

	INTERNATIONAL COMMERCIAL ARBITRATION	INTERNATIONAL INVESTMENT ARBITRATION
Nature of dispute	International Commercial Arbitration deals with disputes arising out of a commercial contractual obligation	International Investment Arbitration deals with disputes arising under a treaty between contracting States
Legal framework and applicable law	New York Convention on the Recognition and Enforcement of the Foreign Arbitral Award and Municipal Arbitration Laws of various countries	Treaties of public international law, International Centre for Settlement of Investment Disputes (ICSID) and United Nations Commission on International Trade Law (UNCITRAL) Model Law provide the basic framework
Role of Municipal Courts	The legal system of the “seat” governs the arbitration and gives National Courts of the seat supervisory jurisdiction on the arbitral procedure	National Courts gain supervision if the arbitration held in an arbitration institution other than International Centre for Settlement of Investment Disputes (ICSID) or the arbitration is held <i>ad hoc</i>
Jurisdiction	Disputes on Jurisdiction mostly relate to the scope of the arbitration clause, consent and its signatories	The extent of disputes on jurisdictional dispute is quite varied. The consent to arbitration arises under a treaty, and principles of interpretation of said treaty as laid down in the Vienna Convention become relevant.
Confidentiality	Confidentiality of the proceedings is one of the vital tenets of an International Commercial Arbitration	Confidentiality of proceedings exist in International Investment Arbitration as well. However, International Centre for Settlement of Investment Disputes (ICSID) awards are made public
Concept of precedent	Concept of precedent does not apply to International Commercial Arbitration due confidentiality of proceedings	Concept of precedent does not apply to International Investment Arbitration due to multiplicity of treaties
Selection of arbitrators	Selection of Arbitrators is governed by the contract	Selection of Arbitrators is governed by the treaty
Third party participation	Only parties and their representatives are eligible to participate in the arbitration process	Since one of the party involved is the State, there is a growing demand for other stakeholders to be part of the arbitration