities of those territories.

#### *Article 13*

Nationals of the one High Contracting Party shall, within the territories of the other, enjoy freedom of conscience and religious toleration and the free and public exercise of all forms of religion, provided that such exercise does not wound or outrage the religious susceptibilities of the country in which it is proposed to be practised, but shall not build edifices for religious worship except in places specified for the purpose by the local authorities and after approval and permission has been obtained. Nothing shall be done by either High Contracting Party that may disturb existing places of worship belonging to nationals of the other.

#### *Article 14*

All the provisions of the present Treaty providing for the grant of the treatment accorded to the most favoured foreign country shall be interpreted as meaning that such treatment shall be accorded immediately and unconditionally.

#### *Article 15*

(1) His Majesty may, at the time of exchange of ratifications or at any time thereafter, through His Consular Officer at Muscat give notice of His desire that the present Treaty shall extend to any territory for the international relations of which He is responsible through His Government in the United Kingdom of Great Britain and Northern Ireland, except Kuwait, Bahrain, Qatar, Abu Dhabi, Dubai, Sharjah, Ajman, Umm-al-Qaiwain, Ras-al-Khaimah and Kalba, and the Treaty shall extend to any territory specified in such notice from the date of receipt thereof by the Sultan.

(2) At any time after the expiry of a period of two years from the definitive entry into force of the present Treaty either High Contracting Party may by giving twelve months' notice terminate the application of the present Treaty to any territory to which it has been extended under the provisions of the preceding paragraph.

#### *Article 16*

(1) The present Treaty shall be subject to ratification by each High Contracting Party and instruments of ratification shall be exchanged at Muscat as soon as possible.

(2) The present Treaty shall enter into force provisionally on 1st January, 1952, and definitively on the exchange of instruments of ratification.

(3) If five months after the date of signature instruments of ratification have not been exchanged the provisional application of this Treaty shall then cease.

#### *Article 17*

(1) The present Treaty shall remain in force for a period of fifteen years from the date of its definitive entry into force as provided for in Article 16 (2). Unless one of the High Contracting Parties shall have given to the other notice of termination one year before the expiry of the said period of fifteen years, this Treaty shall remain in force until the expiry of one year from the date on which such notice shall have been given.

(2) A notice given under paragraph (1) of this Article shall apply to any territory in respect of which notification of extension has been given under Article 15.

IN WITNESS WHEREOF Lieutenant-Colonel Sir William Rupert Hay, K.C.I.E., C.S.I., on behalf of 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, on his own behalf, have signed the present Treaty and have affixed thereto their respective seals.

DONE in duplicate at Muscat this twentieth day of December, 1951, corresponding to the twentieth of Rabi' al Awwal of the year 1371, in English and Arabic, the English text to prevail in cases of doubt.

W. R. HAY  
[L.S.]

SAID BIN TAIMUR  
[L.S.]

## EXCHANGE OF LETTERS

## I

*His Majesty's Political Resident in the Persian Gulf to the Sultan of  
Muscat and Oman*

BRITISH CONSULATE

Muscat, 20th December, 1951

My honoured and valued Friend,

With reference to our discussions and the negotiations for the new Treaty of Friendship, Commerce and Navigation to replace the Treaty of Friendship, Commerce and Navigation between His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas and the Sultan of Muscat and Oman and Dependencies signed at Muscat on 5th February, 1939, I understand that you are prepared to vest in His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas for a period of ten years from 1st January, 1952, extra-territorial jurisdiction in your territory over the persons and in the manner indicated below.

(1) The Consular authorities of His Majesty shall exercise jurisdiction over the following persons who shall, for this purpose, be referred to as "Nationals of His Majesty":—

- (a) Citizens of the United Kingdom and Colonies;
- (b) Southern Rhodesian Citizens; and
- (c) British Protected Persons.

This paragraph shall not apply to any of the above persons who are Moslems.

(2) In the exercise of their powers under paragraph (1) above the Consular authorities of His Majesty may, subject to any right of appeal which His Majesty may provide, hear and determine—

- (i) all criminal charges against nationals of His Majesty;
- (ii) all civil suits in which nationals of His Majesty are defendants;
- (iii) all bankruptcy cases in which the bankrupt or person whom it is sought to make bankrupt is a national of His Majesty;

- (iv) all proceedings connected with the administration of the estate of a deceased national of His Majesty;
- (v) all questions of personal status where the person whose status is in question is a national of His Majesty.

(3) Over all other nationals of any country of the British Commonwealth (whether they are Moslems or otherwise), except the nationals of the Union of South Africa, of Pakistan, of the British Protected Shaikhdoms in the Persian Gulf, of Zanzibar and of the States of the Aden Protectorate, the Consular authorities of His Majesty shall have a like jurisdiction save that they shall not hear and determine—

- (i) criminal cases and civil suits, including those which arise in connexion with laws and regulations made by the Sultan, in which the complainant or plaintiff is the Sultan's Government or a national of the Sultan; and
- (ii) bankruptcy proceedings which the Sultan decides shall be heard and determined by his Courts.

(4) If any decision is given against a national of His Majesty, as defined in paragraph (1) above, by a Sultanate Court, the Sultan will, if the Consul of His Majesty so requests, refer the case to a Shara Court of Appeal which shall be appointed by the Sultan for that purpose.

(5) A national of His Majesty, as defined in paragraph (1) above, shall not be arrested nor his property seized nor his house, office, warehouse or other premises occupied by him entered and searched by an officer of the Sultanate save in case of necessity for the prevention of a breach of the peace or a breach of the Sultanate laws or regulations or in the case of a fugitive offender attempting to take refuge with a national of His Majesty, and in this event the proceedings shall be reported and the national of His Majesty so arrested and the property seized handed over to the Consul of His Majesty for trial or disposal.

(6) All laws and regulations made by the Sultan which are or shall be applicable to nationals of the Sultan and to foreign nationals shall, unless the Sultan decides otherwise, automatically apply to nationals of His Majesty, as defined in paragraph (1), and to other nationals of any country of the British Commonwealth in cases heard by the Consular authorities of His Majesty in accordance with paragraph (3), save that in the exercise of His jurisdiction the Consular authorities of His Majesty shall follow the procedure laid down in their own law.

(7) At the personal request of the Sultan the Consul of His Majesty shall without undue delay arrange the departure from the Sultan's territories of any person considered by the Sultan to be undesirable who is a national of His

Majesty, as defined in paragraph (1) provided that nothing in this paragraph shall prevent His Majesty's Government in the United Kingdom from making representations to the Sultan on behalf of any such person.

(8) All fines imposed by the Consular authorities of His Majesty in regard to offences under the Sultanate Customs, Municipal or Passport Regulations shall be paid over to the Sultanate Treasury.

(9) For the purposes of these arrangements corporate bodies shall be deemed to be citizens or nationals of the territory under whose laws they are created.

I shall be grateful if you will kindly confirm that I have understood correctly, so that I may inform His Majesty accordingly.

I desire to express the high consideration which I entertain for Your Highness, and subscribe myself

Your Highness's sincere friend,

W. R. HAY

## II

*The Sultan of Muscat and Oman to His Majesty's Political Resident  
in the Persian Gulf*

Muscat, 20th December, 1951

After Compliments,

We have received your Excellency's letter of to-day's date regarding extra-territorial jurisdiction and we confirm that you have understood correctly. Your Excellency may inform His Majesty the King accordingly.

Your sincere friend,

SAID BIN TAIMUR