



Counting on Arbitrators in Arbitration proceedings in Oman

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In the Sultanate of Oman, as in other jurisdictions, arbitration has become an increasingly popular way of resolving commercial disputes. There is a growing tendency among the business community, particularly where foreign investment is involved, to opt for arbitration which, for the most part, is seen to be an efficient and cost-effective way of resolving disputes. However, essential to achieving these benefits is the appointment of a competent and skilled arbitrator or arbitrators, without which arbitration can cause grief for the parties which far outweighs the perceived disadvantages of court litigation. This article addresses practical issues usually faced by disputing parties at the time of selecting an arbitrator in an arbitration dispute to be conducted in Oman.

It is common, during the negotiations of a contract, for the parties and their lawyers to spend minimal time discussing the wording of an arbitration clause. This may be due to the fact that during that time parties are in the mood to initiate a business relationship, or are focussing on the benefits to be derived from the transaction. Some people work on the basis that no dispute will ever arise between the parties. In addition, there is already an established wealth of precedents known to lawyers and their clients as far as arbitration clauses are concerned. However, when a dispute arises, one would say that nothing is more important than choosing the right arbitral tribunal. It is a choice which is important not only for the parties to the dispute, but also for the reputation and standing of the arbitral process itself as well as the enforceability of any order or award issued by the arbitrators. It is, above all, the quality of the arbitral tribunal that makes or breaks the process. Obviously, it is difficult to choose a suitable arbitrator (or arbitrators) for a dispute which is, as yet, unknown.

Those who have participated in major arbitration proceedings in Oman will tell you how hard it is to find a suitable and qualified arbitrator acceptable to all the parties in the dispute. This difficulty is even more difficult when the parties have agreed to one