

The future of reform in Oman

Basma Mubarak Said

Omani Researcher and Lawyer

ABSTRACT

Oman is currently experiencing a social and political crisis emanating from issues created by the declining health of Sultan Qaboos, as well as fundamental problems with the nature of the state's regime. Oman is a country renowned for its progressive and modern outlook, but in the last decade it has become increasingly alienated from its ruling authority. During the Omani Spring of 2011 popular protests took place demanding political change and greater rights, freedoms and improved living standards. Sultan Qaboos wisely responded to these protests with a package of reforms including some to the constitution and judicial institutions, but these have been thwarted by repressive measures by the security services and other agencies. More than four years on, Oman faces many challenges in launching a process of comprehensive reform that would lead to a transition to democracy and limited constitutional rule.

KEYWORDS

Arab Spring; Oman; Omani Spring; Sultan Qaboos; reform; democratic transition

Introduction

In today's prevailing conjuncture, Oman is facing a critical political crisis and is standing at a crossroads in its history. The origin of the crisis fundamentally stems from the nature of the state founded by Sultan Qaboos and the problems created by the political system. Oman has made exceptional progress and development since the inception of Sultan Qaboos's rule in 1970; however, within the last 15 years, this progress has faltered and stalled and the modern state that Qaboos envisaged, in harmony with society, no longer exists. On the contrary, it is a country completely dispossessed of its ruling authority with the state apparatus, its institutions, constitution, laws and legislatures, all revolving around the personality of the ruler and which are influenced by his vision, ideas and personality.

The state, as an entity, is personified by the ruling sultan to such a degree that his illness, necessitating a relatively long absence from the country for medical treatment, has provoked a great deal of anxiety. This has also raised questions about the country's future and stability as well as possible scenarios for change after his rule. Many have predicted that he would return from his treatment abroad with a plan for reform to continue building state institutions and reform their constitutional and legislative structure, and thereby ensure a safe transition for his successor (Al-Yahya'i 2015a). Yet, more than seven months since the sultan's return, these questions remain without answer.

This paper will look at short-term perspectives and investigate the possibilities for reform in Oman. It stresses the urgency and sensitive nature of the current conjuncture, and the inherent dangers on both practical and security levels, should the situation continue. To understand and define the current predicament of Oman, it is necessary to explore the circumstances of how it developed under the governorship of Qaboos.

How did the Omani state develop under the rule of Qaboos?

Sultan Qaboos came to power on 23 July 1970 after a bloodless coup that overthrew his father. From the first moments of his rule, he announced the start of a comprehensive process of modernization and development. This would take Oman out of its state of isolation and underdevelopment and eradicate the effects of ignorance, poverty and despotism under which it had been burdened for many decades.

The legacy inherited by Qaboos from his father was not an easy one. He faced an armed revolt in Dhofar that was the biggest threat to his rule, as well as the challenge from the imamate and its desire to separate the interior from coastal Oman. In addition, he had to deal with the lack of infrastructure, poverty and economic underdevelopment experienced by Oman at that time. However, by virtue of the thriving oil revolution and foreign military support, the sultan was able to confront and overcome all these challenges, building a strong state that penetrated the whole society, rebuilding relations, controlling its resources and redistributing them. Oil revenue enabled the state to finance government spending on development plans across the country, supporting the economy, marginalizing traditional social institutions to the benefit of the centralized government, building political alliances and buying loyalties. That led to aggrandizing the role and centrality of the state in the lives of the people. It was involved in all aspects of their daily lives to such an extent that it became the provider of education, health, security and the biggest employer that also controlled the sources of finance and power.

In order to consolidate and protect this role, the sultan has worked to build a unified Omani identity in which all the elements of Omani society, despite their differences, are combined. The agencies of this ideological domination have set out to strengthen the power and control of the state over society, instilling the regime's discourse, via the media and education curricula. These agencies portray the regime as a perfect model embodying the dreams and aspirations of the Omani people while lauding its achievements. Moreover, all the country's developmental achievements are portrayed as the gifts and noble deeds bestowed directly by the person of the sultan. Although the building of the modern Omani state represents, in many aspects, a brilliant success story, it nevertheless also poses profound, serious and far-reaching problems that may threaten the security and stability of this success. These problems have now become apparent from the political crisis the country is undergoing.

The reasons behind the crisis

The sultan's health

The 75-year-old sultan's declining health forced him to leave the country for eight months for treatment in Germany. This was the longest period he had spent outside Oman since

coming to power and the first time he could not attend the National Day celebrations. During his absence from Oman, his only appearance was a recorded four-minute speech aimed at reassuring the public during which he appeared unusually tired and unwell. The popular reaction to this speech was emotional. Rumours subsequently began to spread about the gravity of his illness as well as speculation of whether he could return.

On 23 March 2015, the sultan finally returned to Oman, but his return came as a surprise and was shrouded in close secrecy; contrary to what would normally be expected, it was not accompanied by celebration or ceremony. The sultan's gaunt appearance was evident, as were the effects of his illness, as he descended the steps of the aircraft. Afterwards, he only made two appearances: once in his own pictures showing him chairing a meeting of the cabinet, and another showing him laying the foundation stone for a new national museum, looking emaciated in his military uniform, surrounded only by his entourage and none of the public. He was absent from the prayers for the two Eid festivals and did not participate in the celebrations. This was amidst repeated rumours that he would shortly return to Germany to finish his treatment.

In spite of his scant official presence over the past years, in contrast to the first decades of his rule, the sultan's absence from important occasions which he would have been eager to attend in the past, such as the Eid prayers, has provoked a great deal of anxiety and raised questions about his health. This has left the door wide open to rumours, especially since there has been official silence and close secrecy surrounding the matter. Equally clear is a change in the relationship between the sultan and the people. The sultan's absence abroad and on popular occasions has led to a growing distancing between the public and the ruling institution. This has brought about problems and questions of a practical nature about who is now responsible for the management of the country's affairs and the daily duties of governance.

The issue of succession

When Qaboos took over power, the question of succession was left an unspoken matter until the constitution, known as the Basic Law of the State, was promulgated in 1996.¹ The fact that the sultan has no sons to succeed him after his death renders the issue of succession in Oman difficult. He has also refrained from presenting or preparing a future successor from the ruling family with whom the people could have become acquainted. Instead, the Basic Law of the State has created a mechanism to organize the issue of succession. Article 5 of the law states that the system of rule is a hereditary sultanate in which succession passes to the male descendants of al-Sayyid Turki bin Sa'id bin Sultan, and it stipulates that those chosen to rule among these descendants must be an adult Muslim of sound mind and a legitimate son of two Muslim Omani parents. Article 6 states that within three days of the sultan's position falling vacant, the ruling family will determine who will take over. If the Ruling Family Council does not agree on the choice of a sultan, the Council of Defence must act, together with the chairmen of the State Council, the Consultative Council and the Supreme Court, with two of his most senior deputies to confirm who the sultan had designated beforehand in his letter to the Ruling Family Council.² Article 7 states that before the sultan can exercise his powers, he must take the following oath in a joint sitting of the Council of Oman and the Council of Defence:

I swear by God Almighty to respect the Basic Law of the State and its laws, to fully protect the interests and freedoms of the citizens and to preserve the independence of the country and the integrity of its lands.

However, a careful reading of the text of these articles shows that this succession mechanism raises more questions than answers. The composition of the Ruling Family Council is unknown to the public, just as the method for voting and decision-making is unspecified in the basic law. In the case that the Ruling Family Council does not agree on the choice of the new sultan, confirmation of the designated successor falls on the Defence Council with the chairmen of the State Council, the Consultative Council and the Supreme Court, as well as two senior deputies from the latter. In an interview with a foreign magazine, the sultan explained that he has ‘already written down two names, in descending order, and put them in two sealed envelopes in two different regions [in the country]’ (Miller 1997, 17). The locations of these envelopes and the names contained within them remain unknown to the people. Furthermore, there is a likelihood of a clash between the various parties participating in the process, or of the army playing a role in suppressing this process. Consequently, the issue of succession remains open to all possibilities.

This succession mechanism has been defended by some who argue that it is in keeping with the Ibadite political heritage in Oman which does not recognize the appointment of a successor to the throne (Al-Yahya’i 2015a). Yet the process for transferring power in an autocratic political system is basically fraught with many dangers and is supposed to work to reduce, not intensify, them. In addition to citing the Ibadite political heritage, what does not invite reassurance or optimism is a historical legacy replete with multiple crises of succession and power struggles. Moreover, the present internal and regional political situation does not allow for further questions and possibilities but demands the greatest possible amount of stability, transparency and clarity to guarantee a safe and smooth transition of power once the sultan’s position becomes vacant. Preparing the people to accept the new sultan and equipping the likely successor for the responsibility he would have to assume is important to ensure a safe process and to lend it legitimacy. However, due to the sultan’s state of health, these questions have become ever more significant and pressing amidst predictions about who the next sultan might be.

The economic situation

Oman has not been able to break free of the rentier economy model that dominates the countries of the region. This model is essentially dependent on oil to fund the state’s budget and spending. Oil contributed 86% of total government revenue in 2013, and this has subjected the country’s economy to the fluctuations of the global markets. The sharp fall in oil prices – an indicator of stability – will greatly influence the state’s budget and its capacity to maintain previous spending levels. Oman’s oil and gas exports at the end of May 2015 recorded a drop at 39.4% against the same period in the previous year. The average price of Omani oil reached approximately US\$61 per barrel in August 2015 (NCSI 2015), at a time in which the state’s public budget was dependent on a barrel price of US\$85. If the economic situation continues unchanged, the state will be unable to avoid imposing different taxes to deal with the challenges of decreasing oil prices. Since the government removed subsidies for hydrocarbons, during the sultan’s

absence and amidst the official discussion, a number of Omani officials released statements. These have stirred up the public because of the possible influence of fluctuating oil prices on promotions and bonuses for government sector employees. There has also been discussion about the introduction of taxes and this has ignited social media with comments and debates refusing any effect on the citizens' incomes. All this would cause the regime to lose an important tool that has been long used to influence the level of public satisfaction. That would change the balance of power to the benefit of the people and might involve a solution to the curse of oil and the obstacles put in the way of democratic change.

Furthermore, the regime is well aware that living standards are the primary and most important motivation for any public protest against them. The events of 2011, for example, were ignited by a group of the unemployed in Sohar and then quickly spread to the remaining states of the sultanate. This gave scope for the entry of wider sectors of society and raised the ceiling of demands to call for reform of the political system and a new constitution. The regime was only able to calm the protests by dealing with the problem of unemployment, increasing salaries and improving living conditions. Any effect on citizens' living conditions or a failure to meet their hopes in this respect because of the continuing fall in oil prices would raise tension and congestion.

Matters have been complicated further by the fact that Oman is a young society. In 2013, over 56% of the total Omani population were below the age of 25 years (Valeri 2015, 6). These young people are in need of educational places, work opportunities and an economy capable of absorbing all of them. While the government sector is complaining of limpness, the number of Omanis working in the private sector has almost exceeded 200,000 workers, more than half of whom earn salaries of over 500 Omani rials (approximately USD 1298) per month (NCSI 2015), whereas there are over 1.5 million foreign workers in the private sector (Ministry of Information 2015).

The absolute rule of the sultan

Sultan Qaboos has been the absolute ruler of Oman since 1970, holding all authority. He plays the roles of sultan, prime minister, foreign minister, finance minister and defence minister. His personality and vision have shaped the Omani political scene, prevailing over all interrelated dimensions even to the smallest detail. Unlike other Gulf States ruled by large families whose members occupy various official positions and roles, apart from a few exceptions where individuals hold honorary responsibilities, the Omani ruling family does not perform a pivotal role in daily political life.

Since taking rule, the sultan has followed a single autocratic method. He has not accepted to share power, even with his family members, and particularly after a short-lived and unsuccessful experiment when he appointed his uncle Tariq bin Taimur, a prominent and charismatic personality in the Busaid family, as prime minister directly after he came to power in 1970. Tariq resigned over a year later because of the tension that marred the relationship between the two men as well as the reduced powers of the prime minister and the interference in his government. This was in addition to the biggest dispute ever with the sultan over the issue of the constitution and the transition of the country to a system of constitutional rule. The sultan rejected this idea and insisted that rule should continue in the traditional manner.

During his short period in office as prime minister, Tariq often complained of the sultan's autocratic tendency. As a result of pressure from the British, the sultan included Tariq in defence matters, but he remained determined to exclude him from issues on the economy and national budget. Moreover, the sultan insisted on his own complete control over oil revenues, using them to build political alliances, strengthen his grip over the country's economy and apply his particular vision. Since Tariq's resignation in 1972 until the present, the sultan has not appointed a prime minister and has continued to rule the country as absolute ruler, removing his family members from sensitive executive positions and totally preventing any form of participation in his rule. Likewise, the sultan has refused any strict and decisive way of appointing an heir to the throne. He is content with the mechanism to transfer rule after his death, as guaranteed by the Basic Law of the State.

This tendency towards absolute rule and on concentrating all power and authority in the hands of the sultan, marginalizing any potential rival or alternative, has led to the creation of a political system that is entirely reliant on a single individual. There do not appear to be any other real leaders or alternatives on the political scene. Thus, there is no prime minister, heir apparent or charismatic family member who could strive for public office or form a popular base for himself. The sultan is the only personality around whom the Omani political scene revolves.

The agencies of this ideological domination have engaged in inculcating this idea by shrouding the figure of the sultan with an aura of veneration and by criminalizing any opposition to him through criticizing or belittling of the nation personified by the sultan. Moreover, the development plans and services offered to the citizens have been portrayed as the gifts and noble deeds of the sultan for which they should be grateful.

The legislation has also been enacted to enforce this idea. The basic law stipulates that

The Sultan is the Head of State and the Supreme Commander of the Armed Forces. His person is inviolable. It is a duty to respect him and obey his command. He is the symbol of national unity and the guardian of its preservation and protection.

Article 162 of the Omani penal code states that

Anyone who commits defamation, publicly or in publication, against the Sultan's rights and authority, or criticizes his person, shall be punished by imprisonment from three months to three years and fined from 25 to 500 Omani Rials, or only one of these two penalties.

The existence of almost total immunity has created a major problem since the sultan occupies a large number of sensitive executive positions, in addition to being prime minister, defence minister, supreme leader of the armed forces, finance minister, foreign minister, president of the supreme council for planning and president of the central bank. Despite this, by virtue of the law, it is forbidden to criticize or to hold him to account. This has led to growing demands to appoint an elected prime minister who can assume the responsibility for forming the government and who the people can hold accountable for his performance (Al-Bahlani 2015).

The weakness of state institutions

Among the most important weaknesses and imperfections of the governing system is the aggrandizement of the central authority at the expense of the state institutions which

remain subject to the powers and directives of the ruler, depending on his will. Oman, under the reign of Qaboos, is considered a powerful state thanks to its ability to extend its dominance over society, impose the rules of political participation, control and redistribute resources and provide life schemes for its citizens. However, the internal entity of the state and its institutions are utterly dispossessed of any ruling authority.

The regime in power

has completely overwhelmed the state, dominating it and exploiting it to serve its interests and objectives, to the extent that the state identifies with that ruling power and it is no longer possible to distinguish between the two, practically or theoretically. The ruling regime has established a state that is both fragile and strong at the same time; internally fragile and externally strong. The state's fragility has enabled its complete appropriation. It is like pliant dough that the ruling power shapes and moves according to its will. The power of the state is manifest in how it enters into confrontation with the society, while the latter is almost completely subject to its power and the rules of the game it imposes on it. (Mubarak 2013, 44–45)

The weakness of the state institutions is visible in the ability of the regime and its military arm to penetrate and control those same institutions. The security forces protect the regime and the legislatures are formed to strengthen its interests, while the media lays the foundation for its discourse and dismisses any dissenting voices. The history and reality of the country are omitted from the education curricula in favour of the model image that the system is trying to portray of itself. In every aspect examined, the regime can be seen to be manipulating the arms of the state for its own interests (44–45).

Political stagnation and limitation of public activities

As a result of the regime's dominance over all aspects of the state, and because of the level of restrictions imposed on public activity and political movements in the country, there is only a narrow margin for political freedoms and popular participation in the process of decision-making. The formation of political parties and associations and membership of them is illegal, and until now, it is not permitted to form independent civil associations to defend human rights. Similarly, the law imposes many restrictions on the activities of the existing civil associations since, for example, they cannot set up a forum, lecture or perform other public activities, without the permission of the specific authorities. This has pushed many young people to establish cultural and voluntary initiatives outside the framework of the law for civil associations in order to avoid its unfair restrictions. However, even these initiatives cannot escape suppression by the authorities with many of them being forced to halt their activities given that the persons running them encountered harassment from the security forces.

The media, both the official and private organizations, are equally subject to the overwhelming curbs imposed by the system. The legislation introduced by the regime over the past years has also tightened its circle around social media. Many writers have been persecuted, arrested and put on trial because of their posts on Twitter or Facebook. The past months have seen security campaigns of harassment and arrests that have included many activities on social media. These security practices have motivated a number of activists to leave the country in search of political asylum in the UK in a serious precedent that should serve as a warning to the Omani authorities about the extent of frustration among the youth.

Conversely, the regime has attempted to monopolize the public space and lay the foundations of its discourse through the institutions, initiatives and writers which receive its patronage. It does this while trying to restrict the voices of the opposition by besieging or containing them, in some cases using the 'stick and carrot' policy. This has created a general atmosphere of fear and frustration as well as feelings of pressure and suffocation because margins for freedom of expression, association and public work are lacking.

Wherever the regime has tightened its grip on the public, there is an increasing danger of the situation exploding and turning once more into conflict, as happened in February 2011. This is especially so as criticism continues to be directed at the sultan, despite all the restrictions imposed. This criticism has become sharper and harsher and touches upon the symbols and issues that have not been touched upon heretofore, and is a clear indication of the level of popular dissatisfaction. In spite of this, the regime insists, each and every time, on resisting by adopting heavy-handed solutions instead of freeing up public space and giving the youth an opportunity to air their views and discuss the national issues which are preoccupying them.

Growing anger and popular protest

The first decade of this millennium witnessed increased popular grievance over the political and economic situation in the country. The reasons for the increase was due to a rising level of education and the information revolution which offered young people various channels to obtain and spread information and convene and discuss in virtual space. They took advantage of this space by creating a political movement and an alternative public discourse from that imposed over the past decades. Nevertheless, the regime responded to this movement by imprisoning and prosecuting writers and bloggers, while neglecting the root cause of this grievance and discontent expressed in the calls for reform and change.

The heavy-handed response by the regime and official neglect of the people's demands have led to growing popular anger that culminated in February 2011 when Omanis decided to break through the barrier of fear and the circle of obligation. They took to the streets in crowded marches and sit-ins from Sohar and Liwa in the north to Dhofar in the south, protesting against unemployment, the lowering of living conditions and the worsening corruption in the state apparatus. This was a movement the like of which the country had not seen since Qaboos first took over the country's rule. The demands of the protestors were extended to include many points, starting with the improvement of living conditions and ending with the reform of the constitutional structure and the institutions of the state. Moreover, the protestors submitted a petition of complaint to the Public Prosecution, signed by 7000 citizens, to press charges against officials involved in corruption cases.

However, the regime resorted once more to the repressive solution. The clashes with the youth in the first days resulted in the death of one of the demonstrators in Sohar. This ignited the public and widened the sphere of the protests. Had it not been for the sultan's wise and swift intervention, the situation would have deteriorated and the country could have entered into a spiral of awful consequences. With the sultan's intervention, the state repression ended and he announced a package of reforms which included the dismissal of a group of ministers and officials, the creation of 50,000 jobs to tackle

the unemployment crisis, the granting of monthly financial aid for the unemployed and a salary increase for government sector employees. The sultan also announced the independence of the Public Prosecution and the formation of a committee to review and amend the Basic Law of the State. The work of this committee resulted in reforming the mechanism for succession³ as well as expanding the legislative and supervisory prerogatives of the Council of Oman. Furthermore, the judiciary was separated administratively and financially from the executive authority and elected municipal councils were set up in all of the provinces of the sultanate.

The reforms of 2011

In this section, these reforms will be looked at in some detail.

Constitutional change

Amid the deluge of protests, the sultan issued a royal decree that ordered the formation of a technical committee of specialists to amend the Basic Law of the State by granting legislative and supervisory prerogatives to the Council of Oman. The committee had to present its report within three days of the date of its formation. The importance of this step lies in the fact that, with regard to constitutional practice, it confirmed that the basic law was liable to change when needed and affirmed the mechanism for this change from a practical viewpoint. Nevertheless, this mechanism was disappointing on more than one level. On the one hand, there was no announcement of the names of the committee members, nor the instrument for their work. The proposed reforms had not been put forward for a referendum prior to being issued, and the people were not given any opportunity whatsoever to participate in the reform process, whether it be to inspect the drafts or discuss them. Yet again, another opportunity had been lost to involve the public in an important national matter such as reforming the constitution.

The mechanism of succession

The reform included the mechanism for succession. This included the involvement of the chairmen of the State Council, the Consultative Council and the Supreme Court along with the court's two most senior deputies in a process to confirm whom the sultan had chosen in his letter in the case that the Ruling Family Council did not agree on a new sultan. This reform was significant as it paved the way for public and judicial oversight over the process of succession, thereby reducing the military's domination over it. However, the reform did not answer other questions about this mechanism and did not clarify what authority the representatives of the judicial institution or the Council of Oman had. It seemed that their presence was symbolic in contrast to that of the Defence Council which seemed to bear the essential responsibility for supervising and implementing the process of transferring power.

The council of Oman

The most important constitutional reform of 2011 was the extension of the Council of Oman's legislative and supervisory prerogatives and responsibilities. The reform added

45 new articles to the constitution which organized the composition of the council and the mechanism for its work. These articles also specified that it had higher authorities and provided it with ample constitutional protection, in contrast to its previous status before the reform.

These reforms stated the right of the council to review plans for laws prepared by the government, propose plans for new laws and to revise development plans, the annual state budget, and economic and social agreements that the government had decided to ratify. Moreover, the reforms forced the body for financial and administrative supervision of the state to send copies of its annual reports to the council and granted members of the Consultative Council the right to question any of the ministers for services on matters relating to overstepping their authorities.

From a theoretical viewpoint, these reforms undoubtedly represent a specific movement in the role of the council that increased its significance and status. Nevertheless, it is also important to recognize their limitations. The councils' observations and recommendations relating to development plans, the state budget and plans for agreements to be ratified were not binding on the government, so in this respect, the council's role was still consultative. Similarly, its recommendations on laws and legislation were not binding on the sultan who had the right to issue royal decrees with the force of law between sittings of the Council of Oman. Moreover, in the case of the dissolution of the Consultative Council, the sultan could issue such decrees without presenting them in the next sitting. The right of the Consultative Council to question members of the government was limited to the 'services ministries' and excluded the 'sovereign ministries'. In other words, despite the significance of the reforms, the council had not yet completely attained the role of a future legislative and supervisory parliament. In reality, the positive changes included allowing candidates to launch their election campaigns and announce their programmes in public and in the media; something which had not been possible before.

The municipal councils

In 2011, the sultan issued a decree ordering the formation of elected municipal councils in all governorates, this having previously been limited only to Muscat. The decree stipulated that the municipal councils' membership had to include representatives from the different provinces in addition to representatives from government offices. The function of these municipal councils was to offer opinions and advice relating to the development of public systems, services and facilities in the governorates, within the framework of public policy for the state and its development plans. On 22 December 2012, the first of the municipal elections was held. Around half the registered voters took part in it although 50 candidates were excluded on 'security grounds' due to their participation in the protests of 2011 (Valeri 2015, 16).

The legislative aspect

With regards to legislation, the regime adopted contradictory steps. On the one hand, it issued important legislation to protect public finances and prevent conflicts of interest. On the other hand, it amended a group of laws including the penal law, the law on

penal measures and the law on publications and publishing. This granted the security forces extensive powers for arrests, investigations, limiting free speech and assembly, and criminalizing protests.⁴ It seemed as if this was an attempt to close all exits and openings that might allow similar protest movements in the future.

The fight against corruption

The fight against financial and administrative corruption in the state apparatus represented a key demand that the protestors agreed on in 2011 and appears in the petitions for their demands. The regime responded by issuing a law to protect public finances and avoid conflicts of interest, also extending the powers of the body for financial and administrative supervision of the state. The following four years saw many state officials, officials of major oil companies and contractors in the country tried in court on charges of corruption, bribery and embezzlement of public money. However, there still exists the unresolved problem of intermarriage between money and power, conflict of interest and the inclusion of many politically influential people in the world of finance and trade. The signs of corruption remain apparent and many officials remain out of reach for the courts. These are the people whom the public sees, despite having been forced to leave government, as continuing to be involved in the nation's finances and resources.

The independence of the judiciary

In 2011, the sultan announced the independence of the Public Prosecution which had been under the financial and administrative control of the Inspector General of Police and Customs. In 2012, that was followed by two royal decrees. The first reconstituted the Supreme Judicial Council inasmuch as its membership was restricted to the members of the judicial authority, excluding the executive authority by removing both the Minister for Justice and the Inspector General of Police and Customs, although the sultan remained as its chairman.

The second decree transferred the affiliation of the courts, general administration of the Judicial Inspectorate, general administration of the courts, its employees and its financial allocations from the Ministry of Justice to the Administrative Affairs Council for the Judiciary under the leadership of the chairman of the Supreme Court. Thus, the judiciary made great progress towards full independence from the executive authority in its administrative structure.

These reforms contributed at the time to pacifying the public, ending the occupations and restoring stability. It was hoped that these steps would be the first signs of a comprehensive reform that would encompass the structure of the government and its institutions, thereby removing Oman from the state of political stagnation and economic underdevelopment and widening the margin for civil and political rights and freedoms. However, four years since these reforms, the extent of disappointment and frustration seems evident to everyone trying to interpret the scene. The practical effect of these reforms was very insignificant and they did not accomplish any tangible changes on the ground. Nor did their effect equal the dreams and aspirations of the Omanis who had gone onto the streets four years before, spurred on by the hope of launching a radical and

comprehensive campaign for reform that would give Oman, as a country and its people, the status it deserved.

The four years that have passed since the 'Omani Spring' have seen a movement which reports that the levels of public grievance are constantly increasing despite the existence of vicious campaigns by the security forces. These forces have arrested and tried many activists, writers and participants in the popular movement on different charges, such as organizing public gatherings and criticizing the sultan. It was ruled that these activists should be imprisoned. Their pictures were published and they were libelled in the various newspapers and media. Many of the youths' activities and initiatives were stopped or prevented, civil society institutions were restricted and the tools and spaces for public action and movement were seized.

The Consultative Council which had its legislative and supervisory prerogatives expanded in 2011 has so far been unable to create a real difference in the Omani political scene, or win the trust of the public and support for its role as representative of the people's will. Its relationship to the Executive Authority has shifted positions. For example, the executive ignored its request to question the Minister for Higher Education on the performance of his ministry. The ministry of the Interior recently excluded a group of activists who participated in the events of the Omani Spring from the list of candidates for the elections to be held on 25 October 2015. However, the Supreme Court decided that the council lacked the jurisdiction to look into the election appeals. Furthermore, one of the council members has been kept in solitary confinement in prison for two years because of his participation in a public march against pollution in his province.⁵ Hence, despite the legal text's expansion of the council's prerogatives, the regime is working to curtail its role through various ways and means, such as removing candidates, withdrawing judicial supervision over election appeals, ignoring the council's recommendations, applying direct and indirect pressure on its members and creating an atmosphere of self-censorship that prevents them from challenging the regime or threatening its interests.

All these indications demonstrate clearly that the steps for reform taken in 2011 were merely a temporary measure to absorb public anger, contain the movement on the streets and buy more time. These steps cannot be considered a true indicator of the regime's desire for reform and lasting change. This is evident by its continuing and worsening practices over the past four years that contradict the reforms.

The hopes of the people were linked to the return of Qaboos from his journey abroad for health care. Many expected that his return would be accompanied by measures for far-reaching reform that would resettle the situation and solve the problems that had emerged in his absence. This was especially so after the spread of rumours and accusations of corruption that included all the institutions and senior officials in the state. However, more than seven months have passed since his return, without a glimmer of any signs of change on the horizon.

Searching for a way out

Autocratic systems based on the rule of one individual or a few individuals, inevitably, show signs of weakness and deficiency over time, through circumstances changing both within and beyond a country. When a regime embarks on implementing reforms

without democracy in an attempt to lengthen its hold on power, temporary reforms quickly lose their effect. The regime finds itself in a political dilemma and deadlock from which it can only temporarily escape by changing its symbols. However, it then returns to the situation that had previously prevailed and again faces different aspects of the same challenges. Such regimes, therefore, revolve in a vicious circle that can only be broken by a change in the democratic course. Such a change may be triggered by a popular uprising or by the regime becoming conscious and aware of the necessity, at a suitable historical moment, for this transition to take place. Furthermore, whenever there is a growing sense of national responsibility and an increasing awareness of the possibilities of democracy among the leadership, the latter are eager for this transition to be harmonious, safe and smooth, and removed from the violence and chaos of revolutions (Al-Kuwari 2001, 25–26).

In Oman's current political conjuncture, it is not possible for this transition to take place in a sudden or dramatic manner. To establish the democratic experiment and let it mature and reach a stable and agreed-upon form requires decades of experiments, trials, errors, corrections and more trials. The forces opposed to democracy cannot simply shed their skin and change to the opposite mindset from one day to the next. Any sudden change, without putting in place the necessary infrastructure to successfully practise democracy, may lead to thwarting the entire project. This could push a country into another even darker tunnel, especially when the structure of the state and its institutions are weak and the preparedness of the people is still at an early stage.

Nonetheless, this does not mean that democracy may be delayed under the pretext of preparing for it. Rather, it means that democracy should be entered into with cautious and well-considered steps and with the mutual agreement of the leadership and the people. The experiment should also be embarked upon with awareness and also be fully prepared for the obstacles that may appear on the way and the importance of offering possible guarantees to make it succeed.

With this in mind, the Bahraini intellectual Muhammad Jaber al-Ansari, instead of jumping into such an abyss, proposes gradual conditions that are close to initiating the process of democratic reform. That entails reaching an agreed-upon formulation which would please the various political forces acting in the country, without threatening the ruling families or allowing them to monopolize power. The most important condition is represented by the regime's readiness to acknowledge the opposition, its right to exist, its political activity, and participation in shaping the future of the country. As well as this, the regime must agree on a constitutional mechanism for power rotation while establishing its ruling symbol, relying on the opinion of the majority in all political decisions and respecting the rules of democratic work by all (Al-Ansari 2002).

Possibilities for democratic change in Oman

In examining the Omani situation in this context, it becomes apparent that the challenges facing the regime in Oman are what can only to be expected from any autocratic system based on the rule of a single individual. This is all the more so when the personalization of the system and its identification with the person of the ruler reaches the degree that it has in Oman. The political and economic situation which the country is experiencing and the sultan's state of health have put the ruling authority at a crossroads, making it necessary to

take critical decisions at an urgent time. There are now three options available to the regime.

The first is to continue along the same path, using the same method and instruments, allowing the situation to continue as it is. Here, the regime would ignore any warnings and calls for reform. This option is possible as long as the crisis does not reach a critical climax, but it is an unsafe and impermanent one for several very significant reasons:

- The age of the sultan and his state of health does not make this a long-term option to pursue. To continue with it would be difficult after the sultan's demise as whoever succeeds him will not be able to win the hearts of the Omanis and satisfy them as Qaboos was able to do. This would force the new sultan to make many concessions to establish his legitimacy.
- The economic situation, the decline in oil prices and the regime's inability to effectively diversify its sources of income will reduce the regimes capabilities. It would not be able to use the income from oil to build and support alliances, or to allay the people's anger through material incentives and development plans by providing material comfort and better living. This would force the regime to offer political concessions to keep the situation under control.
- The frustration, discontentment and problems created by this situation could result in disastrous consequences for the country's security, stability and unity. This could bring the country back to a context of unrest, as happened in February 2011. Should the regime continue to favour repressive solutions and restrict freedoms and spaces for public activities and movements, this would further aggravate the situation and might hasten it to erupt. Therefore, this option would not constitute a solution to the crisis. Rather, it would prolong it resulting in a gamble for the future.

The second option is for the regime to undertake limited and selective reforms. It could put forward a new package of economic and legal reforms and appoint a new government that is more acceptable to the public. This could be achieved without any major change to the constitutional and institutional structure of the state. This is the most likely option and is what the regime in Oman usually opts for whenever it needs to lighten the increasing pressure put on it. Moreover, it is the kind of option that always succeeds in calming the situation and in buying more time. However, it is also a temporary one and its effectiveness diminishes after a while with the causes of the pressure quickly returning; bringing the country back to point zero with the re-emergence of corruption, limp government institutions and weak performance, and the citizens enduring the resulting practical problems, thereby instigating another cycle of crises.

Even so, the regime cannot take steps in a given direction – for example, legislatively – while in reality, adopting opposite measures. The package of reforms presented by the regime in 2011 and what then ensued is the best evidence of this. The constitutional changes issued at the time, despite their significance, were unable to have a clear practical effect on the political scene in Oman. The Consultative Council had been given an important constitutional position in the political process by these changes. In reality, however, the council was harmed by the trial and imprisonment of one of its members and by the disqualification of candidates from elections because of their political background. As well as the climate of repression, the restriction of political and civil freedoms makes it

impossible for the council to work effectively because of the extent of self-censorship practised by the council members and other citizens alike. For any parliament to exercise its legislative and supervisory role, an open political atmosphere is necessary to encourage the expression of opinions and dialogue and to acknowledge the existence of others. This allows the growth and flourishing of civil action and the formation of pressure groups. In the absence of these conditions, parliamentary work is void of its essence and credibility.

Moreover, the economic incentives which were provided and cost the state more than US\$2.5 billion (Davidson 2012) proved to be useless. The promised offer of 50,000 jobs created pressure on the government sector and many of the unemployed filled the security and military institutions. However, the aid for those seeking work did not reach all those entitled to it. Moreover, the new ministers brought in by these changes, some of whom were selected by the Consultative Council, did not make any difference – except for a few exceptions – in distinguishing themselves from their predecessors. Now, more than four years after those reforms, the regime is again facing the same issues!

The third option is for the regime to make a firm decision to treat the problem at its roots and reform the structure of the constitutional and institutional system. Thus, it could move towards a system of constitutional governance based on a form agreed on by the leadership and the people. This option would allow the regime to break the vicious circle in which the country is bogged down and to neutralize any popular unrest and its implicit consequences. The regime could create a safe exit from the bottleneck and move towards a wider space in which the country could benefit from the possibilities granted by democracy to establish a more stable and lasting system of governance. Such a system would have the public interest at heart as well as values of citizenship, social justice and equality with every member of society subject to the rule and sovereignty of the law.

This option, however, would require the existence of a real political will; one prepared to relinquish the regime's complete monopolization of influence and power. It would also require that the regime recognizes the existence of other opinions; their right to participate in the political process and that it enters into a national dialogue with them and with all groups and elements of society. This is in order to reach an agreed form that would translate afterwards into a constitutional body that limits the regime and organizes the system of power rotation without threatening the royal family and its presence as a safety net that protects the system, its balance and stability (Al-Yahya'i 2015b).

This transition from the rule of an individual to limited constitutional government does not have to happen in one push. The new constitution could organize the gradual process of transition through different stages such that the current sultan would preserve extensive powers without bequeathing them to his successor. The remaining period of his rule would benefit from creating the institutional infrastructure necessary for the democratic process, the reform of education, freeing the media, supporting and promoting civil society institutions, and increasing the margin for civil and political rights and freedoms. In other words, it would offer 'the closest gradual conditions' for the process of democratic change.

In spite of the tendentiousness of this option, it would nevertheless be fraught with difficulties and perils which could not be ignored or overlooked. The process of political openness and democratic change in any society is a difficult and slow process that requires patience and time to take root and mature. The early transitional stages may be accompanied by chaos, polarization and the appearance of disputes and rifts that are

not distinct or influential. This is particularly so in countries that lack a democratic heritage, pluralistic culture and a long history of popular political experimentation and in which the institutions of the state are weak and not deep rooted.

Yet, delaying democracy under the pretext of a lack of preparedness does not mean that these dangers and challenges will remain at bay. To continue with the current situation will inevitably expose Omani society to bigger and more treacherous challenges. Furthermore, the democratic experiment cannot take shape in any society without continuous trial and error. Does this mean a choice between two evils? Either remain indebted to an autocratic system or slide into political chaos and instability!

A solution and a way out are theoretically possible, by choosing a suitable time to start the process of democratic change. This does not imply that democracy can be applied only at specific timings. Rather, it means that at a given moment in the historical context it may be more appropriate to initiate the process because, at that specific moment, dangers may be fewer and guarantees enough, to ensure the country can avoid the challenges created by a change of greater magnitude.

The suitable moment for Oman is now, while Qaboos is still present. The reasons are, firstly, the sultan is considered a symbol of national unity. The Omanis, with their different groups and inclinations, agree on him to a degree that will not be found with his successor. The presence of this firm and agreed-upon symbol is an urgent necessity for the national dialogue to be peaceful, productive and framed by a clear review. Secondly, the sultan possesses the physical and moral legitimacy and power, as well as the love of his people, that makes him the most equipped to launch a process of reform without any noteworthy opposition and keep this opposition within acceptable limits, if necessary. This opposition may come from the more traditional elements in society, or those who regard this change as a threat to their interests and ambitions. Thirdly, the presence of the sultan with his charismatic personality and political wisdom is a safety net that may be relied on if the process stumbles or reaches a critical juncture. The sultan possesses the physical and moral power as well as the necessary political wisdom to take his country to safe ground and ensure as much as possible that the dangers will be reduced and kept under control. However, due to the sultan's age and state of health, and the increasing frustration and discontentment of the people, this temporary opportunity and open window is narrowing day by day. Any transition after Qaboos will be more difficult, more costly and more urgent because whoever succeeds him will not possess the same legitimacy and enormous popularity that he depends on, or the same power to impose and implement his will. Such a scenario would force his successor to enter into negotiations and offer concessions in order to establish his rule.

The regional situation

In addition to the internal critical situation, reform is necessary and inevitable given the unstable regional situation. By virtue of Oman's location along the Strait of Hormuz and at the entrance to the Arab Gulf, on a regional level, it is considered to be an important strategic player. This importance has increased greatly over the past two years after the sultanate played a pivotal role in the negotiations between Iran and the P5 + 1 countries (the permanent five members of the United Nations Security Council and Germany) and the favourable results that came out of these negotiations. The sultanate has also

repeatedly intervened in solving the crises involving foreign hostages in the region and has made diplomatic efforts in these cases.

For decades, Oman's foreign policy has been known for its complete independence from the countries of the Gulf Cooperation Council (GCC). However, the positions adopted by the sultan over the past years and their intensity have come as a surprise to everyone. In December 2013, Oman announced its decisive refusal to join the plan for the Gulf Union adopted by the other GCC countries. It also hinted that it would withdraw from the GCC if the other states moved forward with their proposal, leading to the latter being promptly dropped. Oman has continued to maintain relations with Iran and to support negotiations between Iran and the West despite anger from other Gulf countries at this position. Conversely, Oman has adhered to its neutrality in the case of the events of the 'Arab Spring' in Egypt, Libya and Syria, refusing to interfere in what it regards as the internal affairs of these countries. This is in contrast to the United Arab Emirates (UAE), Saudi Arabia and Qatar which have intervened forcefully using the media, money, and sometimes weapons to influence the rival parties in these countries. To make matters worse between the GCC countries, Oman also recently refused to join the forces of the Gulf alliance in their military campaign against Yemen. It summoned the ambassadors of Bahrain, Saudi Arabia, and the UAE after the home of the Omani ambassador to Yemen was shelled, and this also greatly heightened tension in its relations with the other GCC countries.

These positions, in addition to confirming the regional significance of Oman, prove Oman's ability to protect its sovereignty and the independence of its political decisions in the face of any attempt to extend influence in the region. All this means that Oman is too important to be disregarded by other nations with conflicting interests in the region. Iran requires Oman's survival so that it can rely on it in its times of need and the future of Yemen is still unknown. Ultimately, Oman will not be exempt from attempts to interfere in and influence its positions and to try to attract it, perhaps even to tamper with its security and affect its internal affairs. The success or failure of these attempts will depend fundamentally on how strong and firm Oman is internally in confronting these challenges. Therefore, the importance for the call for reform has doubled at this point in time, given the level of tension in the region. In considering the future, Oman now urgently needs reform and support for its internal structure, so that it can maintain its power and independence abroad.

Conclusions

The challenges facing the political system in Oman are numerous and varied. There are no indications in sight that show the regime will have the necessary political will to launch an extensive reform plan. Despite the elements of political, economic and popular pressure discussed above, the regime still feels that it possesses enough force to maintain its control over the political scene.

The beginning of a comprehensive and radical reform would facilitate the transition towards democratic practice and limited constitutional rule. That perspective seems far out of reach at this moment for two essential reasons:

- The civil society institutions are too weak to launch this sought-after plan. The sultan alone rules, so it is difficult to envisage any wing of the regime being able to push in the direction of change, even if such a wing existed.
- The civil society institutions are weak and the elites have fallen behind. The limits imposed on political and civil society have not given space to establish a powerful, effective and independent civil society capable of organizing itself. Moreover, the ‘stick and carrot’ policy which the regime used intensively following the events of the ‘Omani Spring’ has largely borne fruit and been able to restrict many influential names on the political level. The most likely possibility is the announcement of a new package of limited reforms and the formation of a new government to perhaps coincide with the coming elections of the Consultative Council in October 2015 and the National Day holiday on 18 November.

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Notes

1. Some researchers believe that creating a solution to the issue of succession was one of the reasons that initially pushed the sultan to issue the Basic Law of the State. This was especially after the discovery in 1994 of a secret opposition movement and the incident at al-Sir when one of the sultan’s companions was killed.
2. This article was amended in 2011 after the ‘Omani Spring’ movement to include the two chairmen of the Consultative Council and the State Council, the chairman of the Supreme Court and two of his deputies. That was to prevent representatives of the people and the judiciary from having the opportunity to participate in the process of appointing the new sultan. Moreover, criticisms had also been directed against the previous text which restricted the responsibility for confirming the successor to the sultan to the Defence Council.
3. This now includes the participation of the chairmen of the Council of State and the Consultative Council, the chairman of the Supreme Court and two of his senior deputies, in addition to the Council of Defence in the appointment of the new sultan.
4. In 2013, the nationality law was amended to allow it to strip Omanis of their nationality. This was a dangerous weapon that could be used against opposition activists.
5. Talib al-Ma’amari is a member of the Consultative Council from the district of Liwa. He was imprisoned because of his participation in a peaceful protest against environmental pollution in his district. He recently won the 2015 Alkarama Award for Human Rights Defenders.

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