

*Research Article***Assessment of Political Principles in the Constitution of Oman from International Law Perspectives**Fahad Al Aghbari¹, Muhamad Sayuti Hassan^{2*}, Nurhafilah Musa³¹Faculty of Law, A'Sharqiyah University, Oman^{2,3}Faculty of Law, Universiti Kebangsaan Malaysia, Malaysia

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ABSTRACT

The Constitution of the Sultanate of Oman incorporates several political principles that guide the state's policy in international relations, including non-interference in internal affairs, adherence to international treaties, and observance of customary international law. The significance of this research lies in assessing the compatibility of these constitutional principles with international law. This study adopts a descriptive-analytical approach to examine these principles. Additionally, it compares the application of international law by various states and the rulings issued by international judicial bodies. The primary objective of this paper is to evaluate the extent to which the political principles enshrined in the Omani Constitution align with the principles of public international law, while also identifying the challenges associated with their domestic implementation. The findings indicate that these principles have played a crucial role in enhancing Oman's international reputation and fostering positive relations with various countries and international organizations. Finally, this paper presents several recommendations to address the challenges related to the application of these principles. The study concludes that Oman's adherence to these principles has facilitated the effective implementation of international law. However, it also highlights the need to address specific challenges concerning the application of international treaties and conventions.

Keywords: Political Principles; Sultanate of Oman; Public International Law; International Treaties; Customary International Law

A. INTRODUCTION

Constitutions in various countries serve to establish the legal framework that governs internal state affairs while also structuring the organization and functions of state authorities (Tripathi & Kumar, 2022). In addition to regulating domestic matters, constitutions often incorporate an international dimension, embedding principles derived from international law (Wiratraman, 2015). These political principles are enshrined as constitutional rules to regulate the state's interactions with other entities in public

international law. Furthermore, they provide the foundation for the state's engagement with the international community and the establishment of diplomatic relations. Given their significance, these principles are explicitly stipulated in the Constitution, which represents the highest legal authority of the state and whose provisions must not be violated.

The Constitution of the Sultanate of Oman, known as the Basic Statute of the State, reflects this international dimension. This is evident in its preamble, which outlines the reasons for its

issuance, including references to international engagement. Additionally, specific articles within the Constitution further affirm this international dimension. The Basic Statute of the State contains several political principles, articulated as constitutional rules, that guide Oman's external policies and its relationships with other states and international organizations.

Oman first promulgated its Constitution in 1996 (Al Makhmari, 2023) during the reign of Sultan Qaboos bin Said (The Basic Statute of the State, 101/96). The Constitution comprises several chapters defining the system of governance, the process of power transition, and the principles guiding state policy. It also outlines public rights and duties and includes three chapters detailing the functions of the legislative, executive, and judicial branches. The Constitution of Oman was amended only once, in 2011, through Royal Decree (99/2011), which granted legislative and oversight powers to Parliament, known as the Council of Oman.

With Sultan Haitham bin Tariq assuming the throne in Oman in 2020, the 1996 Constitution was abolished (Said, 2022), and a new constitution was promulgated in 2021 (The Basic Statute of the State, 6/2021). The new Constitution closely mirrors the 1996 version but introduces several key provisions, including a formalized mechanism for power transition (Al Shwabkeh, 2023). Specifically, it stipulates that the Crown Prince shall be the eldest son of the Sultan (Article 5 of the Constitution). Additionally, the new Constitution includes provisions on local

administration, establishing a framework for decentralization within Oman's governorates. The country is divided into 11 governorates, which are further subdivided into 63 Wilayas, each of which is represented in Majlis A'Shura (the Consultative Council elected by the people). However, the political principles governing Oman's foreign policy remain unchanged between the 1996 and 2021 Constitutions.

Furthermore, Article 13 of the Constitution outlines several political principles, including the promotion of cooperation and the strengthening of diplomatic ties with all states and nations based on mutual respect, shared interests, non-interference in internal affairs, and adherence to international and regional charters and treaties. It also emphasizes compliance with universally recognized principles of international law, fostering peace and security among states and nations.

The legal framework governing a state's interactions with international entities falls under the domain of public international law, which establishes numerous principles and rules regulating international relations. Consequently, the political principles enshrined in a country's Constitution to regulate its foreign relations must align with public international law. This alignment extends beyond the written text to the practical implementation of domestic legal provisions, ensuring they do not conflict with international legal standards. States prioritize adherence to these principles not only to avoid international

accountability but also to demonstrate their commitment to respecting public international law.

The primary issue and research gap in this study arise from the need to examine the extent to which the political principles enshrined in the Constitution of the Sultanate of Oman align with the principles of public international law. This includes assessing the harmony between national and international principles in practice. Oman faces challenges in implementing international treaties and has yet to clearly define the status of customary international law within its legal system, despite emphasizing respect for and adherence to these principles. Accordingly, this research seeks to address the following questions: To what extent do Oman's political principles conform to the principles of public international law? What challenges arise in applying these internal principles to international relations? Furthermore, is there any conflict between the provisions of the Omani Constitution and international law?

According to Siegfried (2000), the Omani Constitution reflects a strong commitment to integration with the international community and establishes political principles aimed at strengthening diplomatic relations. In his study, he discusses various political factors that led to the Constitution's adoption and compares it with the constitutions of other Gulf states. Additionally, he examines the key provisions and principles embedded within the Constitution.

Similarly, Mhalla et al. (2023) highlight the importance of enhancing adherence to

international conventions and treaties ratified by the Sultanate of Oman while promoting freedoms and human rights, as stipulated in the Basic Statute of the State. The study also emphasizes the necessity of publishing these international conventions, which acquire the force of law upon ratification. Allam (2015) further explores this topic by analyzing the adoption of the dualist theory in Oman and its application to international treaties and conventions. He argues that ratified treaties must be published before being enforced in domestic courts. Additionally, Oman has enacted laws to implement these conventions and has amended certain domestic statutes to align with international legal obligations.

Furthermore, Dagbhar (2016) examines the international dimensions of the Omani Constitution, recognizing it as one of the Arab constitutions that extensively address issues relevant to the global community and international relations. These include international security and peace, non-interference in domestic affairs, the right to self-defense, and challenges associated with international conventions. Ahmed (2021) explores the role of customary international law and its impact on state interactions across various legal and political issues. His study also highlights the acknowledgment and incorporation of customary international law in national constitutions and its use by courts in resolving international disputes.

The novelty and uniqueness of this article lie in its examination of three key political principles enshrined in the Constitution of the

Sultanate of Oman: non-interference in internal affairs, adherence to international and regional charters and treaties, and compliance with generally recognized principles of international law. This study aims to identify the international principles incorporated into the Omani Constitution and analyze their role in shaping state policy. Furthermore, it assesses the extent to which these political principles align with international law and explores the challenges associated with their practical application in international relations. Finally, the study proposes several solutions to ensure the effective implementation of these principles in accordance with public international law.

The research is structured into three sections: (1) the principle of non-interference in internal affairs, (2) adherence to international and regional charters and treaties, and (3) compliance with customary international law. Each section examines a specific political principle outlined in the Omani Constitution and evaluates its consistency with public international law.

B. RESEARCH METHODS

This research employs a doctrinal legal approach to analyze the political principles enshrined in the Constitution of the Sultanate of Oman from the perspective of international law. It adopts a descriptive-analytical method to examine the Omani Constitution and national legislation, alongside a comparative approach that evaluates these principles in relation to public international law, the practices of other countries, and rulings

issued by international judicial bodies. The study explores various international legal instruments to assess their relevance and application. To critically analyze these topics, the research conducts a textual analysis of relevant conventions and their counterparts in Omani law, while also examining Omani judicial rulings concerning the political principles of the Constitution from an international law perspective.

C. RESULTS AND DISCUSSION

1. Principle of Non-Interference in Internal Affairs

With the onset of the Omani Renaissance in 1970, Oman's foreign policy began to establish new foundational principles. Chief among these are a commitment to mutual respect, strict adherence to non-interference in the sovereign affairs of other nations, and an unwavering dedication to fostering friendship and cooperation with all states, free from bias or exception. These principles have been upheld without departing from the enduring values that define Oman's distinct character, which has been shaped and enriched by its rich historical heritage (Al Hadhrami & Mohammed, 2006).

The Constitution of the Sultanate of Oman underscores the importance of strengthening the country's international standing while promoting security, peace, and stability among nations and their peoples. The preamble of the Constitution also highlights the preservation and stability of the nation as a fundamental objective. Each state possesses the inherent right to exercise its

sovereignty within its borders, making independent decisions in both internal and external affairs. One of the most significant threats to a nation's security and stability is external interference—whether by another state or a private entity—in its domestic affairs. Such interference not only undermines national sovereignty but also poses a serious risk to national security and unity.

The principle of non-interference in a state's internal affairs is a cornerstone of public international law that must not be violated (Papaevangelou, 2023). This principle has gained broad recognition through both international practice and customary law, as well as through formal agreements such as the United Nations Charter and various other international treaties (Seah, 2023).

This principle is explicitly stipulated in Article 2, Paragraph 7 of the United Nations Charter and is also referenced in Article 30 of the Universal Declaration of Human Rights. It constitutes a fundamental rule of international law that must be upheld and not violated. According to Article 53 of the Vienna Convention on the Law of Treaties, any international treaty that conflicts with this principle shall be deemed invalid.

The United Nations has consistently reaffirmed the principle of non-interference in the internal affairs of states through numerous General Assembly resolutions. These include Resolution No. 2131 (XX), issued in 1965 (UN General Assembly, *Declaration on the Inadmissibility of Intervention in the Domestic*

Affairs of States and the Protection of Their Independence and Sovereignty, 21 December 1965, A/RES/2131(XX)), and Resolution No. 103/36, adopted in 1981 (UN General Assembly, *Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States*, 9 December 1981, A/RES/36/103). These resolutions explicitly affirm the inadmissibility of interference in the internal affairs of states and emphasize the importance of safeguarding their independence and sovereignty.

International judicial rulings have consistently referenced and upheld this principle. A notable example is the 1986 case between the United States and Nicaragua, in which the International Court of Justice reaffirmed the principle of non-interference. The Court ruled that the United States' support for arming, training, and financing opposition forces engaged in military operations against Nicaragua constituted a violation of customary international law prohibiting intervention in the internal affairs of another state (*Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America)*; Merits, International Court of Justice (ICJ), 27 June 1986).

The stability of international relations and the principle of equality among nations require that all states respect each other's sovereignty and security, refraining from interference in matters that fall within their sovereign jurisdiction. No state can tolerate the undermining of its sovereignty, external interference in its internal

affairs, or threats to its security (Winaldi & Setiyono, 2022). Oman affirms its independence and full sovereignty in Article 1 of its Constitution. Additionally, the first clause of the political principles in the *Basic Statute of the State* underscores the preservation of independence and sovereignty. The second clause of the political principles, Article 13, explicitly highlights the importance of respecting the principle of *non-interference in internal affairs*. This principle is mentioned immediately after the recognition of state independence and the right to exercise sovereignty, demonstrating the Omani constitutional legislator's intent to link the principle of non-interference with the principles of equality among states and sovereign authority.

By incorporating a principle that aligns with international law, the Omani Constitution reinforces the concept of integrating international legal norms into domestic legal frameworks (Daghbar, 2016). The inclusion of this international principle as a fundamental component of Oman's foreign policy exemplifies the increasing trend of constitutional internationalisation, wherein well-established international norms are codified into written constitutional provisions. This principle serves as a guiding framework for Oman's international relations. Oman firmly upholds the importance of fostering and maintaining positive relations with all nations. The enduring objective of Omani foreign policy is to cultivate relationships based on friendship, mutual respect, understanding, and a steadfast commitment to non-interference in the

internal affairs of other states (*Principles of the Foreign Ministry of Oman*, 2023).

An analysis of Oman's foreign policy and international conduct in addressing various regional and global issues reveals that the principle of non-interference is deeply embedded in its international relations. Sultan Qaboos bin Said (1940–2020) played a pivotal role in strengthening these principles and shaping a political doctrine for Oman founded on mutual respect for sovereignty (Al Hajri, 2022). This doctrine not only emphasized non-interference in the affairs of other states but also sought to safeguard Oman from external intervention. In his inaugural speech as Sultan in 2021, Sultan Haitham bin Tariq reaffirmed the continuity of this long-standing principle in Oman's diplomatic engagements.

Oman reiterated this commitment during its 2020 address to the United Nations, stating: "We believe in the principles of justice, equality, good neighborliness, the rule of law, and non-interference in the internal affairs of others. We stress the peaceful settlement of disputes, based on the rules and principles of the UN Charter and international law, as an obligation that we all should honor" (*Principles of the Foreign Ministry of Oman*, 2023). In this context, actions that could be considered interference in a state's internal affairs include compromising its security, stability, and unity, as well as the unauthorized disclosure of confidential information.

As a manifestation of its commitment to safeguarding state sovereignty and stability, the Omani *Penal Code*, promulgated by Royal Decree No. (7/2018), establishes penalties for foreign interference in the state's internal affairs by criminalizing actions deemed unlawful under Omani law. Articles (94) to (145) in Chapters Two and Three of the *Penal Code* define crimes against state security. Certain provisions within the *Penal Code* prescribe severe penalties, including life imprisonment or the death penalty, reflecting the gravity of these offenses and their potential repercussions on national security and stability. Furthermore, Article (3) of the security agreement among the Gulf Cooperation Council (GCC) member states, which Oman ratified in 2014 (Royal Decree No. 5/2014), stipulates: *"Each State Party shall strive to enact legal measures within the framework of its applicable legislation to address actions by its citizens or residents that interfere in the internal affairs of another State Party."*

Oman's foreign policy is characterized by a steadfast commitment to the principles of neutrality, non-interference in the internal affairs of other nations, respect for sovereignty, and a reluctance to form alliances. The country adopts a positive and neutral approach, frequently engaging in mediation to resolve conflicts, particularly within the Middle East region (Al Hammadi, 2021). Oman firmly rejects any external interference in its internal affairs by foreign states, organizations, or international agencies. It upholds the principle that internal

matters are the exclusive concern of the Omani people, who are responsible for making decisions in pursuit of their national interests (Al Shukaily, 2018).

2. Adherence to International and Regional Charters and Treaties

Oman's constitution emphasizes compliance with international and regional charters and treaties. This principle is also stipulated in the law regulating the Foreign Ministry (The Law Regulating the Foreign Ministry (32/2008), Official Gazette No. 860, (2008)). Compliance with international charters and treaties is a fundamental principle of public international law. Article 26 of the Vienna Convention on the Law of Treaties states that every treaty in force is legally binding on its parties, who are obligated to execute it in good faith. Ensuring that states fulfill their international obligations and effectively implement treaties not only strengthens the efficacy of public international law but also serves as a regulatory framework for international relations, preserving rights and upholding commitments made by each state.

The Sultanate of Oman has ratified numerous international treaties and agreements, reflecting its dedication to global engagement, cooperation with other nations, and participation in regional and international organizations to promote peace, security, and prosperity. Oman's accession to international agreements began with its membership in the United Nations (UN) in 1971 (Foreign Ministry of Oman & United

Nations). Since then, Oman has actively participated in various UN activities and has strengthened partnerships with numerous countries through diplomatic relations, as well as bilateral and multilateral agreements. Additionally, Oman has joined various international organizations and ratified their respective charters and agreements.

To reaffirm its commitment to international agreements, Oman actively participates in and accedes to numerous treaties while considering the legal and ethical dimensions related to Islamic law, which serves as the primary source of legislation in the country (Article 2, The Basic Statute of the State (6/2021)). Furthermore, Oman reviews the compatibility of international agreements with its national legislation to prevent potential conflicts. Provisions that are deemed incompatible with Islamic teachings or national laws may be excluded. Article 96 of The Basic Statute of the State mandates that all laws and legislation, including international agreements Oman intends to conclude or accede to, must align with the Constitution and not contradict its provisions. This procedure aims to minimize conflicts between international agreements and national legislation.

Additionally, Oman has actively sought to enhance its participation in various international agreements and treaties. As evidence of its commitment to major international treaties, Oman has ratified seven out of the nine core human rights conventions (United Nations Human Rights Council, 2020). Furthermore, Oman has enacted

domestic laws that reflect the provisions of international agreements, reaffirming its dedication to honoring its commitments. For instance, the Convention on the Rights of the Child (CRC) is the most significant international treaty for the protection of children's rights (Ridwan, Jaya, & Imani, 2022). Moreover, Oman became a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2005 through Royal Decree No. (42/2005), formally confirming its acceptance of the convention. However, Article 97 of the Basic Statute of the State (6/2021) firmly establishes that no regulations, decisions, or instructions should contradict the international agreements and treaties to which Oman has committed.

According to Article 48 of the Constitution, the Sultan (as Head of State) is responsible for signing international treaties or delegating others to do so. The Sultan also issues decrees ratifying these treaties. Once ratified, international treaties acquire the force of national law, as stipulated in Article 93 of the Constitution. Consequently, these treaties are enforceable within the state and can be invoked to assert rights and obligations. Omani courts recognize these treaties, and judges incorporate them into their rulings (Al Zager, 2022). This practice reflects the state's commitment to implementing international treaties. When Oman consents to an international agreement, it integrates the principles of public international law into its national legal system, aligning with the dualist approach to international

law (Allam, 2015). Oman also references specific provisions of international treaties, such as those found in Article 43 of the Constitution.

In Article 13, the Basic Statute of the State uses the term "international and regional charters and treaties." In international law, the terms "treaty," "agreement," "charter," "convention," and "covenant" hold the same meaning. Article 2 of the Vienna Convention on the Law of Treaties defines a treaty as an international agreement concluded between states. Thus, regardless of their title, all international agreements carry the same legal weight and status in the Omani legal system, following the same procedures and obligations. Table 1 provides examples of the four terms described above.

Table 1. Oman Legal obligations and the procedures for international agreements

No	Types of instrument	Actions by Oman	National laws
1	Charter	Accession to the Arab Charter on Human Rights	Royal Decree 16/2023 Approving the Accession of the Sultanate of Oman to the Arab Charter on Human
2	Treaties	The ratification of the Comprehensive Nuclear Test Ban Treaty	Royal Decree (43/2003), Official Gazette No. 743, (2003)
3	Agreement	The ratification of the border demarcation agreement between Oman and the Emirates	Royal Decree (10/2003), Official Gazette No. 736, (2003)
4	Convention	Accession to the International Convention on the Rights of the Child	Royal Decree (54/96), Approving the Accession of the Sultanate to the Convention on the Rights of the Child. Official Gazette No.

			577, (1996)
5	Covenant	Accession to the International Covenant on Economic, Social and Cultural Rights	Royal Decree 46/2020 Approving the Accession of the Sultanate of Oman to the International Covenant on Economic, Social and Cultural Rights. Official Gazette No. 1337, (2020).

Source: (Ministry of Justice and Legal Affairs, 2023)

However, the Omani legislator tends to use the term "international agreements" more frequently than other related terms, as exemplified in Article 43 of the Constitution. The phrase "international treaties and agreements" also appears in Articles 48, 51, 89, and 93. Additionally, the Law of the Council of Oman (Parliament) stipulates that draft "international agreements" must be referred to the Shura Council for review (The Law of Majlis Oman (7/2021)), which has led to some ambiguity.

Does the term "agreements" refer exclusively to agreements, thereby excluding treaties? Or does it encompass any binding instrument that the state intends to sign in economic and social matters, whether it is a treaty, convention, covenant, or charter? As previously mentioned, it is assumed that the term includes all such instruments, regardless of whether they are described as agreements, treaties, or otherwise. It would have been preferable for the text of the aforementioned article in the Council of Oman Law to clarify this in alignment with the Constitution, which typically refers to "international treaties and agreements." Conversely, the Omani Constitution explicitly mentions the "ratification" of international agreements without referencing the term "accession." This is despite the fact that Oman has acceded to many international treaties, as demonstrated by decrees issued by the head of state. For instance, Royal Decree No. 54/96 approved Oman's accession to the Convention on the Rights of the Child.

At the international level, it is customary for the ratification of a treaty to be preceded by its signing. Ratification serves as a formal confirmation of the initial approval granted through signature, following the completion of constitutional procedures applicable in each country (Abo Taha, 2015). In contrast, accession typically occurs when a state has not previously signed an international treaty but seeks to become a party to it. Accession generally applies to open treaties that allow countries to join at their

discretion. Article 2(b) of the Vienna Convention on the Law of Treaties affirms that both ratification and accession signify a state's consent to be bound by a treaty. Therefore, it would have been more appropriate to explicitly mention "accession" alongside "ratification" in the text of Article 93 of the Constitution.

Since the Sultanate of Oman grants international agreements the force of law upon their ratification—integrating them into the country's legal framework—some may interpret this as meaning that only ratified agreements become part of national law, thereby excluding those Oman has merely acceded to. Consequently, it would have been advisable to add the term "accession" to Article 93. When examining the relationship between international law and domestic law, a critical question arises: which prevails when an international rule conflicts with a domestic law?

National constitutions differ in their approach to the legal status of international agreements in relation to domestic legislation, particularly in cases of conflict. Some constitutions, such as that of the United States, grant international agreements constitutional status. Others, such as France, place international agreements above domestic law but below the constitution, meaning that treaties take precedence over conflicting national laws. Meanwhile, some countries, including Oman and Egypt, equate international agreements with domestic legislation (Al Hawari, 2019). Given Oman's commitment to upholding international

treaties and fulfilling its obligations, the importance of enforcing international treaties in accordance with Article 27 of the Vienna Convention on the Law of Treaties becomes evident.

It appears that Oman may grant an international treaty a status superior to the Constitution in cases where the treaty was acceded to before the Constitution's enactment (Article 89, The Basic Statute of the State (6/2021)). Additionally, an international agreement can hold precedence over national laws, particularly when a legal provision explicitly states this. For instance, the Civil Aviation Law affirms the superiority of the Chicago Convention over national law in the event of a conflict (The Civil Aviation Law (76/2019)). The most common constitutional provision worldwide is that international agreements and domestic laws hold equal legal status, treating both as applicable laws. This raises the question: in the event of a conflict, which should take precedence?

Since the Omani legislator has not explicitly addressed this issue, legal principles may serve as a guide. One such principle is "the subsequent law overrides the prior," meaning that the most recently enacted legal provision prevails, just as a newly ratified agreement would. Thus, in cases of conflict, international agreements would take precedence, ensuring Oman's compliance with its international obligations and mitigating the risk of international liability for non-compliance. However, if a conflicting domestic law is enacted after the international agreement, challenges in

implementing the agreement may arise, potentially exposing the state to international responsibility (Abo Taha, 2015).

3. Observance of the customary international law

The Basic Statute of the State in Oman acknowledges international custom and underscores the importance of upholding customary international law. This reflects the state's commitment to adhering to these norms in its international relations with other nations and organizations. Article 13 of the Constitution affirms:

"The adherence to generally recognised principles of international law in a manner conducive to the advancement of peace and security among states and nations".

Undoubtedly, adherence to customary international law holds paramount significance in global interactions. It is recognized as one of the primary sources of public international law, with its provisions binding upon all states. Additionally, its principles are upheld in international courts, and numerous international disputes are resolved by referencing them, provided that the international norm is well established and evokes a sense of legal obligation.

The International Court of Justice has outlined two criteria for recognizing a principle as customary international law in the *North Sea Continental Shelf* case (Webb, 2024). These criteria are: (1) consistent state practice and (2) *opinio juris* (Pomson, 2023). Customary international law consists of legal norms that

emerge within the international community as a result of states consistently adhering to them over an extended period, ultimately solidifying these norms and fostering a belief in their obligatory nature (Ahmed, 2021). Thus, international custom is based on a material foundation characterized by the consistent and repeated actions of states in specific contexts, which have gained general acceptance. Furthermore, it has a moral underpinning rooted in the belief that its application is legally binding (Abo Taha, 2015).

Customary international law is the oldest source of public international law and has played a pivotal role in shaping this field (Alwan & Wadi, 2022). It also serves as a catalyst for transforming international behaviors into codified legal rules. This influence is particularly evident in areas such as diplomatic relations, the laws of war, specific treaty provisions, international humanitarian law, maritime law, and other domains. General customary rules have a universal binding force on all nations, whereas international treaties primarily affect only those countries that have ratified or acceded to them, in accordance with the principle of treaty relativity (Al Qasmi, 2015).

Article 38 of the Statute of the International Court of Justice mandates that the Court adjudicates cases in accordance with international law, specifically referencing customary international law (Zou & Ye, 2023). Moreover, numerous international cases have rendered verdicts based on the principles of international custom. Customary international law can also impose limitations on international

treaties and even invalidate certain provisions when they conflict with customary international norms, as stipulated in Article 53 of the Vienna Convention on the Law of Treaties.

Recognizing and establishing customary international law as a binding rule within the international legal framework presents several challenges. Nevertheless, the Omani Constitution mandates adherence to universally recognized international norms, ensuring their observance and upholding their global significance.

Furthermore, in addition to linking adherence to customary international law to its level of global recognition, the Omani Constitution explicitly references specific principles aimed at promoting peace and security among nations and peoples. This affirmation serves as a foundational principle guiding Omani foreign policy in its international interactions.

Article 4 of *The Law Regulating the Foreign Ministry* (32/2008) states that the Foreign Ministry, in particular, shall promote dialogue between nations and seek the amicable resolution of conflicts to foster constructive understanding and cooperation, ultimately serving international peace, security, and economic development. These principles are also reflected in the United Nations Charter and various international agreements.

Moreover, the Basic Statute of the State reiterates these principles in several provisions, reinforcing Oman's commitment to embedding them in its international relations. The preamble of the Constitution declares:

"Entrenching the international status of Oman and its role in laying the foundations of justice and the pillars of equity, security, stability, and peace among different states and peoples."

Additionally, Article 17 of the Constitution explicitly states:

"Peace is the objective of the state."

These provisions underscore Oman's dedication to upholding international law and fostering peaceful coexistence among nations.

It is worth noting that adherence to international norms is often referenced alongside the phrase *"compliance with international agreements and treaties"* in various Omani legislations, including Article 2 of *The Law Regulating the Foreign Ministry* (32/2008). This principle is also frequently emphasized in speeches and statements delivered by Omani officials in international forums.

One such example is Oman's address during the discussion of its first report on the implementation of the CEDAW Convention in 2011 with the CEDAW Committee. Similarly, this commitment has been reaffirmed in speeches delivered by the Sultan. Sultan Qaboos stated:

"As we strengthened the foundations of cooperation with Arab and Islamic nations and reinforced bonds of friendship with all nations and peoples—based on mutual respect, common interests, non-interference in the internal affairs of other nations, the pursuit of peaceful solutions to conflicts, and adherence to international conventions, treaties, and globally recognized rules of international law." (Oman Diplomatic Institute, 1996).

This underscores Oman's steadfast commitment to upholding international legal

principles and fostering peaceful international relations.

Many countries face challenges in incorporating customary international law into their domestic legal systems, particularly in determining its hierarchy relative to domestic legislation, especially in cases of conflict. Some countries, such as Germany, Italy, and Austria, grant customary international law a higher status than domestic legislation in the event of a conflict. Similarly, it can be inferred that Jordan accords customary international law a status that supersedes domestic legislation (Al Hawari, 2019).

Oman has not explicitly defined the status of customary international law within its domestic legal system, nor has it clarified the extent to which its rules are enforceable before the judiciary or their hierarchy in cases of conflict with domestic legislation. However, the Omani legal system provides detailed provisions on the status, procedures, and implementation of international treaties. Once an international agreement is ratified, it acquires the force of law and becomes enforceable in domestic courts.

Customary international law primarily governs interactions between entities under international law and differs from internal customs commonly observed among individuals. Consequently, its domestic application—particularly in cases involving natural persons or their interactions with the state—often presents challenges. Furthermore, many norms of customary international law have been codified

and formalized as written rules within the framework of international agreements. As a result, customary international law is widely recognized, and many of its norms have been incorporated into both international treaties and domestic laws.

Regarding the distinction between customary international law and internal custom, the Sultanate of Oman has frequently included provisions in its domestic legislation that allow for the application of custom in the absence of explicit written legal rules. In many cases, Omani law upholds the principle that "*custom is to be enforced.*" The *Civil Transactions Law*, issued in 2013, stipulates that in the absence of a specific legal provision, matters shall be governed by Islamic jurisprudence, followed by the general principles of Islamic law, and subsequently by custom (Article 1, *The Civil Transactions Law* (29/2013)).

Notably, Oman has explicitly referenced customary international law in its domestic legislation. For instance, the *Maritime Law* of 1981 mandates consideration of customary international law in the registration of ships, ensuring strict adherence to maritime law in alignment with both customary international law and treaties (*The Maritime Law* (35/81)). Article 61 of the *Maritime Law* (35/81) states:

"If a vessel owner fails to register the vessel according to this law, he shall be punished by imprisonment for no more than three months and a fine of no more than five hundred Omani Riyals, or both penalties. The same punishment shall apply to any captain or fitter who raises the

Omani flag on an unregistered vessel, with consideration of international customs."

This demonstrates Oman's recognition of customary international law and its incorporation into national legislation, particularly in specialized legal areas such as maritime law.

Many scholars in the field of public international law consider the *Universal Declaration of Human Rights* (UDHR) to be a component of customary international law (Al Taani & Ali, 2015). Over time, its principles have been codified into legally binding agreements due to the increasing global commitment to upholding its obligations.

Oman has incorporated a significant portion of the UDHR's provisions into the *Basic Statute of the State*, particularly in Chapter Three, which addresses public rights and duties (Articles 18 to 47 of the Constitution). In many jurisdictions, customary international law is integrated into domestic legislation, covering fundamental human rights protections such as the prohibition of torture, slavery, and human trafficking, as well as adherence to international humanitarian law (Titahelu, 2022). These principles, derived from customary international law and diplomatic norms, are reflected in Oman's *Law on Combating Human Trafficking* (126/2008) (*Official Gazette* No. 876, 2008).

D. CONCLUSION

The emphasis on political principles in the Constitution, aligned with the principles of public international law, serves as a foundation for the

state to adopt and implement best practices in international relations. This approach effectively demonstrates the state's adherence to public international law, thereby shielding it from potential international liabilities. The *Constitution of Oman* explicitly enshrines three fundamental political principles: non-interference in internal affairs, adherence to international treaties, and respect for customary international law.

This study highlights that adherence to these well-established principles of public international law has played a crucial role in enhancing the state's international reputation and fostering strong relations with numerous countries and organizations. The state's commitment to these principles reflects its unwavering dedication to public international law, which must be duly considered in international affairs. While the principles stipulated in the Constitution align with those of public international law, addressing certain challenges is necessary to enhance their practical effectiveness.

Furthermore, this study presents multiple findings that address all the objectives outlined at the beginning of the article. The principle of non-interference in internal affairs has played a pivotal role in strengthening Oman's diplomatic relations, bolstering its international standing, and contributing to regional security and stability. Oman has granted international treaties legal status by incorporating their provisions into domestic legislation and ensuring their application within its judicial system. Additionally, Omani foreign policy prioritizes the integration of

customary international law into its international engagements and legal framework, underscoring the state's commitment to upholding these principles.

In conclusion, this study recommends addressing challenges related to the implementation of treaties and establishing their supremacy over domestic legislation in cases of conflict. Furthermore, it is essential to define the status of customary international law within the Omani legal framework and develop a clear mechanism for its implementation. The study also proposes amending the law on non-interference in internal affairs to explicitly state *non-interference by the state in the internal affairs of other states* while also prohibiting foreign states from interfering in Oman's internal affairs. Finally, a comprehensive review of the legal provisions concerning international agreements and treaties is recommended, with a particular focus on precise legal terminology. This includes incorporating the term *accession* alongside *ratification* and ensuring the consistent use of the phrase *international treaties and agreements* across all relevant legal texts.

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