

Nagorno-Karabakh after the ceasefire agreement

by

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Nearly five months have passed since the 9 November 2020 ceasefire that ended the second Nagorno-Karabakh war. The conflict broke out as a culmination of tensions that had been mounting for years, and had already resulted in two smaller flare-ups (one in April 2016 and another in July 2020). The war took a heavy toll on the lives of Azerbaijani and Armenian civilians, as well as claiming the lives of altogether more than 5,000 fighting personnel, and resulted in the displacement of approximately 70,000 Armenians from Nagorno-Karabakh.

This Brief⁽¹⁾ analyses to what extent the ceasefire agreement has provided the ground for a lasting, stable and sustainable settlement. While the overall stability of a post-conflict situation may depend on a range of factors, this analysis focuses on three main variables that could affect the resilience of the post-war status quo in the medium and long run. The first and second of these – the stability of the present post-war territorial configuration and the uncertain future legal status of the parts of Nagorno-Karabakh that continue to be administered by the separatist *de facto* authorities – constitute underlying, inherent weaknesses of the ceasefire agreement. The third and probably most important factor is the Russian peacekeeping contingent deployed to Azerbaijan in order to maintain the



Summary

- > The ceasefire of 9 November 2020 brought an end to the second Nagorno-Karabakh war and appears to have stabilised the strategic situation until the first mandate of the Russian peacekeeping contingent deployed to the region expires in November 2025.
- > However, the ceasefire agreement does not provide for a political settlement of the conflict. Due to Armenia's military defeat Karabakhi Armenians are left with no option but to rely on Russia as a security guarantor.
- > Hence, the most important factor shaping the long-term outlook for the region will be the policy pursued by Moscow. If Russian peacekeepers leave after the expiration of their mandate, Azerbaijan will easily be able to retake the territories it lost in the 1990s. However, should Moscow decide to maintain its forces in place, there is little Azerbaijan could do to prevent this.
- > The ceasefire has provided Russia with the opportunity of making its military presence in Azerbaijan *de facto* permanent, thus again freezing the conflict resolution process and expanding its footprint in the region.

ceasefire, because it brings in Russia's political will as an independent variable that could fundamentally shape the overall settlement process.

The deployment of Russian troops into Azerbaijan deserves special attention, because there is a theoretical possibility that it may lead to a new 'freezing' of the Nagorno-Karabakh conflict resolution process, instead of politically settling the conflict itself. The core problem is that should Moscow decide to keep its troops on Azeri soil even after their original five-year mandate expires, it is unlikely that Azerbaijan could prevent such a scenario.

The Brief is structured as follows: in the first section the weaknesses of the ceasefire agreement are analysed, while in the following section the role and potential future outcomes of the Russian peacekeeping mission are examined. The concluding section offers a forward-looking perspective on the post-war status quo⁽²⁾.

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by Armenia, but also the Lachin/Berdzor corridor, which is likely to remain the sole, permanently open land connection between Nagorno-Karabakh and Armenia. The agreement also provides for the creation of a land corridor between Western Azerbaijan and the Nakhichevan exclave through Armenian territory. The Nakhichevan corridor will be under the control of the Border Guards Service of Russia's Federal Security Service (FSB).

The ceasefire agreement did not contain even a reference to either the Organisation for Security and Cooperation in Europe (OSCE) or its Minsk Group,

even though the latter has been responsible for the conflict settlement since the end of the first Nagorno-Karabakh war in 1994 and Russia is one of its co-chairs. The fact that the OSCE was completely left out of the ceasefire agreement constitutes a major setback both for the organisation itself, and also for the European Union, as one of the key EU member states, France, is one of the co-chairs of the Minsk Group, while other member states, namely Germany, Italy, Sweden and Finland

are members of it. Turkey did not become a signatory party to the ceasefire agreement either, nor an additional co-chair of the Minsk Group, although Baku repeatedly called for Ankara to be involved in ceasefire negotiations during the war.

WEAKNESSES OF THE 9 NOVEMBER 2020 CEASEFIRE DEAL

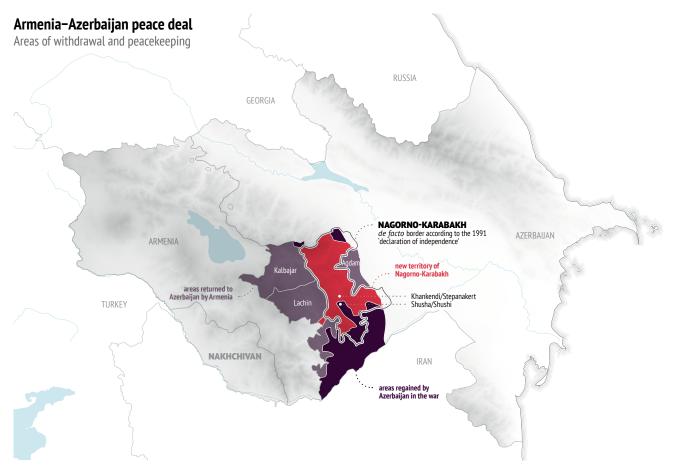
In the evening of 9 November 2020 a ceasefire agreement was signed in Moscow, facilitated by the Russian Federation, but with Turkey also being kept informed. The three signatories were Russian President Vladimir Putin, Nikol Pashinyan, the prime minister of Armenia, and Ilham Aliev, the president of Azerbaijan.

The agreement prescribed the immediate cessation of armed hostilities along the current line of contact. This prevented the complete destruction of the surviving Armenian forces, whose losses were staggering. The ceasefire ordered the swift return of the three Armenian-occupied districts around Nagorno-Karabakh to Azerbaijan, which had not yet been seized by the Azerbaijani forces during the war. At the same time, some 70% of the territory of the former Nagorno-Karabakh Autonomous Oblast (NKAO) was to remain under Armenian control, as the rest had already been taken over by the Azeri military by 9 November.

All Armenian armed forces were obliged to leave the territory of Nagorno-Karabakh, and a Russian peacekeeping contingent was to be deployed in order to ensure the ceasefire and guarantee stability. Russian peacekeepers now secure not only the parts of Nagorno-Karabakh that are still controlled

Stability of the present territorial settlement

The stability of the territorial settlement prescribed by the ceasefire agreement constitutes an important variable of the overall sustainability of achieved settlement. The agreement stipulated the cessation of hostilities based on the territorial status quo on 9 November 2020⁽⁴⁾, starting from midnight on 10 November 2020. This initially resulted in several highly volatile situations all along the frontline, because the ceasefire came into effect immediately, thus cementing the tactical situation on the ground, irrespective of geographical, social, infrastructural or other conditions. The often arbitrary location of the line of contact (often cutting roads and other infrastructure in two) may well lead to several problems in the future, particularly regarding post-conflict reconstruction and the rebuilding of the economy. The return of the seven occupied districts around Nagorno-Karabakh to Azerbaijani control is creating difficulties also on the now restored old border between Azerbaijan and Armenia, as the borderline cuts across not just roads but also some villages.



Data: BBC, 2020; GADM, 2021

A particularly sensitive issue has been the case of the historical city of Shusha/Shushi, which was captured by Azerbaijani forces in the last days of the war. Meanwhile, the capital of Nagorno-Karabakh, Khankendi/Stepanakert, which is located only a few kilometres away, downhill from Shusha, has remained under Armenian control. The situation of these two cities, now located on different sides of the line of contact, may become a point of tension in the future, because their proximity constitutes a mutual vulnerability to shelling and shooting, and in particular sniper-fire. Besides, one section of the Lachin corridor runs across Shusha. Hence, it is foreseen that a new, separate ring road will be built, which will avoid the Azerbaijani city, thus ensuring a direct land connection between Nagorno-Karabakh and Armenia.

The ceasefire agreement stipulated that Armenian forces needed to return to Azerbaijan all those districts which were still under Armenian control on 9 November, namely most of the Kalbajar /Karvachar and Lachin/Berdzor regions, as well as the western parts of the Agdam/ Aghdam region. While the original deadlines for transferring these ter-

ritories were unrealistically short, by 1 December all three regions had been abandoned by the Armenian military and civilian population. In some places fleeing Armenian civilians set their houses on fire in order to prevent them from falling into Azerbaijani hands⁽⁵⁾, bitterly indicating the depth of hatred and how difficult it might be in the future to build ties between the two populations.

Another problematic aspect of the ceasefire agreement was that although Armenian troops were obliged to leave Karabakh, this had not happened to the full extent even by the end of January 2021. In fact, the agreement was rather vague on the exact parameters of this withdrawal. While Baku interprets this requirement as all Armenian military forces needing to be withdrawn, according to Yerevan and the *de facto* leadership in Karabakh the obligation applies only to the armed

forces of the Republic of Armenia⁽⁶⁾, while armed formations of the self-proclaimed Nagorno-Karabakh Republic can stay.⁽⁷⁾ So far the Russian peacekeeping contingent has been apparently in favour of the second interpretation, even though the continued presence of Armenian armed formations may lead to destabilisation. A number of clashes between remaining separatist units

and Azerbaijani military have already taken place. The most serious, albeit still tactical-level incident took

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place on 11 December, when approximately a hundred Armenian militants attacked Azerbaijani soldiers around the villages of Chaylaggala/Khtsaberd and Kohna Taghlar/Hin Tagher. Both villages are located in the Khojavend district, and were still under Armenian control at the time of the ceasefire, although already surrounded by Azerbaijani forces. Fighting was finally put to an end by incoming Russian peacekeepers, who temporarily took control of both villages,(8) before handing over the settlements to Azerbaijani forces. Russian peacekeepers intervened despite the fact that both villages were outside of their mandated area.(9) The episode demonstrated that as long as Armenian armed formations do not fully comply with the ceasefire agreement and remain active in the area, there is a risk of such violent incidents recurring.

Legal status of the Armenian-controlled parts of Nagorno-Karabakh

Another important weakness of the ceasefire agreement is that there is no political settlement attached to it. Negotiations during and after the war focused on the military-technical details of putting hostilities to an end, including the exchange of prisoners, protecting civilians and ensuring the proper implementation of the ceasefire. Meanwhile, no results were achieved regarding the political future of the still Armenian-controlled parts of Nagorno-Karabakh.

During the several rounds of ceasefire negotiations the Armenian side tried to ensure that Azerbaijan would promise some form of autonomy to the NKAO region. However, even though President Ilham Aliev considered the possibility of granting cultural autonomy to the ethnic Armenians in Nagorno-Karabakh⁽¹⁰⁾, finally no such commitment was made.

The official Azerbaijani position since the end of the war has been coherent and rigid: all the regions still controlled by Armenia constitute integral parts of the territories of Azerbaijan, thus Baku is not interested in granting any form of cultural or other autonomy to the Armenian population. This leaves Karabakh Armenians with no other realistic - both from the political and existential points of view - option than to rely on the security provided by the Russian peacekeeping contingent. As Armenian forces suffered a devastating defeat in the war, from Karabakh's perspective since the end of the fighting it is only the presence of the Russian troops in and around Nagorno-Karabakh that prevents Azerbaijan from taking back all of its territories. In other words, in the absence of any internationally supported legal guarantees from Baku, the presence of Russian peacekeeping forces constitutes the sole guarantee Karabakh Armenians can rely on in preserving their de facto statehood and separation from Azerbaijan. This has also resulted in the Karabakh leadership leaning increasingly towards Moscow.

THE RUSSIAN PEACEKEEPING FORCE

Under the terms of the ceasefire agreement Armenian forces were obliged to leave Nagorno-Karabakh, and they were replaced by a Russian peacekeeping contingent. The first units of Russian peacekeepers arrived in Armenia already at the beginning of November by airlift via Georgia (the first such operation since the 2008 war), thus they were able to start moving into Azerbaijan already on 10 November. Since then it has become public that Russia had planned to deploy peacekeepers from the very beginning of the fighting, and the question was already on the agenda during the negotiations on the first, unsuccessful ceasefire of 9–10 October 2020. Finally, Russia managed to conduct the deployment in the third ceasefire.

A non-traditional peacekeeping mission

The Russian peacekeeping contingent cannot be considered as a traditional peacekeeping operation along the logic of the United Nations (UN) or of the OSCE, due to a number of reasons. First and foremost, the mission does not have a UN or OSCE mandate, even though the OSCE Minsk Group should be responsible for the conflict settlement. Instead, the Russian mission has authorisation only from the three signatory parties of the 9 November ceasefire declaration.

Second, while the principles of UN peacekeeping prescribe that the parties have to commit themselves to a political process⁽¹¹⁾, no political process as such even exists. This peacekeeping operation is not intended to facilitate any kind of political settlement process; its only officially stipulated mission is to monitor the ceasefire agreement.

Mandate

Based on the ceasefire agreement, Russian peacekeepers shall initially remain in the Nagorno-Karabakh territories of Azerbaijan for five years. This first mandate will automatically be extended by another five years, unless any of the signatory parties objects to this extension six months before the expiration of the current period. This time limit, although it creates stable conditions for the first five years, may lead to instability in the longer run. The reason is that this setup opens the possibility for Azerbaijan to object to the extension of a Russian peacekeeping mission after November 2025, thus in spring 2025. Once this starts to happen and Russian troops withdraw, Azerbaijani forces could probably move in relatively easily, because Armenian armed forces had to leave the region already after November 2020. Hence, if implemented,

the present ceasefire agreement gives Azerbaijan the possibility to complete the re-unification of its territory with relative ease from November 2025 on.

Another particularity of the Russian peacekeeping mission is that unlike traditional UN or OSCE-led operations, the Russian contingent does not have an exact, internationally agreed and publicly available mandate. To the extent that it can be reconstructed from open sources, points three and four of the ceasefire agreement are the only legal regulations agreed both by Azerbaijan and Armenia on the Russian peacekeepers, but these do not define the exact mandate of the mission, nor its exact tasks, responsibilities or rules of engagement. Nor do they prescribe how to ensure the accountability of the mission, including the compliance with the impartiality expected of peacekeeping troops, or how non-compliance will be sanctioned.

In fact, as of late March 2021, the only regulations agreed by both warring parties on the Russian peacekeeping operation are the few short lines of text in the ceasefire agreement.(12) While Russian President Vladimir Putin outlined many important tasks for the peacekeeping mission on 20 November(13), including the need to assist refugees and displaced people, and contribute to the restoration of infrastructure and protection of re-

ligious sites, these instructions do not constitute an internationally agreed mandate. Instead, the Russian Federation is apparently conducting a wide variety of peacekeeping and humanitarian tasks in the territory of Nagorno-Karabakh with a large degree of autonomy, apparently without being explicitly mandated by either of the fighting sides. While Armenia and Russia already have a valid agreement on the exact duties of the peacekeeping operation, at the present point in time the corresponding document between Russia and Azerbaijan has not yet been signed. Various Azerbaijani politicians became particularly vociferous in their criticism of the actions of Russian peacekeepers following the Chaylaggala incident and the incursion of Russian soldiers into the Azerbaijan-controlled region.(14) The fact that Russian peacekeepers maintain contact with the de facto authorities of Nagorno-Karabakh is an additional source of political concern for Azerbaijan, albeit from an operational point of view such contacts are necessary.

The Joint Russian-Turkish Centre for Monitoring the Ceasefire

While Turkey was excluded from the ceasefire agreement, a Joint Russian-Turkish Centre for Monitoring the Ceasefire in the Nagorno-Karabakh Conflict Zone was set up in January 2021. Russia and Turkey

agreed already on the establishment of this centre on 11 November 2020⁽¹⁵⁾ and it started to function on 30 January 2021. However, the centre is unlikely to be able to provide a full solution to the accountability problem described above. First and foremost, while the signatories of the ceasefire agreement are Armenia, Azerbaijan and Russia, the joint Turkish-Russian ceasefire monitoring centre is authorised only by two of the ceasefire signatories, namely Azerbaijan and Russia. Armenia did not give its consent to it, nor is it represented in any way in this structure, although the centre has direct communication lines to the militaries of all sides involved in the conflict.(16)

There is an even bigger question mark over how Turkey is going to be able to exercise efficient oversight via this centre. The legal basis is unclear: while Turkey is part of the ceasefire monitoring centre, it is not a

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signatory of the original ceasefire agreement. Hence, it is questionable to what extent Turkey will be able to go beyond passively monitoring the ceasefire and actually ensure its implementation.

The centre is operated on a parity basis, manned by up to 60 soldiers from both sides, and both sides delegate a general to lead the centre: Russia is represented by Major General Viktor Fedorenko, and Turkey by Major

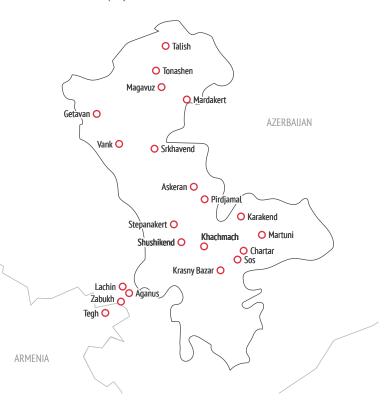
General Abdullah Katirci.(17) Although the text of the agreement on the monitoring centre has not been made public, the principle of equality is demonstrated by the composition of personnel and frequently stressed by Turkish and Russian political leaders, suggesting that the same principle applies to decision-making too. Otherwise one side could dominate the other, and the position of the weaker side would clearly be unacceptable both for Ankara and Moscow.

If decision-making really is based on consensus, this does not augur well for the efficiency of the monitoring mechanism, in the event of a dispute arising between Turkey and Russia about the situation on the ground, possibly including actions of Russian peacekeepers too. It has frequently been seen in the 'frozen conflicts' of the post-Soviet region that Russia is ready to misuse consensus-based decision-making structures by blocking any decision, thus effectively prolonging the conflict, instead of resolving it. Such situations occurred on several occasions when Russian peacekeepers were deployed to Moldova and Georgia, to the regions of Transnistria, Abkhazia and South Ossetia, respectively. Hence, if the decision-making mechanism of the Joint Russian-Turkish Centre is a consensus-based one, Turkey might well face challenges similar to those faced by the Moldovan and Georgian leaderships, when trying to enforce the compliance of the Russian peacekeeping contingent

with the ceasefire agreement. If incidents similar to

Russian peacekeepers

Areas of deployment



Geographical names in the map are given in their Russian versions.

Data: GADM, 2021

the one in Chaylaggala occur in the future, this would be an important test for the real efficiency of the Russian-Turkish monitoring centre.

Composition of the Russian peacekeeping forces

According to the ceasefire agreement the Russian peacekeeping contingent shall be composed of a maximum of 1,960 personnel armed with small arms, supported by 90 armoured personnel carriers, as well as 380 trucks and other vehicles. However, already from the very beginning of the operation it has been clear that Russia has been deploying a much more extensive number of personnel with a much larger array of weaponry and military equipment than stipulated by the agreement.

Russian minister of defence Sergei Shoigu reported already on 21 November 2020 that the deployment of the peacekeeping contingent had been completed, including altogether 552 military and other vehicles⁽¹⁸⁾ – although the latter number exceeds the number of vehicles authorised by the ceasefire agreement. According to Azerbaijani sources, as of January 2021 the overall number of personnel in the Russian contingent exceeded 5,000 people. This includes several

'advisors', 'volunteers', other 'specialists', personnel of the Ministry of Emergency Situations', as well as military police units, employees of the Prosecutor General's office, demining specialists', and many others'. Russian peacekeepers reportedly have also constructed military barracks which are able to accommodate a lot more people than the prescribed contingent.

A noteworthy element is that while the ceasefire agreement prescribes that Russian peacekeepers should be equipped only with small arms (as specified in the document: so strelkovim oruzhiem), the peacekeeping contingent was in fact deployed with several BTR-80 and 82 armoured personnel carriers, with their turret-mounted 14.5 mm heavy machine guns (BTR-80) and 30 mm automatic cannons (BTR-82A) in place and operational. These arms qualify already not as small arms, but light weapons (legkie vooruzhenia), the presence of which is not authorised by the ceasefire agreement. Interestingly, it is the Russian Ministry of Defence itself that has published photographic evidence of Russian peacekeepers violating the ceasefire regulations on arms.⁽²²⁾

The peacekeeping contingent is commanded by a highly experienced, three-star general, General Rustam Muradov, former deputy commander of the Southern Military District and veteran of the wars in Ukraine and Syria(23). There is another Russian general serving in the contingent, Major General Andrey Volkov, who as of November 2020 was in charge of the Interdepartmental Centre for Humanitarian Response, which was created by Vladimir Putin on 13 November 2020 and is operating in Stepanakert⁽²⁴⁾. The presence of three generals on the ground, i.e. Muradov, Volkov and the abovementioned Fedorenko, is somewhat disproportionate to the official size of the peacekeeping contingent, (25) possibly indicating that Russia may have bigger ambitions than conducting only a relatively short, small peacekeeping operation.

What if they do not leave?

Another weakness of the present setup created by the ceasefire agreement is that it empowers Russia with the *de facto* possibility of maintaining its military presence in Azerbaijan even after the agreement expires in 2025. As stated above, the mandate of the Russian peacekeeping mission is automatically extended after five years for another five-year period, unless any of the signatory parties object to this. It is unlikely that Armenia would ever object, taking into account that the presence of the Russian contingent remains the only security guarantor of the parts of Nagorno-Karabakh that are still controlled by Armenia. Meanwhile, Baku may well object to the prolongation of the Russian mission, because the departure of the peacekeeping

contingent would open the way for Azerbaijan to take back the whole territory.

However, what options would Azerbaijan have at its disposal in the event that the Russian contingent deployed to Azerbaijan does not leave after five years, despite Baku's request for it to do so? While assessing the probability of such a scenario is not among the objectives of this Brief, there are several reasons why the possibility of such an outcome at least needs to be considered. First, historical experience in the post-Soviet region demonstrates that once Russian peacekeepers are deployed to a territory after a conflict, they tend not to leave. They did not leave Moldova, nor did they leave the two separatist entities in Georgia. Second, it remains unclear whether the obligation to leave after five years, prescribed in the ceasefire agreement, applies also to the other Russian units and formations which have been deployed to Nagorno-Karabakh in addition to the official peacekeeping contingent. Third, as demonstrated above, with regard to the size, composition and particularly the armament of its forces Moscow is already in breach of the ceasefire agreement. In fact, in the event of a new war these forces would probably be able to hold the line against Azerbaijani forces in the first hours of the conflict, until reinforcements arrive; and thus are basically able to replicate what Russian peacekeeping forces did in South Ossetia in August 2008. Fourth, the possibility of an 'Abkhazianization' scenario cannot be entirely ruled out either, namely that following the large-scale 'passportisation' of Armenians living Nagorno-Karabakh, Moscow could invoke the need to protect Russian citizens in the region, thus keeping its troops in place.(26) Another indicator of a possible Abkhaz scenario is the fact that the Nagorno-Karabakh leadership is considering making Russian the second official language after Armenian.(27)

From the legal perspective, the Azerbaijani government could always turn to the courts, whether an Azerbaijani court, based on Azerbaijan's claim of sovereignty over the enclave, or an international one. However, the recent amendments made to the Russian consti-

tution in 2020 stipulate the supremacy of Russian law over international law(28), should the decision of international organs contradict Russia's own constitution. This may indeed make it complicated for Azerbaijan to legally enforce the departure of the Russian contingent from its territory.

Military power would offer no solution either. Particularly since the 2008 war in Georgia it is clear that Russia is ready to use any attack on its peacekeepers as a casus belli. It is unlikely that Azerbaijan would be ready or willing to risk a full-scale war against Russia for the sake of the parts of Nagorno-Karabakh that are still Armenian-controlled, should the Russian military decide not to leave, even if requested. While in theory Turkish military assistance could change this calculus, it is highly questionable whether in reality Ankara would directly attack Russian regular forces. Such a scenario could easily lead to an open NATO-Russia confrontation, which is something probably neither of the sides is willing to risk.

The same applies to the Lachin corridor, which has remained the sole supply route for the Russian troops, and could thus constitute a possible chokepoint. However, the Russian contingent is likely to work hard in the upcoming years to upgrade and reinforce this crucial road, thus an attack on the corridor would mean an attack on the Russian forces protecting it.

LOOKING AHEAD

The 9 November 2020 ceasefire agreement provided a lasting end to the armed phase of the second Nagorno-Karabakh war. The devastating military defeat of Armenia, the return of most occupied territories to Azerbaijan as well as the deployment of a massive, well-armed Russian contingent on the territories of Nagorno-Karabakh still under Armenian control are highly likely to ensure that the security situation will remain stable in the upcoming five years. While small-scale, tactical incidents may still happen, these will hardly have the potential to destabilise the strategic situation in and around the separatist region. This setup is very likely to remain sustainable until the first expiration date of the mandate of the Russian peacekeeping units.

Thereafter, however, it is much less predictable how

the situation will evolve, particularly due to the complete lack of a political settlement perspective. If Baku makes no concession on the future political status of the currently Armenian-controlled parts of Nagorno-Karabakh, the local Armenian population will probably be strongly opposed to the return of

the territories to Azerbaijan. Of course, it is unlikely that Armenians alone could withstand another Azerbaijani attempt to retake the still Armenian-controlled territories, if and when the Russian peacekeepers leave.

Hence, the most important factor shaping the long-term outlook for the region will be the policies of the Russian Federation. If Baku does not object to the continued presence of the Russian forces, nor does Moscow decide to withdraw its forces, then the de facto independence of Nagorno-Karabakh from Azerbaijan will be prolonged for an additional five years. However, if Baku objects to the extension, but Russia decides to keep its forces on Azerbaijani soil regardless, the Azeri

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leadership will hardly be able to push out the Russian troops. Legal tools are unlikely to be effective, nor would military means bring a solution, regardless of support from Turkey.

Hence, Moscow is clearly a winner of the situation created by the ceasefire agreement, because its regional position is now much stronger than it was before the war. Russia's open disregard of the numerical and armament-related limitations on the deployment of a peacekeeping contingent, as well as the considerable autonomy with which Russian forces operate within Nagorno-Karabakh, already indicate that Moscow is confident about having the upper hand versus the Baku leadership.

All in all, as of March 2021, the current state of play seems to guarantee strategic stability until November 2025. However, in the long run it empowers Russia with the theoretical possibility of making its military presence in Azerbaijan *de facto* permanent, thus again 'freezing' the Nagorno-Karabakh conflict resolution process, albeit within different parameters.

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