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Legal Landscape | International Arbitration

Oman- International Arbitration

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Oman- International Arbitration

1. What is the current legal landscape for arbitration in Oman?

Arbitration in Oman is governed principally by the Oman Arbitration Law RD 47/1997, as amended ("Arbitration Law"), which is largely based on the UNCITRAL Model Law. This framework provides a modern and internationally recognized structure for resolution of commercial disputes, making Oman a stable jurisdiction for arbitration.

The Arbitration Law sets out comprehensive rules regarding the constitution of arbitral tribunals, conduct of proceedings, passing of interim orders, and recognition and enforcement of awards. It affords parties a high degree of autonomy to structure their arbitral procedures, including agreeing on the seat, language, number of arbitrators, and institutional or ad hoc rules. The default rules under Arbitration Law reflect a pro-arbitration approach consistent with global best practices.

Omani Courts generally support arbitration and uphold parties' agreement to arbitrate. Omani Courts are reluctant to intervene in the conduct of arbitration proceeding unless expressly allowed under the Arbitration Law, and with the parties' consent. For instance, an arbitration agreement does not become invalid merely by alleging fraud or nullity unless the allegation is directly related to the validity of the arbitration clause.

In 1999 Oman became a signatory to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) which was ratified by RD 36/98. Accession to the New York Convention has significantly facilitated the recognition and enforcement of foreign arbitral awards before the Omani Courts. As a matter of Omani law, foreign arbitral awards passed in jurisdictions which are members of the New York Convention will now be enforceable through the Omani Courts provided applicable procedural requirements such as authentication and translation of the arbitration award are complied with and there exists no conflict between the award and the public order under Omani law.

Institutionally, Oman has strengthened its arbitration presence with the establishment of Oman Commercial Arbitration Centre (OCAC) in Muscat. OCAC administers both domestic and international arbitrations and offers modern rules, trained arbitrators, and upgraded facilities to support the growing reliance on Oman as the seat of arbitration, and the rules of OCAC as the procedural applicable rules.

Despite this progress, enforcement of arbitral awards may still face delays, primarily due to procedural steps in the execution courts and appeals filed by award debtors. However, the Omani judiciary has taken clear positions over the recent years to limit challenges to arbitration awards and to reduce the grounds available for setting aside an arbitration award, thereby supporting the finality of arbitral decisions.

Overall, Oman's arbitration landscape is aligned with international best practice, offering a robust, efficient, and arbitration-friendly environment for commercial parties.

2. What three essential pieces of advice would you give to clients involved in arbitration?

First, parties should pay close attention to the drafting of the arbitration clause at the contract negotiation stage. A clear and effective clause helps avoid future procedural disputes and delays with respect to the validity, scope and procedural issues that may arise during the arbitration proceedings. Parties should specify key elements such as:

1. whether mediation or negotiation must precede arbitration;
2. the seat and venue of arbitration;
3. the number of arbitrators;
4. the applicable procedural rules, if they agree on an institutional arbitration (e.g., OCAC Rules, ICC Rules, UNCITRAL Rules);
5. the method of appointment of arbitrators, if it is an ad-hoc arbitration;
6. the governing law of the arbitration clause; and
7. a distinct unequivocal agreement to arbitrate.

Poorly drafted arbitration clauses frequently lead to uncertainty in respect to its scope over a dispute, challenges to jurisdiction, and delays that undermine the efficiency arbitration is meant to achieve, hence clear drafting prevents unnecessary procedural fights.

Second : Choose arbitrators carefully

The selection of arbitrators is a critical decision in an arbitration. Clients should choose arbitrators with expertise in the relevant industry, review their prior decisions and publications, and ensure that no potential conflicts of interest exist. It is also advisable to consider arbitrators known for their efficiency, clarity, and strong procedural management. A well-chosen tribunal can significantly enhance both the quality and the speed of the arbitration process.

Third, evidence is central to success in arbitration. Well-organised, consistent documentation, including contracts, correspondence, approvals, meeting minutes, expert reports, and witness statements, is critical to the success of an arbitration case. Corporate parties should maintain robust internal systems for record-keeping and ensure proper handover procedures so that key documents are not lost.

Providing early and complete disclosure to counsel enables them to formulate better case strategy, early identification of evidentiary risks, and more accurate assessment of the strengths and weaknesses of the case. Parties should also anticipate issues relating to confidentiality, privilege, and admissibility in the Omani context and address them proactively before hearings commence.

Fourth, parties must plan from the outset for the enforcement of an arbitral award. The real value of an award lies in its enforceability. While Oman is a party to the New York Convention, enforcement requires compliance with formalities and may be prolonged due to challenges raised by award debtors.

Therefore, parties should:

- Identify potential assets of the opposing party early.
- Consider interim and conservatory measures (where applicable) to preserve assets.

- Choose a seat and governing law that minimise public-policy risks.
- Be mindful of limitation periods for commencing arbitration and enforcing awards under Omani law, for an ad-hoc arbitration.

These proactive steps assist in ensuring that the arbitral process ultimately produces a commercially useful outcome.

3. What are the greatest threats and opportunities in arbitration law in the next 12 months?

One of the relevant challenges of arbitration remains with the enforcement of arbitral awards in Oman. Although the Arbitration Law and the New York Convention favour enforcement, practical delays may arise due to:

- Procedural steps required by the execution courts.
- Appeals filed by award debtors seeking to set aside awards.
- Administrative delays and workload at certain judicial levels, which may delay passing a judgment for a certain period of time.

Another challenge is the uncertainty that occasionally arises in disputes involving government entities, which may require specific approvals for arbitration or insist on particular seats or procedures that align with public policy requirements. Parties contracting with public entities in Oman must therefore pay special attention to statutory requirements and mandatory terms.

Despite these challenges, even greater opportunities are coming into focus. The establishment and growing use of the OCAC demonstrates Oman's clear ambition to become a major regional arbitration hub. With its modern procedural rules, strong local legal expertise, and cost advantages compared to many international centers, OCAC is especially attractive to parties active in the GCC and MENA region.

Crucially, Omani Courts have shown an increased willingness to uphold arbitration agreements and enforce foreign arbitral awards pursuant to New York Convention, a trend that significantly bolsters investor confidence. When Omani Courts reliably enforce arbitration outcomes, it reduces the legal risk associated with dispute resolution, making arbitration seated in Oman more credible and effective. This judicial support not only sends a positive signal to international and regional investors but also reinforces Oman's legal infrastructure as arbitrationfriendly.

On the investment front, Oman has experienced strong growth in foreign direct investment (FDI), in 2024 and 2025, which reflects not only confidence in Oman's economic fundamentals but also the effectiveness of reforms to improve the investment climate

Thus, the combination of a robust arbitration framework and a rapidly improving investment landscape presents a powerful nexus. These developments open the door for investors and businesses to reorganize or scale their operations within Oman. They can leverage the country's supportive legal structure, arbitrationfriendly courts, and growing economy, making Oman an increasingly strategic base for regional commercial activity.

Furthermore, as businesses in Oman increasingly engage in cross-border transactions, there is a rising

demand for stable, efficient dispute resolution mechanisms. Arbitration, particularly when supported by a modern institutional framework, offers a competitive advantage by providing certainty, neutrality, and enforceability across jurisdictions.

4. How do you ensure high client satisfaction levels are maintained by your practice?

High client satisfaction in arbitration is achieved through a combination of expertise, clear communication, and strategic planning.

First, we assemble a specialized team for each arbitration, ensuring that the assigned team of counsels have the technical experience relevant to the dispute. We develop a detailed case strategy early, analysing the facts, identifying risks, and assessing the strengths of the case. This informs decisions on whether to pursue jurisdictional objections, seek interim measures, or adopt phased proceedings.

Second, we prioritise transparent and consistent communication throughout the arbitration process. Arbitration can become document-heavy and procedurally complex, so we provide clients with regular updates, clear explanations of developments, and early warnings of potential challenges. We also prepare witnesses thoroughly to ensure they provide clear and reliable testimony.

Third, we help clients achieve financial predictability. By preparing cost estimates and budgets for each stage of the arbitration and monitoring expenditures, clients gain clarity and control over their dispute-resolution costs.

Fourth, we adopt a results-oriented approach. For us, achieving success means securing outcomes that align with the client's commercial objectives, whether that involves enforcing an award, resolving a dispute efficiently, protecting assets, or negotiating favourable settlements.

Finally, we continue to invest in technology, resources, and staff training to ensure our arbitration practice remains aligned with international standards and capable of handling complex cross-border disputes.

5. What technological advancements are reshaping arbitration and how can clients benefit from them?

Two technology developments are significantly transforming arbitration practice:

- digital case management platforms enable efficient organisation of documents, filings, and hearing bundles.
- Artificial Intelligence (AI) and Machine Learning are reshaping arbitration by streamlining the gathering and analysis of information and evidence. AI can quickly review large volumes of documents, identify relevant facts, categorize evidence, and flag critical issues, helping parties and arbitrators build stronger, more informed cases efficiently.
- Virtual and hybrid hearings, now common across regional and international arbitration institutions, reduce travel requirements, shorten delays, and facilitate the participation of experts and arbitrators from various jurisdictions.

Clients who adopt these technologies early in the process benefit from faster, more efficient proceedings,

stronger evidence, and more cost-effective case management. Our practice embraces these tools to deliver streamlined, precise, and commercially effective arbitration strategies.

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