UNIVERSITAS
GADJAH MADA
READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/

# BIBLIOGRAPHY


## National Legislations

Austrian Code of Civil Procedure

German Code of Civil Procedure

French Arbitration Law

## Legal Instruments

Arbitration Rules of International Chamber of Commerce, 1998

Arbitration Rules of the Hong Kong International Arbitration Centre, Hong Kong, 1 November 2013

Arbitration Rules of the London Court of International Arbitration, London, 1 October 2014

Chartered Institute of Arbitrators Protocol for the Use of Party Appointed Expert Witnesses in International Arbitration, 2008

International Centre for Dispute Resolution, International Dispute Resolution Procedures (Rules Amended and Effective June 1, 2014)

Milan Chamber of Arbitration (CAM) Arbitration Rules, 2012

Singapore International Arbitration Act, 31 December 2002

The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958

UNCITRAL Model Law on International Commercial Arbitration 1985 with amendments as adopted in 2006, Vienna, 2008

United Nations Commission on International Trade Law Arbitration Rules, 2013

Vienna International Arbitral Centre Arbitration Rules, 2018

UNIVERSITAS GADJAH MADA
READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/

**Case Law**

*Alfano v. Piersanti*, ONCA 297, Court of Appeal for Ontario, 9 Jul 2012

*Alpha Projektholding GmbH v. Ukraine*, ICSID Case No. ARB/07/16, Award, 8 Nov 2010

*CME Czech Republic B.V. v. The Czech Republic*, UNCITRAL, Dissenting Opinion of the Arbitrator JUdr Jaroslav Hándl against the Partial Arbitration Award, 13 Sept 2001

*CME Czech Republic B.V. v. The Czech Republic*, UNCITRAL, Partial Award, 13 Sept 2001

*ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V. and ConocoPhillips Gulf of Paria B.V. v. Bolivarian Republic of Venezuela*, ICSID Case No. ARB/07/30, Award, 8 Mar 2019

*Croatia v. Serbia*, ICJ Rep 2015, 391, Declaration of Judge Donohue in Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Judgement, 3 Feb 2015

*Daubert v. Merrell Dow Pharmaceuticals, Inc*., 509 U.S. 579, United States Supreme Court, 28 Jun 1993

*DIC of Delaware, Inc. & Underhill of Delaware, Inc. v. Tehran Redevelopment Corp. & the Government of the Islamic Republic of Iran*, 17 May 1982

*Dulong v. Merrill Lynch Canada Inc. et al.,* O.T.C. TBEd. AP.106, O.T.C. 286 (SC), Court of Ontario, 6 Jan 2006

*Durward V. Sandifer, 1975*, Evidence before International Tribunals, Charlottesville: University Press of Virginia.

*Field v. Leeds City Council*, [2001], CPLR 129

*Helnan International Hotels A/S v. Arab Republic of Egypt*, ICSID Case No. ARB/05/19, Award, 3 Jul 2008

*Higher Regional Court (Oberlandesgericht) Munich*, Decision 16.6.2014–34 Sch 15/13, SchiedsVZ, 257 (261), 2014

*Hrvatska Elektroprovreda, d.d. v. The Republic of Slovenia*, ICSID Case No. ARB/05/24

UNIVERSITAS GADJAH MADA
READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/

*Jan de Nul N.V. and Dredging International N.V. v. Arab Republic of Egypt*, ICSID Case No. ARB/04/013, Final Award, 6 Nov 2008

Judgment of 25 June 1992, XXII Y.B. Comm. Arb. 619, 625 (Austrian Oberster Gerichtshof) (1997).

Judgment of 25 June 1992, XXII Y.B. Comm. Arb. 619, 625 (Austrian Oberster Gerichtshof) (1997).

*Longley (James) & Co. Ltd v. South West Thames Regional Health Authority,* 1983, 25 BLR 56.

*National Justice Compania Naviera S.A. v. Prudential Assurance Co. Ltd*., 2 Lloyd's Rep. 68, 1993.

*Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Joint Dissenting Opinion by Judges Al-Khasawneh and Simma, ICJ Reports, 20 Apr 2010.

*Rowley v. Dunlop*, [2014], EWHC 1995 (Ch)

*Starrett Housing Corporation v. The Government of the Islamic Republic of Iran*, 16 Iran-US Claims Tribunal Reports 112, p. 196.

*Swisslion DOO Skopje v. The Former Yugoslav Republic of Macedonia*, ICSID Case No. ARB/09/16, Award, 6 Jul 2012

*The Rompetrol Group N. V. v. The Republic of Romania*, ICSID Case No.ARB/05/24, Decision of the Tribunal on the Participation of a Counsel, 14 Jan 2010.

*World Duty Free Co. Ltd. v. Republic of Kenya*, ICSID Case No. ARB/00/7, Final Award

**Book**

A, Ross, 1958, *On Law and Justice*, London, Stevens & Sons.

Amiruddin, H. Zainal Asikin, 2016, *Pengantar Metode Penelitian Hukum*, Rajawali Pers, Jakarta.

Ashford, Peter, 2014, *Handbook on International Commercial Arbitration: Second Edition*, Juris Publishing, Inc.

Berger, Klaus Peter, 2015, *Private Dispute Resolution in International Business: Negotiation, Mediation, Arbitration*, Kluwer Law International, 3rd edition.

UNIVERSITAS GADJAH MADA
READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/

Bienvenu, Pierre and Valasek, Martin J., 2010, *Witness Statements and Expert Reports*, in The Art of Advocacy in International Arbitration, JurisNet.

Bierbaum, 2010, *So investiert die Welt: globale Trends in der Vermögensanlage*, Springer-Verlag.

Black, Henry C., Connolly, Hicks, Stephen C., Michael J., Nolan, Joseph R., Nolan-Haley, Jacqueline M., Alibrandi, Martina., 1999, *Black's law dictionary*, Vol. 196. St. Paul, MN: West Group

Blackaby, Nigel., et. al., 2016, *International Arbitration*, Oxford University Press, Kluwer Law International.

Blackaby, Nigel., Hunter, Martin., Redfern, Alan., Partasides, Constantine., 2016, *International Arbitration*, Oxford University Press, Kluwer Law International

Blanke, Gordon and Landolt, Phillip., 2011, *EU and US Antitrust Arbitration: A Handbook for Practitioners*, Kluwer Law International

Born, Gary B., 2016, *International Arbitration and Forum Selection Agreements: Drafting and Enforcing,* 5th edn., Kluwer Law International.

Born, Gary, 2014, *International Commercial Arbitration*, 2nd Ed, Wolters Kluwer, New York.

Brand, Norman., 2010, *When Experts Testify: Exploiting the Advantages of Arbitration*, in AAA Handbook on Commercial Arbitration, Juris Publishing, Inc.

Caron, David and Caplan, Lee M., 2013, *The UNCITRAL Arbitration Rules: A Commentary*, 2nd edn., Oxford University Press.

Cremades, Bernardo, 2016, *Defining Issues in International Arbitration: Celebrating 100 Years of the Chartered Institute of Arbitrators*, Oxford University Press, Oxford.

De Berti, Giovanni. 2011, *Experts and expert witnesses in International Arbitration: Adviser, Advocate or Adjudicator*, Arbitration Yearbook 53.

Franke, Ulf., 2010, *Between East and West: Essays in Honour of Ulf Franke*, Juris Publishing Inc.

Franklin, R.M., 2009, *Special Considerations in Drafting an Arbitration Clause and Conducting an Arbitration with a U.S. Counterparty*, in Austrian Arbitration Yearbook, Kluwer Law International.

UNIVERSITAS
GADJAH MADA
**READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES**
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
**Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/**

Gaillard, Emmanuel, and Savage, John, 1999, *Fouchard, Gaillard, Goldman on International Commercial Arbitration*, Kluwer Law International, Netherlands.

Gould, Stephen Jay and Gold, Steven James., 1996, *The Mismeasure of Man*, W.W. Norton Company, New York.

Gudjonsson, G. H., and Haward, L. R. C., 1998, *Forensic psychology: A guide to practice*, Routledge, London.

Herdegen, Matthias, 2016, *Principles of international economic law*, Oxford University Press, Oxford.

Kantor, Mark A., 2008, *Valuation for Arbitration: Compensation Standards, Valuation Methods and Expert Evidence*, International Arbitration Law Library Vol. 17, Kluwer Law International B.V.

Kharel, Amrit, 2018, *Doctrinal Legal Research*, SSRN.

Lauterpacht, Hersch., 1982, *The Development of International Law by the International Court*, Cambridge University Press.

Lew, Julian D.M., Kröll, Stefan and Mistelis, Loukas A., 2003, *Comparative International Commercial Arbitration*, Kluwer Law International BV.

Linnel, K and Blom-Cooper, Lois, 2006, *Alternative Dispute Resolution*, in Experts in the Civil Courts, Oxford University Press, Oxford.

McConville, Mike and Chui, Wing Hong, 2017, "Research Methods for Law", Edinburgh University Press.

Moses, Margaret L, 2008, *The Principles and Practices of International Commercial Arbitration*, Cambridge University Press, Cambridge.

O'Malley, Nathan., 2012, *Rules of Evidence in International Arbitration: An Annotated Guide*, Informa Law from Routledge, New York.

Paulsson, Jan., 2013, *The Idea of Arbitration*, Clarendon Law Series, Oxford University Press, Oxford.

Rogers, Catherine A, 2014, *Ethics in International Arbitration*, Oxford University Press, Oxford.

Roney, David. 2016, *Cross-Examination of Experts*, T*he Guide to Advocacy – Fourth Edition*, Global Arbitration Review, 2016.

UNIVERSITAS GADJAH MADA
**READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION THROUGH ANALYSIS OF BEST PRACTICES**
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
**Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/**

Rubino-Sammartano, M, 2014, *International Arbitration Law and Practice*, 3rd ed., Huntington New York.

Van Hoecke, Mark, ed, 2011, *Methodologies of Legal Research: Which Kind of Method for What Kind Of Discipline?,* Bloomsbury Publishing.

Waincymer, Jeffrey Maurice, 2012, *Procedure and Evidence in International Arbitration*, Kluwer Law International.

Wienclaw, Ruth A, 2019, *Quantitative and Qualitative Analysis*, Salem Press Encyclopedia.

**Journal**

Alvarez, Henri C and Rivkin, David W, 'Law Decisions: Cases Applying the UNCITRAL Model Law on International Commercial Arbitration', *Kluwer Law International*, 2002.

Bentolila, Dolores, 'Arbitrators as Lawmakers', *International Arbitration Law Library*, Kluwer Law International, Vol. 43, 2017.

Berger, Nicolas, 'So investiert die Welt: globale Trends in der Vermögensanlage', *Springer-Verlag*, 2010

Berger, Klaus Peter, 'International Economic Arbitration', *Kluwer Law and Taxation Publishers,* Deventer/Boston, 1993.

Berger, Klaus Peter. 'Common law vs. Civil Law in International Arbitration: The Beginning or the End?', *Journal of International Arbitration*, Vol. 36, Issue 3, Kluwer Law International, 2019

Blackaby, Nigel, 'Investment Arbitration and Commercial Arbitration for the Tale of the Dolphin and the Shark', *International Arbitration Law Library*, Vol. 15, 2006

Bortolotti, Fabio and Mayer, Pierre, 'The Application of Substantive Law by International Arbitrators', Dossiers of the ICC Institute of World Business Law, *International Chamber of Commerce (ICC).,* Vol. 11, 2014,

Brower, Charles N, 'Evidence before International Tribunals: The Need for Some Standard Rules', *International Lawyer* 28, No. 1, 1994,

UNIVERSITAS GADJAH MADA
READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/

Brown, Chester. 'The Evolution And Application Of Rules Concerning Independence Of The International Judiciary', *Law & Prac. Int'l Cts. & Tribunals*, Vol. 2, 2003.

Burianski, Markus and Lang, Alexander C. 'Challenges" to Party-Appointed Experts', German Arbitration Journal, Vol. 15 Issue 6, 2017.

Byung Chol Yoon and Joel Richardson, 'Discovery in Investment Arbitration Involving Republic of Korea', *Asian International Arbitration Journal* 4, No. 2, 2008.

Charles N. Brower & Jeremy K. Sharpe, 'Determining the Extent of Discovery and Dealing with Requests for Discovery: Perspectives from the Common Law', in *The Leading Arbitrators' Guide to International Arbitration*, 2nd edn. L. Newman & R. Hill, Huntington: Juris Publishing., 2008.

Cole, Sarah Rudolph and Spitko, E. Gary. 'Arbitration and the Batson Principle', 38 *Georgia Law Review*, 2004.

Cymrot, Mark A. 'Cross Examination in International Arbitration', 62 *Dispute Resolution Journal* No. 52, 2007.

Dasser, Felix and Igbokwe, Emmanuel O. 'Chapter II: The Arbitrator and the Arbitration Procedure, Soft Law in International Commercial Arbitration – A Critical Approach', *Austrian Yearbook on International Arbitration*, 2019.

Dasser, Felix, 'International Arbitration and Setting Aside Proceedings in Switzerland: A Statistical Analysis', 25 *ASA Bulletin*, Issue 3, 2007.

Ehle, Bernd. 'Practical Aspects of Using Expert Evidence in International Arbitration', *Yearbook on International Arbitration*, Vol. II, NWV, 2012.

Gaillard, Emmanuel, and Pinsolle, Philippe, 'Advocacy in Practice: The Use of Parallel Proceedings', *The Art of Advocacy in International Arbitration*, JurisNet, 2010

García, Luis González. 'Flughafen Zürich AG v Venezuela: A Catch-22 on the Protection of Procedural Fairness', *ICSID Review – Foreign Investment Law Journal*, Oxford Academic Vol. 28, Issue 1, 2013.

Girsberger, Daniel and Voser, Nathaniel, 'International Arbitration: Comparative and Swiss Perspectives', *Nomos Verlagsgesellschaft* 3rd edition., 2016.

Gomez-Acebo, Alfonso. 'Party-Appointed Arbitrators in International Commercial Arbitration', *International Arbitration Law Library*, Vol 34, Kluwer Law International, 2016.

UNIVERSITAS
GADJAH MADA
**READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES**
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
**Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/**

Gómez, Katia Fach and Rodríguez, Ana Mercedes López. '60 Years of the New York Convention: Key Issues and Future Challenges', *Kluwer Law International* B.V., 2019.

Goodall, F. 'The Expert Witness: Partisan With A Conscience', 56 *Journal of Chartered Institute of Arbitrators*, Technology and Construction Court Guide, 2nd ed., London, 1990.

Hilmar Raeschke-Kessler, 'The Production of Documents in International Arbitration: A Commentary on Article 3 of the New IBA Rules of Evidence', *Arbitration International* 18, No. 4, 2002.

Howell, David. 'Use of Experts in International Arbitration'*, Asian Dispute Review*, Vol. 7, Issue 1, Kluwer Law International, 2005.

Hyder, Arif and Wessel, Jane, et. al., 'The International Arbitration Rulebook: A Guide to Arbitral Regimes', *Kluwer Law International*, 2019.

Jones, Doug, 'Examining Expert Witnesses in International Oil & Gas Arbitrations', *The Leading Arbitration's Guide to Oil & Gas Arbitration*, Juris Publishing, 2015.

Jones, Douglas. 'Chapter 11: Improving Arbitral Procedure: Perspectives from the Coalface*'*, *Stories from the Hearing Room: Experience from Arbitral Practice* (Essays in Honour of Michael E. Schneider), Kluwer Law International, 2015.

Kalicki, Jean Engelmayer and Raouf, Mohamed Abdel, 'Evolution and Adaptation: The Future of International Arbitration', *ICCA Congress Series*, Vol. 20, 2019.

Kantor, Mark, 'A Code of Conduct for Party-Appointed Experts in International Arbitration – Can One Be Found?', *Arbitration International* 26, No. 3, 2010.

Kao, Frances P., Heather, Justin L., Horning, Ryan A., Sinclair, Martin V. Jr. 'Into the Hot Tub - A Practical Guide to Alternative Expert Witness Procedures in International Arbitration', *The International Lawyer* Vol. 44, No. 3, 2010.

Karrer, Pierre A. 'The Civil Law and Common Law Divide: An International Arbitrator Tells it Like He Sees It'*, Dispute Resolution*, Vol. 63, Issue 1, Journal of the American Arbitration Association, 2008.

Kaufmann-Kohler, Gabrielle. 'Soft Law in International Arbitration: Codification and Normativity', *Journal of International Dispute Settlement* 283, 284, Oxford University Press, 2010.

UNIVERSITAS GADJAH MADA
**READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION THROUGH ANALYSIS OF BEST PRACTICES**
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
**Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/**

Klausegger, Christian, and Klein, Peter, et al., "Austrian Arbitration Yearbook 2009", *Austrian Yearbook on International Arbitration*, Volume 2009.

Kurkela, M. and Turunen, S., 'Due Process in International Commercial Arbitration*', Oxford University Pres*s, 2nd edn., 2010.

Lagerberg, Gerry, and Mistelis, Loukas, "International Arbitration: Corporate attitudes and practices", *Price Waterhouse Coopers*, 2008.

Lew, Julian D.M., et. al., "*Comparative International Commercial Arbitration*", Kluwer Law International, Netherlands., 2013.

Lozano, David A. 'Soft Law Rules in International Arbitration: Positive Effects and Legitimation of the IBA as a Rule-Maker*', Indian Journal of Arbitration Law*, National Law University of Jodhpur, Vol. VI, Issue 2, 2017.

MA Loth, 'Regel-Geleid Gedrag; Over Het Object Van Empirische Rechtswetenschap'*, Netherlands Journal for Legal Philosophy and Jurisprudence*, 1983.

Maffei, Stefano. 'CF Amerasinghe, Evidence in International Litigation*', Nordic Journal of International Law* 75.1, 2006.

Malsch, Marijke and Freckelton, Ian. 'Expert Bias And Partisanship: A Comparison Between Australia and the Netherlands', *Psychology, Public Policy, & Law: An official law review of the University of Arizona College of Law and the University of Miami School of Law*, vol. 11.1, No. 1, 2005.

Meier, Anke and Gerhardt, Lucie. '§2.03:The Arbitral Tribunal, Article 9: Impartiality and Independence of the Arbitrators, Duties of Disclosure', in The *DIS Arbitration Rules – An Article-by-Article Commentary*, Kluwer Law International, 2020.

Michael Schneider, 'The Essential Guidelines for the Preparation of Guidelines, Directives, Notes, Protocols, and Other Methods Intended to Help International Arbitration Practitioners to Avoid the Need for Independent Thinking and to Promote the Transformation of Errors into Best Practices' in *Laurent Lévy and Yves Derains, , Liber Amicorum en l'honneur de Serge Lazareff*, Pedone, 2011.

Nappert, Sophie and Fortese, Fabricio. 'Assessing Expert Evidence' in *The Leading Arbitrators' Guide to International Arbitration*, 3rd ed. JurisNet LLC, 2014

Nardin, Michel. 'Is there a Future for Tribunal- Appointed Experts?*',* in Matthias Scherer (ed), *ASA Bulletin*, Vol. 37, Issue 1, Kluwer Law International, 2019.

UNIVERSITAS
GADJAH MADA
**READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES**
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
**Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/**

Paulsson, Jan, 'Cross-Enrichment of Public and Private Law Dispute Resolution Mechanisms in the International Arena', *Journal of International Arbitration* 9, No. 1, 1992.

Peat, Daniel. 'The Use of Court-Appointed Experts by the International Court of Justice', *British Yearbook of International Law* 84.1, 2013.

Pfitzner, Tanja V., and Schroeder, Hans-Patrick, "Do We Need a Woolf Reform for International Arbitration", *Yearbook on International Arbitration* No. 1, Kluwer Law International, 2010.

Pietrowski, Robert, 'Evidence in International Arbitration, 22 Arb', *Int'l*, Vol. 373, 2006

Plant, Brendan. 'Expert Evidence and the Challenge of Procedural Reform in International Dispute Settlement', *Journal of International Dispute Settlement* 9.3, 2018.

Price, Charles and Stans, Yves. 'Using Costs as a Case Management Tool in International Arbitration', *ASA Bulletin* 25, 2007.

Raeschke-Kessler, H. 'Witness Conferencing', in *The Leading Arbitrators' Guide to International Arbitration*, JurisNet LLC., New York, 2008.

Reymond, Claude, 'Liber Amicorum', *Éditions du Juris-classeur*, 2004.

Robertson, Christopher T. 'Blind Expertise', *New York University Law Review* No. 85, 2010.

Roney, David, 'The Guide to Advocacy', Global Arbitration Review, 2016.

Rosen, Howard, 'How Useful Are Party-Appointed Experts in International Arbitration?', *ICCA Congress Series*, Vol. 18, 2016.

Rosen, Howard and Souza, Gigi D. 'Chapter II: The Arbitration Agreement and Arbitrability, Making Effective Use of Experts', *Austrian Yearbook on International Arbitration* 2020, LexisNexis, 2020.

Sachs, Klaus and Schmidt-Ahrendts, Nils. 'Expert Evidence Under the 2010 IBA Rules', *International Arbitration Law Review*, Vol. 13, Issue 5, 2010.

Sachs, Klaus and Schmidt-Ahrendts, Nils. 'Protocol on Expert Teaming: A New Approach to Expert Evidence', in Albert Jan van den Berg (ed.), *Arbitration Advocacy in Changing Times*, ICCA Congress Series, Vol. 15, 2011.

UNIVERSITAS
GADJAH MADA
**READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES**
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
**Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/**

Samaras, Elena and Strasser, Christof, 'Managing Party- Appointed Experts in International Arbitration – Analysis of the Current Framework and Best Practice Proposals', in Jörg Risse, Guenter Pickrahn, et al. (eds), SchiedsVZ | *German Arbitration Journal*, Verlag C.H. Beck oHG, Vol. 11 Issue 6, 2013.

Schmidt-Ahrendts, Nils. 'Expert Teaming—Bridging the Divide between Party-Appointed and Tribunal-Appointed Experts', 43 *Victoria U. Wellington L. Rev*. 653, 2012.

Schmitthoff, Clive, 'The Sources of the Law of International Trade', 1964.

Scovazzi, Tulio, 'Between Law and Science: Some Considerations Inspire by the Whaling in the Antartic Judgment', 1*4 Questions of International Law Zoom-in*, 2015.

Shilston, Alan W, 'Some Reflection on the Role of the Expert Witness', *Arbitration* IV, 1992.

Sonenshein, David and Fitzpatrick, Charles. 'The Problem of Partisan Experts and the Potential for Reform Through Concurrent Evidence', *The Review of Litigation*, Vol. 32, No. 1, 2013.

Strong, SI, 'Research and Practice in International Commercial Arbitration: Sources and Strategies', *Oxford University Press*, 2009.

Tawil, Guido S. 'Attacking the Credibility of Witnesses and Experts', in *The Art of Advocacy in International Arbitration* – 2nd ed., JurisNet LLC 451 ff, 2010.

The Right Honorable the Lord Woolf, 'Access to Justice: Final Report to the Lord Chancellor on the Civil Justice System in England and Wales', 1996.

Thomas, Christopher A. 'Of Facts and Phantoms: Economics, Epistemic Legitimacy, and WTO Dispute Settlement', *Journal of International Economic Law* 14.2, 2011.

Triebel, V. 'An Outline of the Swiss/German Rules of Civil Procedure and Practice Relating to Evidence', 47 *Arbitration*, 1982.

Von Mehren, George and Salomon, Claudia, 'Submitting Evidence in an International Arbitration: The Common Lawyer's Guide', *Journal of International Arbitration* 20, No. 3, 2003.

Voser, Nathalie and Mueller, Anna Katharina. 'Appointment of Experts by the Arbitral Tribunal: the Civil Law Perspective', 7 *Bus. L. Int'l* 73, 2006.

UNIVERSITAS GADJAH MADA
READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/

Voser, Nathalie, 'Best Practices: What has been achieved and what remains to be done?', *ASA Special Series* No. 26, Zurich, 2006.

Voser, Nathalie, and Daniel Girsberger, 'International arbitration in Switzerland'. *Schulthess*, 2008.

Welser, Irene and de Berti, Giovanni, 'Chapter II: The Arbitrator and the Arbitration Procedure - Best Practices in Arbitration: A Selection of Established and Possible Future Best Practices', *Austrian Yearbook on International Arbitration 2010*, Austrian Yearbook on International Arbitration, Vol. 2010.

Wirth, Markus 'Best Practices in International Arbitration', *ASA Swiss arbitration* Association Conference, Association Suisse de l'arbitrage, 2006.

Ziadé, Nassib G. 'Reflections on the Role of Institutional Arbitration Between the Present and the Future', 27 *Arb. Int'l* 271, 2009.

**Online Reference**

Jones, D. 'Party Appointed Experts: Can They be Usefully Independent*?*', www.transnational-dispute-management.com/article.asp?key=1655, 18 April 2020.

De By, Robert A. "*A New Focus for the Expert Witness Debate in International Arbitrations"*, https://www.lacba.org/docs/default-source/section-documents/international-law-section/newsletter-files/de-by-article.pdf, 13 April 2020.

Kröll, Stefan. "*Analysis of the Problem for the Use of Arbitrators",* https://vismoot.pace.edu/media/site/previous-moots/27th-vis-moot/analysis.pdf., 18 April 2020.

The Academy of Experts. "*Code of Practice for Experts."* http://www.academyofexperts.org/documents/code-practice-experts., 18 April 2020.

Walde, Prof. Thomas. "*Oil Gas Energy Mining Infrastructure Dispute Management (OGEMID) Discussion List."* www.transnational-disputemanagement.com/members/ogemid/welcome.asp, 18 April 2020.

**Miscellaneous / Others**

IBA Working Party. "*Commentary On The New IBA Rules Of Evidence In International Commercial Arbitration*", *BUS. L. INT 'L*, Issue 2, 2000.

UNIVERSITAS
GADJAH MADA
**READING BETWEEN THE LINES: SAFEGUARDING THE ROLE OF EXPERT WITNESS IN INTERNATIONAL ARBITRATION
THROUGH ANALYSIS OF BEST PRACTICES**
GRADY LEMUEL GINTING, Muhammad Rifky Wicaksono, S.H., M.Jur (Dist)
**Universitas Gadjah Mada, 2020 | Diunduh dari http://etd.repository.ugm.ac.id/**

ICC, 2007, "Techniques for Controlling Time and Costs in Arbitration: Report from the ICC Commission on Arbitration", ICC Publication No. 843, ICC International Court of Arbitration Bulletin 18, No. 1.

International Law Association, 2014, "International Commercial Arbitration", International Law Association Reports of Conferences 76.

Report of the Secretary-General on Possible Features of A Model Law on International Commercial Arbitration, U.N. Doc. A/CN.9/207, ¶17, XII Y.B. UNCITRAL 75 (1981).

UNCITRAL Secretariat, "*Explanatory Note on 1985 Model Law on International Commercial Arbitration as Amended in 2006*", UNCITRAL.