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## International and national practices of mediation in conflict resolution and nuclear disarmament: analysis of legal mechanisms and instruments

Amid rising conflict intensity and persistent risks of nuclear escalation, mediation is treated as a legal and institutional mechanism of de-escalation complementing non-proliferation and disarmament regimes. The study aims to identify, compare and assess international and national mediation practices in armed conflict settlement and nuclear disarmament negotiations, and to map key legal instruments (mandates, procedural guarantees, and interfaces with verification and sanctions compliance). The study's original contribution lies in developing a legal checklist of mediation design parameters, introducing the concept of "verifiable confidentiality" and constructing a multilevel model linking international mediation standards, domestic implementation, and verification mechanisms. The methods combine comparative law and doctrinal analysis of treaties and soft law standards, case studies, and institutional review of mediator mandates. The results show that effectiveness increases when powers and neutrality criteria are predefined, transparency is ensured while protecting confidentiality, and mediation is legally linked to monitoring and implementation mechanisms, including safeguards. A multilevel model aligning international norms with national implementation is proposed, expanding crisis prevention options and informing mediation statutes, envoy mandates, and protocols for disarmament talks.

*Keywords:* Mediation, international law, national legal mechanisms, conflict resolution, nuclear disarmament, negotiation processes, multi-level mediation.

### Introduction

The relevance of this study stems from the fact that the growing number and complexity of modern armed conflicts is accompanied by an exacerbation of nuclear risks and higher demands on the quality of negotiation procedures. In such circumstances, mediation acts not only as a diplomatic practice but also as a legal mechanism that sets standards for the legitimacy and manageability of dialogue, as well as the responsibility of the mediator and the parties. At the same time, the treaty regime for nuclear disarmament is developing: The Treaty on the Prohibition of Nuclear Weapons (further TPNW), which entered into force on January 22, 2021, enshrines a set of prohibitions (including prohibitions on the development, testing, production, acquisition, possession, use, and threat of use) and imposes on states the obligation to prevent and suppress prohibited activities within their jurisdiction [1]. The legal dilemmas of disarmament in a changing strategic environment are systematically discussed in modern foreign literature on international non-proliferation law [2].

The aim of the paper is to analyze international and domestic practices of mediation in conflict resolution and in the process of nuclear disarmament through the prism of legal mechanisms and instruments.

To achieve this aim, the following objectives are set:

- to systematize the normative benchmarks of "effective mediation" (preparedness, consent of the parties, impartiality, inclusiveness, and national ownership) [3];
- to identify legally salient elements of negotiation design (the mediator's mandate, legal status and powers, the confidentiality regime, procedural safeguards, and the role of expert support);
- to relate mediation approaches to disarmament obligations and to verification regimes that build confidence in the irreversibility of the measures adopted [4].

Contradictions are observed in both theory and practice. On the one hand, United Nations guidance documents proceed from the principles of voluntariness, consent of the parties, impartiality, and inclusiveness as conditions for trust and the sustainability of the process [3]. On the other hand, contemporary empirical research indicates that "coercive" mediation—where the mediator simultaneously employs leverage

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through external military support to one of the parties—increases the likelihood that negotiations will begin and that agreements will be concluded, yet reduces their durability [5].

Within the disarmament sphere, an additional tension becomes apparent: the aspiration for confidentiality and flexibility in negotiations conflicts with the need for detailed verification and public demonstration of compliance. According to the United Nations Institute for Disarmament Research (further UNIDIR), verification under the TPNW should be viewed as a cooperative process enabling a State to demonstrate fulfilment of its obligations [4].

The research gap lies in the insufficient integration of the legal theory of mediation with the legal regimes of nuclear disarmament and their domestic implementation: debates on conflict mediation and on disarmament compliance often develop in parallel. The author's position is grounded in an institutional—legal synthesis of these schools. Mediation is conceptualized as a legally formalized technology of conflict management, which makes it possible to refine the set of legal instruments (procedures, mandates, responsibility regimes, and verification protocols) that are relevant—given a high risk coefficient—to negotiations in the field of international security [2].

The research field on which this work is based can be usefully divided into three interrelated aspects. The first consists of normative and methodological approaches to “effective mediation” developed within the UN and emphasizing the consent of the parties, impartiality, inclusiveness, and national responsibility as conditions for the sustainability of the negotiation process [3]. The second is represented by studies devoted to the international legal and institutional aspects of nuclear disarmament, including issues of verification, demonstration of compliance with obligations, and confidence in the irreversibility of the measures taken [2, 4, 7]. The third encompasses the literature on the national implementation of prohibitive regimes and the influence of external pressure on the sustainability of negotiation results [5, 6]. However, these areas have largely developed separately, while the legal design of mediation, verification, and the internal compliance framework require joint analysis. This study aims to overcome this theoretical and applied fragmentation.

#### *Methods and materials*

The object of the study comprises the legal mechanisms and instruments of mediation applied at the international and domestic levels in the settlement of armed conflicts and in negotiations related to nuclear disarmament and non-proliferation. The research design is qualitative and interdisciplinary, with a predominance of comparative-law and doctrinal approaches and selected elements of case-study analysis.

Units of analysis were selected through purposive sampling. The normative corpus included:

1. International treaties and related instruments governing disarmament and non-use (including treaty-based prohibitions, implementation obligations, and control mechanisms);
2. Soft-law instruments and guidelines issued by international organizations on mediation;
3. Domestic legal sources on mediation, selected on the basis of the availability of an official text, the representativeness of the relevant legal family, and the presence of institutionally formalized mediation procedures.

In parallel, a corpus of scholarly literature for 2021–2026 was compiled from international databases (such as Scopus and Web of Science) and legal repositories, using the following key search expressions: “effective mediation”, “mandate”, “confidentiality”, “verification”, “compliance”, and “nuclear disarmament”.

Measurement proceeded through the operationalization of indicators of the legal design of mediation: a) the mediator's mandate and the limits of authority; b) standards of neutrality; c) regimes of confidentiality and information disclosure; d) procedural guarantees for participation and the security of the parties; and e) the legal linkage to regimes of verification and the enforcement of obligations (including sanctions compliance). Each document was coded according to a unified protocol, after which a comparative matrix was constructed along the axis “international benchmarks-domestic implementation-disarmament-related negotiation requirements”.

Data were presented in the form of comparative tables, an instrument typology, and analytical case descriptions. Ethical standards were ensured through the exclusive use of publicly available sources.

Methodologically, each research task corresponded to a separate analytical step. Systematization of international benchmarks for “effective mediation” was accomplished through a doctrinal analysis of universal and institutional standards; identification of legally significant elements of negotiation design was achieved through a comparative legal coding of norms, procedures, and mandates; and comparison of mediation approaches with disarmament commitments was achieved through a matrix analysis of the negotiation mechanism-national implementation-verification link. This design allowed not only to describe norms and practices

but also to develop replicable analytical tools—a legal checklist, comparative analysis, and a multi-level model.

During the preparation of this article, the author(s) used ChatGPT (GPT-5.2 Thinking, OpenAI; January 2026 release) for the purposes of assisting with treaty-text concordance searches within a curated corpus, helping organize comparative coding schemes, and providing drafting and language-polishing suggestions under detailed prompts. The authors have reviewed and edited the output and take full responsibility for the content of this publication.

### *Results*

When applying comparative-law and doctrinal analysis to international benchmarks of “effective mediation”, treaty-based and institutional materials on nuclear disarmament, and scholarship on the domestic implementation of prohibition regimes, the study yields findings that support conceptualizing international and domestic mediation practices as complementary components of a single legal architecture for escalation prevention.

The first authorial observation is that the foundational principles of mediation set out in international guidance instruments can be operationalized as verifiable parameters of the legal design of negotiations. As a result of content coding, four parameters were identified: 1) the mediator’s mandate (source of authority, limits of intervention, and procedural accountability); 2) standards of impartiality and instruments for preventing conflicts of interest; 3) the confidentiality and information-management regime (tiers of access, disclosure rules, and the protection of communication channels); and 4) procedural guarantees for inclusive participation and participant security (access to the process, safeguards for participants, and rules on external consultations). The novelty of this result lies in the development of a “legal checklist” for mediation that can be used to design mandates and rules of procedure for negotiation processes [3].

The second observation identifies a persistent “confidentiality-verifiability” tension in negotiations implicating nuclear disarmament. On the one hand, mediation requires a protected space for confidential consultations; on the other hand, prohibition treaties and decisions adopted by States Parties presuppose demonstrable implementation and the availability of control procedures (including, *inter alia*, institutional decisions and the setting of implementation timelines within meetings of States Parties). Analysis of TPNW-related materials and expert discussions on verification underscores the importance of a cooperative logic: verification is construed not only as an “instrument of distrust”, but also as a means of evidencing good-faith performance. On this basis, the study proposes the concept of “verifiable confidentiality”: negotiations remain closed with respect to the substantive content of compromises, while pre-establishing publicly verifiable “implementation metadata” (a timeline of steps, the competent authority, reporting standards, and procedures for confirming irreversibility). This approach reduces the risk of “bargaining without verification” while simultaneously minimizing the disruptive consequences of leaks [1].

The third observation concerns the legal assessment of external pressure in mediation. Empirical research on “coercive” mediation (where the mediator simultaneously provides military support to one of the parties) demonstrates an ambivalent effect: an increased likelihood of initiating negotiations and concluding an agreement, coupled with reduced durability of the resulting arrangements. For the purposes of the present study, this implies the need for a normative separation of roles: a mediator who retains a mandate to “manage the procedure” should not simultaneously serve as a source of material coercion; otherwise, the presumption of impartiality is undermined and incentives arise for formal signature without implementation. The practical outcome is the formulation of a set of procedural safeguards: disclosure of the roles of third parties and their leverage; the specification, within the mandate, of limits on “incentivization”; independent monitoring of implementation; and a separate channel for agreeing security-assurance and guarantee measures [5].

In addition, the study shows that domestic implementation of prohibition regimes can be embedded within mediation architecture as an “internal compliance track”. On the basis of scholarship on effective implementation of the TPNW, four clusters of measures are identified: a) substantive prohibitions and criminalization; b) jurisdiction, extraterritoriality, and corporate liability; c) institutional coordination and reporting; and d) assistance and remediation measures (including victim support and rehabilitative mediation). These elements enhance enforceability by translating international obligations into operational procedures and sanction-backed prohibitions [6]. A comparative matrix of the above observations is presented, in both substantive and abridged form, in Table 1.

Table 1

Matrix of legal instruments for mediation and disarmament compliance

Stage	Mediation tools (legal design)	Disarmament/compliance tools	Managed risk
Initiation	mandate, consent of the parties, rules of participation	determination of the subject of obligations, selection of the competent authority	dispute over authority, trust deficit
Negotiation	confidentiality, neutrality, regulations	data exchange protocol, “execution metadata”	leaks, imitation of compliance
Agreement	legal form, dispute resolution mechanisms	dismantling/control roadmap	impracticability, legal uncertainty
Execution	monitoring, adaptive mediation	reporting, confirmation of irreversibility, response measures	failure to implement, circumvention of obligations

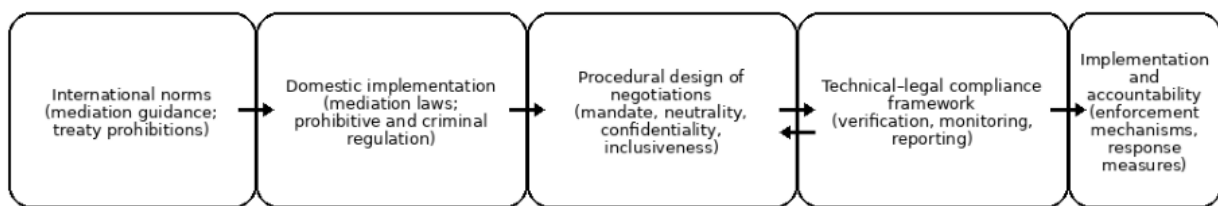


Figure 1. Multi-level model of legal support for mediation

Taken together, the findings demonstrate scholarly novelty by virtue of the proposed typology of the legal parameters of mediation and the concept of “verifiable confidentiality”, as well as practical applicability: the checklist and the matrix can be used to design negotiation mandates, domestic legal norms, and control protocols that enhance the durability of agreements under conditions of heightened nuclear risk.

### Discussion

The obtained results allow us to consider mediation in the sphere of international security as a legally designed procedure, in which the sustainability of agreements depends not only on the political will of the parties but also on the quality of the legal design of the negotiations. Unlike predominantly descriptive approaches, this study translates the principles of mediation into a system of verifiable parameters and links them to verification, national implementation, and mechanisms for fulfilling obligations. This is precisely the transition from a general theoretical description of mediation to a constructive model applicable to high-risk negotiations in the sphere of armed conflicts and nuclear disarmament.

*Operationalization of international mediation standards.* A comparison with the United Nations approach to “effective mediation” reveals predominantly convergence: the legal-design parameters identified in this study (mandate, neutrality, confidentiality/information management, and procedural guarantees of participation and security) functionally correspond to the core “fundamentals” of mediation described in UN guidance (preparedness, consent of the parties, impartiality, inclusivity, national ownership, etc.) [3]. At the same time, unlike the UN’s general methodological standard, the present results specify the legal “operationalization” of these principles by proposing a checklist of legal parameters suitable for constructing negotiation rules and mediators’ mandates specifically in high-risk security contexts, where the costs of procedural error are significantly higher.

*Verifiable confidentiality as an element of negotiation design.* The key point of divergence from established practice of “negotiation secrecy” concerns the “confidentiality-verifiability” tension. We accept that confidentiality is a precondition for candid exchange and reduces the transaction costs of compromise. However, we do not share the implicit presumption that confidentiality as such enhances the viability of agreements in the disarmament context: here it must be legally constrained by requirements of verifiability and the demonstration of good-faith performance. This conclusion is consistent with UNIDIR’s work on disarmament verification in the context of the TPNW, which emphasizes the cooperative nature of verification and its role as a mechanism for confirming obligations [4]. The further development of this line in UNIDIR’s 2025 report on “demonstrative verification” indicates that public protocols, open-source monitoring tools,

and unilateral transparency measures can serve an “active assurance” function and sustain trust even in the absence of robust treaty-based control mechanisms [7]. Within our concept of “verifiable confidentiality”, these ideas are translated into the domain of negotiation design: we propose to distinguish between a) the confidential substantive content of compromise and b) publicly verifiable “implementation metadata” (a step-by-step timetable, the responsible authority, reporting standards, and procedures for confirming irreversibility). This distinction renders the mediation format compatible with disarmament compliance requirements.

The practical applicability of the proposed framework is evident in at least two types of negotiation situations. First, in mediation on ceasefires and confidence-building measures, a legal checklist allows for the pre-definition of the mediator’s mandate, the mode of closed consultations, and guarantees of participation by the parties. Second, in negotiations on the phased implementation of disarmament commitments, the concept of “verifiable confidentiality” makes it possible to maintain the confidential nature of negotiating concessions while simultaneously publicly establishing deadlines, responsible bodies, and procedures for confirming the irreversibility of measures.

Normative delineation of roles under external pressure. The permissibility of external pressure in mediation warrants separate discussion. The empirical findings of A. Duursma, J. Bruker, and V.F. Gaier on “coercive mediation” confirm an ambivalent effect: a higher likelihood of initiating negotiations and concluding agreements, combined with lower durability of imposed arrangements [5]. We accept these findings and use them as an argument for the normative separation of roles. At the same time, we do not interpret “coerciveness” as an absolute prohibition on employing incentives or disincentives in negotiation processes. Rather, we refine the empirical conclusion through a legal proposal to differentiate actors (the mediator as the manager of procedure-separately; guarantors of incentives-separately) and to formalize safeguards (disclosure of third-party roles, independent monitoring of implementation, and conditions for revising support measures). In this way, the primary source of neutrality erosion is mitigated without abandoning managed external assistance—an especially salient consideration for negotiations implicating nuclear risks.

National implementation as an integrated compliance loop. With respect to domestic implementation, the study’s results align with the position of J. Revill, R. Hessmann Dalaqua, and W. Wan that effective implementation of the TPNW requires a package of measures: substantive prohibitions, institutional coordination, jurisdictional decisions, and reporting mechanisms [6]. Our contribution, however, lies in situating these measures differently within the process logic: domestic implementation is treated not as a “post hoc obligation” following agreement, but as an element of the architecture of negotiation and performance. In other words, an internal compliance track should be embedded in mediation already at the stage of designing the roadmap and control procedures, as reflected in Table 1 and in the multi-level model (Fig. 1).

Theoretical significance, validity and limitations of the study. In summary, the findings can be explained coherently through the concept of the institutional-legal design of negotiations, which integrates ideas of procedural legitimacy (recognition of the process as fair and acceptable) and cooperative compliance (performance as a jointly confirmed obligation). Within this framework, the durability of agreements is determined not only by a balance of interests, but also by the quality of the process’s legal “framework”: clarity of mandate, information management, built-in control mechanisms, and domestic implementation capacities. Accordingly, the proposed checklist, matrix, and model are not merely descriptive but constructive tools: they establish parameters that can be reproduced when developing mediators’ mandates, negotiation protocols, and domestic norms.

The credibility of the findings is grounded in source triangulation: UN normative and methodological documents, [3] peer-reviewed empirical research, [5] and specialized UNIDIR reports on verification and the practical implementation of disarmament, [4, 7] complemented by scholarship on domestic implementation [6]. A methodological strength is the unified protocol for coding legal-design parameters and the replicable comparison logic along the axis “international benchmarks-domestic implementation-control requirements”. Limitations follow from the nature of qualitative research: purposive sampling and the absence of interviews or field data may constrain generalizability across all contexts; moreover, the interpretation of mandates and confidentiality regimes inevitably involves an element of expert judgement. Nonetheless, transparent selection criteria and the possibility of re-coding by other researchers enhance the auditability and robustness of the conclusions.

### Conclusions

The study demonstrated that mediation in armed conflicts and nuclear disarmament should be understood as a legally constructed process in which the legitimacy of negotiations, the sustainability of agreements reached, and the verifiability of implementation are mutually dependent. Based on comparative legal, doctrinal, and institutional analysis, it is demonstrated that the political and diplomatic characteristics of mediation alone are insufficient: a sustainable outcome requires pre-established parameters of mandate, neutrality, confidentiality, procedural guarantees, and control mechanisms.

The author's original contribution consists, firstly, in translating international mediation principles into a legally verifiable checklist of negotiation design parameters; secondly, in developing the concept of "verifiable confidentiality", which allows for the reconciliation of the closed nature of the negotiation process with publicly verifiable fulfillment of disarmament commitments; thirdly, in substantiating a multi-layered model combining international mediation standards, national implementation, and verification mechanisms. Fourth, the conclusion is based on the need to integrate an internal compliance framework at the design stage of the negotiation architecture, rather than after the agreement has been concluded. This study thus bridges the gap between the literature on mediation, international security law, and studies of national implementation of prohibition regimes.

The broader significance of these results for international security governance is that they allow us to consider mediation not as an external accompaniment to political compromise, but as part of the normative security infrastructure. According to this logic, the quality of negotiation design influences the trust of the parties, the manageability of sensitive information, the compatibility of political agreements with verification requirements, and, ultimately, the enforceability of disarmament commitments. This approach is particularly important for regimes where the cost of procedural error is expressed not only in the breakdown of negotiations but also in an increased risk of escalation. The proposed checklist, comparative matrix, and multi-level model can be used in developing mandates for special mediators, regulations for negotiating platforms, national mediation acts, and protocols for implementing arms control and nuclear disarmament agreements. Prospects for further development lie in expanding the comparative base of national practices and clarifying the standards for disclosing those "implementation metadata" that can be publicly verifiable without compromising negotiation confidentiality.

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## **Қақтығыстарды шешу және ядролық қарусыздану кезіндегі медиацияның халықаралық және ұлттық тәжірибелері: заңды механизмдер мен құралдарды талдау**

Қақтығыстардың ушығуы және ядролық эскалация тәуекелдерінің сақталуы жағдайында медиация дезэскалацияның құқықтық әрі институционалдық тетігі ретінде қарастырылып, таратпау мен қарусыздану режимдерін толықтыра алады. Зерттеудің мақсаты — қарулы қақтығыстарды реттеу мен ядролық қарусыздану жөніндегі келіссөздердегі халықаралық және ұлттық медиация практикаларын айқындау, салыстыру және бағалау, сондай-ақ қолданылатын құқықтық құралдарды (делдал мандаты, рәсімдік стандарттар, верификация және санкциялық комплаенспен өзара іс-қимыл) талдау. Зерттеудің ғылыми жаңалығы медиация параметрлерінің заңды чек-парағын әзірлеуден, «верификацияланатын құпиялылық» тұжырымдамасын енгізуден және медиацияның халықаралық стандарттарын, ұлттық имплементацияны және орындауды верификациялау тетіктерін байланыстыратын көп деңгейлі модель құрудан тұрады. Әдіснама салыстырмалы-құқықтық және доктриналық талдауды, шарттар мен «жұмсақ құқық» актілерін зерттеуді, келіссөз процестеріне кейс-стади жүргізуді және делдалдардың мандаттарын институционалдық талдауды қамтиды. Медиацияның тиімділігі алдын ала белгіленген өкілеттіктер мен бейтараптық қағидаттарын, құпиялылықты сақтай отырып, рәсімдік ашықтықты, сондай-ақ халықаралық кепілдік режимдерін және шарттық міндеттемелерді орындауды қоса алғанда, бақылаудың құқықтық тетігін арттыратыны анықталды. Дағдарыстардың алдын алу құралдарын едәуір кеңейтетін халықаралық нормалар мен ұлттық енгізуді қамтитын көп деңгейлі медиация моделі тұжырымдалған. Зерттеу қорытындысы медиация туралы ұлттық заңнаманы, арнайы өкілдер мандаттарын және қарусыздану келіссөздерінің хаттамаларын әзірлеуде қолданылуы мүмкін.

*Кілт сөздер:* медиация, халықаралық құқық, ұлттық құқықтық механизмдер, қақтығыстарды шешу, ядролық қарусыздану, келіссөздер процестері, көп деңгейлі медиация.

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## **Международные и национальные практики медиации в разрешении конфликтов и ядерного разоружения: анализ правовых механизмов и инструментов**

В современных условиях возрастания конфликтности и сохраняющихся рисков ядерной эскалации медиация рассматривается в качестве правового и институционального механизма дезэскалации, как примирительная процедура, дополняющая режимы нераспространения и разоружения. Цель исследования — выявить, сопоставить и оценить международные и национальные практики медиации в урегулировании вооружённых конфликтов и в переговорах по ядерному разоружению, определить их ключевые направления, такие как нормативное закрепление, процессуальные гарантии, взаимодействие с верификацией и санкционным комплаенсом. Научная новизна исследования состоит в разработке юридического чек-листа параметров медиации, введении концепции «верифицируемой конфиденциальности» и построении многоуровневой модели, связывающей международные стандарты посредничества, национальную имплементацию и механизмы верификации исполнения. Практическая значимость заключается в разработке применимых рекомендаций для государств и международных организаций. Методология включает сравнительно-правовой анализ и доктринальный анализ договоров и «мягкого права», кейс-стади переговорных процессов, а также институциональный анализ мандатов посредников. Установлено, что эффективность медиации повышают заранее определённые полномочия и принципы нейтральности, процедурная прозрачность при сохранении конфиденциальности, а также правовой механизм контроля, включая международные режимы гарантий и выполнение договорных обязательств. Сформулирована модель многоуровневой медиации, включающая международные нормы и национальное внедрение, что значительно расширяет инструментарий предотвращения кризисов. Итоги исследования применимы при разработке национальных законов о медиации, мандатов спецпосланников и протоколов переговоров по разоружению.

*Ключевые слова:* медиация, международное право, национальные правовые механизмы, урегулирование конфликтов, ядерное разоружение, переговорные процессы, многоуровневая медиация.

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