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## The Analytical Study of the Recognition's Requirement for Settlement Agreement with a Comparative Study in the Singapore Convention and Iranian Law

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### Abstract

Conciliation, as one of the oldest dispute resolution methods, has not always been favored by individuals and business actors due to the lack of enforceability for the settlement agreement as a result of the mediation process. One of the most important issues regarding the enforcement of dispute resolution documents in all relevant treaties is the principle of recognition and how to recognize the settlement agreement. Therefore, recognition of settlement agreements as one of the most important issues of the Singapore Convention will be examined in a comparative study of Iranian law as follows: "Recognition of settlement agreement as its' prevention effect against new litigation", "Recognition of settlement agreement as comparing its' provisions with law of the enforcing courts" and "Recognition of settlement agreement as its' approval in the seat courts". Finally, the article concludes that the Singapore Convention's approach to the requirement for recognition of settlement agreement as its' approval by enforcing courts can be criticized in some respects, but the provisions of the Convention on the possibility of using the settlement agreement to prevent re-litigation and un-necessity of its' approval in seat courts is logical. The current state of the Iranian legal system regarding the recognition of the settlement agreement is not justifiable because in addition to the involvement of various courts in the process of settlement agreement's enforcement, the agreement cannot prevent re-litigation of the dispute.

**Keywords:** Conciliation; Mediation; New York Convention; Approval of Settlement Agreement; Authority of Res Judicata.

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