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HUMAN RIGHTS IN THE US FOREIGN POLICY CASE OF KAZAKHSTAN

The article outlines the bilateral relations of the USA and Kazakhstan since 1992. The focus of the foreign relations analysis in this case is on human rights. The aim of the article is, therefore, to identify how the five Presidential administrations, namely, George H. W. Bush's, Clinton's, George W. Bush's Obama's and Trump's saw the role and place human rights and whether this particular agenda was either promoted or neglected. To answer the question, the author employs the method of case study. The task of the case study is to understand how (if any) the engagement of Kazakhstan in its bilateral relations with the USA influenced its domestic human rights policy.

The author used a wide range of primary and secondary sources, i.e. range of official documents and mass media materials as well as scholarly article and books on the subject. The author takes to answer the questions taking into account the premises of the 'rational choice' and 'rational actors' paradigms. The Strategic Partnership Dialogue set in 2012 does not prioritize human rights either. This policy was to prevent future violations of human rights through enhancing domestic institutions and traditional diplomacy that was reactive and inconsistent. The case of Kazakhstan has been studied in order to reveal the role and place of human rights in its bilateral relations with the USA.

Key words: human rights, US foreign policy, US-Kazakhstan bilateral relations.

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Қазақстанды мысалға ала отырып, АҚШ-тың сыртқы саясатындағы адам құқығы

Мақалада АҚШ пен Қазақстанның 1992 жылдан бергі екіжақты қарым-қатынастары сипатталған. Екі жақты қатынастарды талдаудың негізгі бағыты адам құқықтарына қатысты. Осы мақаланың мақсаты – бес президенттік әкімшіліктің, атап айтқанда, үлкен Джордж Буштың, Билл Клинтонның, кіші Джордж Буштың, Обаманың және Трамптың әкімшілігінің адам құқықтарының рөлі мен орнын қалай анықтағаны және олардың нақты түрде қалай көтерілгені немесе Қазақстанмен қарым-қатынастарын орнатқан кезде адам құқықтарының бұзылуына назар аударған жоқ. Зерттеу сұрақтарына жауап беру үшін автор тақырыптық зерттеу әдісін қолданады. Осылайша, автор осы зерттеудің міндеті Қазақстанның АҚШ-пен екі жақты қарым-қатынасқа қатысудың өзінің ішкі адам құқықтары саласындағы саясатына қалай әсер еткенін түсінуді қарастырады.

Бұл мақалада автор алғашқы және екінші көздердің кең ауқымын – АҚШ әкімшілігі мен конгресінің ресми құжаттарын, бұқаралық ақпарат құралдарын, сондай-ақ осы тақырып бойынша ғылыми мақалалар мен кітаптарды қолданды. Тапсырманы шешу үшін автор «ұтымды таңдау» және «ұтымды тақырыптар» теориясына сүйенеді. Бұл саясат отандық институттар мен дәстүрлі дипломатияны реактивті және үйлесімсіз ету арқылы болашақта адам құқықтарының бұзылуын болдырмауға бағытталған. Қазақстан ісі адам құқықтарының АҚШ-пен екіжақты қарым-қатынасындағы рөлі мен орнын анықтау мақсатында зерттелген.

Түйін сөздер: адам құқықтары, АҚШ сыртқы саясаты, Америка-Қазақстанның екіжақты қарым-қатынастары.

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Права человека во внешней политике США: пример Казахстана

В статье описываются двусторонние отношения США и Казахстана с 1992 года. Основное внимание при анализе двусторонних отношений уделяется правам человека. Цель данной статьи состоит в том, чтобы определить, каким образом пять президентских администраций, а именно: администрация Джорджа Буша-старшего, Билла Клинтона, Джорджа Буша-младшего, Обамы и Трампа, определяли роль и место прав человека, и как конкретно они продвигали или пренебрегали вопросами о правах человека при построении своих отношений с Казахстаном. Чтобы ответить на поставленные исследовательские вопросы, автор использует метод кейс-стади. Таким образом, автор видит задачу данного исследования в том, чтобы понять, как же участие Казахстана в двусторонних отношениях с США повлияло на его внутреннюю политику в области прав человека.

В данной статье широкий спектр первичных и вторичных источников использовал автором, а именно официальные документы Администрации и Конгресса США, материалы средств массовой информации, а также научные статьи и книги по данной тематике. С тем, чтобы решить поставленную задачу, автор опирается на теории «рационального выбора» и «рациональных субъектов». Эта политика состояла в том, чтобы предотвращать будущие нарушения прав человека путем укрепления внутренних институтов и традиционной дипломатии, которая была бы реактивной и непоследовательной. Дело Казахстана было изучено с целью выявления роли и места прав человека в его двусторонних отношениях с США.

Ключевые слова: права человека, внешняя политика США, американо-казахстанские двусторонние отношения.

Introduction

The foreign policy of a state is believed to be all about its national interests that are traditionally understood in terms of wealth and security. However, non-material factors have been increasingly within the scholarly focus (Hurwitz and Peffley, 1987; Hunt, 2009; Beasley et al, 2012) with the emphasis made on a nation's self-image.

The United States' self-image is indissolubly related to personal freedoms and rights (Forsythe, 1990; 2000; Mead, 2013). The country is often regarded (McFaul, 2004; Wolff and Wurm, 2011) as one of the most powerful norm promotion actors on the international arena.Yet, the American political culture and history makes a number of issues quite problematic, namely the attitude to socio-economic rights in particular and to the internationally recognized norms in general (Forsythe, 2000). Moreover, Forsythe (2000) claims that the right to private property is the only one consistent with American tradition of liberalism. Not less problematic is the question how these values and ideas, that are believed to be universal (Davis and Lynn-Jones, 1987; Lockhart, 2012; Forsythe, 2012), shall be translated into concrete foreign policy moves, whether the USA shall promote them by its own example and retreat to an isolationist politics or, instead, opt for a more proactive interventionist foreign policy of human rights. And, if the former is a chosen way of actions, shall human rights trump other foreign policy considerations such as security and economy?

Traditional theorizing about US human rights foreign policy according to Forsythe (2011) is that about liberalism or realism with some elements of constructivism. Forsythe suggests distinguishing between enlightenment cosmopolitanism or liberal absolutism characterized by multilateralism and consistent commitment to international law (only the Carter administration may be attributed as such), providential nationalism or Manifest Destiny that may take two shapes: libertarian isolationism or neo-conservative unilateral interventionism (the Bush administration, the first term particularly), and case by case pragmatism (the Clinton Administration, the second term particularly and the Obama's). Since 1976 U.S. Department of State has had to submit reports on human rights practices in other countries to the Congress in accordance with the Foreign Assistance Act (1961) and the Trade Act (1974).

The question of the means of foreign policy on human rights answered by Donnelly (2003) as the followings: use of military force, sanctions, restrictions of trade, restrictions of foreign aid, verbal statements of inducement or condemnation,

isolation, support for domestic human rights activists and groups.

The article outlines the relations of the USA and Kazakhstan in order to identify what role and place human rights agenda played therein in the course of the five Presidential administrations, namely, George H. W. Bush's, Clinton's, George W. Bush's Obama's and Trump's. The tasks of the case study is to understand how (if any) the engagement of Kazakhstan in its bilateral relations with the USA influenced its domestic human rights policy. The article is sourced by a wide range of official documents and mass media materials as well as secondary sources such as scholarly article and books on the subject. Methodologically, as it has been indicated above, the article is premised on the rational choice and rational actors paradigm.

Results

The George H. W. Bush Administration

The G.H.W. Bush administration being caught between the Cold War past and an uncertain post-Cold War future (Rosati and Scott, 2010) faced the challenge of formulating new policies in the new realities. As any other president, Bush was compelled to include human rights into the foreign policy agenda. He spoke on a New World Order of prevailing international law and human rights before the Congress (1990) and the United Nations (1992a), but his term ended before the administration could have done anything concrete in the direction.

Washington seized the initiative in the relations with the newly independent states after the dissolution of the USSR. It was the first to recognize Kazakhstan and to establish diplomatic relations in December 1991 (US State Department, Kazakhstan Country Page 2014). But it was nuclear non-proliferation that prevailed in the foreign policy agenda of the White House. These efforts proved to be very fruitful: Kazakhstan signed the Conventional Armed Forces in Europe Treaty (1992), the START Treaty (1992), the nuclear Non-Proliferation Treaty (1993), the Chemical Weapons Convention, and the Comprehensive Test Ban Treaty (2001) (US State Department, Kazakhstan Country Page, 2014).

As G.H.W. Bush presidency did not suffer from any inter-branch rivalry, the Congress was prompt to legislate: the Freedom Support Act (1992), that, according to Bush (1992b) promoted «democratic peace» based on political and economic freedom in newly independent states, provided for increase in the US share of the IMF as well as in its bilateral assistance. Yet again as the full tittle «Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act» suggests, the major focus was on market-economy promotion.

The US administration facilitated international socialization of nuclear Kazakhstan during its first years of its independence. The first official visit of President Nazarbayev in 1992 was a symbolic gesture of support; the USA and Kazakhstan signed a number of agreements on trade and investments (Laumilin, 2000). It was when the foundations were laid for the relations with Kazakhstan with the principle objectives: maintenance of security in Central Asia (at that stage it meant de-nuclearization), promotion of the US economic interests, counter-balancing Russia and China, ensuring stable development of Kazakhstan preferably but not necessary towards further democratization and economic liberalization.

During G.H.W. Bush presidency, Kazakhstan's statehood was in germ and the trajectory of its development was uncertain. That was the following administration in Washington who faced the challenge to response to quite dramatic changes in the domestic affairs of Kazakhstan.

The Clinton Administration

For the Clinton administration human rights and democracy promotion was one of the four pillars of the US foreign policy (Forsythe, 2000; Rosati and Scott, 2010). However, during the first two years of Clinton's term, the relations continued the pattern of the previous administration, i.e. denuclearization and enlargement of the share of American business in Kazakhstan's economy. Ambassador S. Talbott, Secretary of State W. Christopher and Vice President A. Gore visited Kazakhstan throughout 1993 and Nazarbayev paid his second visit to Washington in 1994 where the two parties signed the Charter on Democratic Partnership. On the press conference in the White House, Clinton praised Kazakhstan for progress in nuclear non-proliferation, commitment to its arms control obligations and economic reforms. Stressing the «immense strategic importance and a long-term economic potential to the United States», Clinton (1994) mentioned the «common commitment to democratic values, rule of law and individual rights» only once. In November 1994, the American-Kazakh Joint Committee was established to implement the Charter; however its work was focused on the issues other than human rights (Laumulin, 2000).

By the mid-1990s, the initial trajectory of Kazakhstan's political development started to

change. 1995 was the year of immense political turbulence (see Appendix 1). In March the Supreme Soviet was declared illegitimate by the Constitutional Court, who was, in turn, suspended by the Supreme Soviet. The prompt Nazarbayev's Decree dissolved the Supreme Soviet and the entire government resigned. The US Ambassador Courtney welcomed «a democratic victory» (Panorama, 1995 cited in Laumullin, 2000). The newly appointed Prime Minister, without being constrained by the opposition in the Parliament, started a full-scale privatization and went on the official visit to Washington where, according to Laumullin (2000), he signed ten agreements on cooperation in economy, energy, trade, information, finance, and environmental protection.

When in the White House learnt that Nazarbayev was planning a referendum to extend his powers until 2000 without elections, the response was very negative (W. Christopher, 1995 cited in Laumullin, 2000) and the US Defense Minister W. Perry visiting Kazakhstan, expressed concerns about the future of democracy in the country (Perry 1995). The visit was aimed at insurance of Kazakhstan's adherence to its nuclear disarmament obligations and decreasing of its military dependency from Russia via the NATO Partnership for Peace Program. By June 1995, Kazakhstan had completely removed all Soviet nuclear weapons from its territory becoming a non-nuclear state (US State Department, Kazakhstan Country Page, 2014).By June 1995, Kazakhstan had completely removed all Soviet nuclear weapons from its territory becoming a non-nuclear state (US State Department Kazakhstan Country Page, 2014). The intensity of the bilateral contacts decreased.

The referendum was held on April 29, 1995. Four months later, another referendum adopted a new Constitution. Kazakhstan became a unitary, democratic, legal, secular and social state with a presidential form of government (Art 1) with considerable prevalence of the executive branch (see Appendix 1). The reaction of the White House was negative because the new Constitution did not fully «protect human and civil rights» (cited in Laumulin, 2000). By the end of the year, the first elections to the Majilis and its constitutional laws on the President and on the Constitutional Council completed the process of the constitutional reforms. The US State Department (1999) considered the elections «an improvement on the presidential election» but still falling short of the international standards. From now, the concentration of the powers for the President has been constantly increasing.

In 1997, the US admitted that Central Asia was in the zone of its national interest (Cohen, 2006; Weitz, 2006). The relations had to be restored. In autumn, First Lady H. Clinton visited Kazakhstan and soon Nazarbayev returned the visit. The two sides signed the Agreement on the Operation of Caspian Oil and Gas Fields, and launched the Economic Partnership Program (US State Department, Kazakhstan Country Page, 2014).

In October 1998, the Constitution was once again amended with clear political implications (see Appendix 1) and the early presidential elections were scheduled for 1999. Nazarbayev won with 79.78%. The only opposition candidate received 11.7%. The former Prime Minister Kazhegeldin was debarred from running. All these triggered a very negative reaction: the US Helsinki Commission Chairman Ch. Smith (1999) expressed concerns that Nazarbayev obtained unrestrained control over all branches of power. The elections of 1999 brought the overwhelming majority of deputies from the pro-president «Otan» party to the Parliament who soon adopted the laws on the Media and on State Secrets that were harshly criticized by the White House (US State Department, 1999). In December 1999 Nazarbayev paid his fourth official to the United States where he was awarded for an outstanding contribution to promotion of democracy by the International Foundation for Electoral Systems (ENU, 2014).

The events in Kazakhstan demonstrated unsoundness of the initial aspirations that the end of the Cold War would impact the former Soviet Republics the same way it did in Eastern Europe. Now there came an understanding that certain tendencies had to be mitigated. This time the initiative belonged to the Congress who passed the Silk Road Strategy Act (1999) that granted the President the right to provide assistance to Kazakhstan to the following ends: to strengthen parliamentary institutions and practices; to develop NGOs and independent media; to consolidate the rule of law, independent judiciary, transparency in political practice and commercial transactions; to conduct international exchange and training programs (US Congress, 1999). Quite often it was the US Congress that pushed human rights issues into American foreign policy that the administrations tended to conduct in a more pragmatic real-politic manner. This time the reason for the Strategy to emerge in the Congress was the confrontationist relations between the US legislature and executive during Clinton's terms (Hersman, 2010). The conservative republicans also insisted on publishing a separate International Religious

Freedom Report under International Religious Freedom Act (1998).

In April 2000, the US Secretary of State M. Albright visited Kazakhstan a few weeks after the heads of the CIA and of the FBI to meet with Nazarbayev as well as opposition and business leaders (BBC, 2000; Troitskiy, 2007). A month later, the Constitutional Law on the First President – the Leader of the Nation (2000) granted Nazarbayev a number of post-retirement powers and immunity from prosecution to him and his family.

The George W. Bush Administration

Understandingly, the 9/11 events shaped the relations between the two nations; Kazakhstan and other Central Asian states were important for the US-lead operation in Afghanistan (Luong and Weinthal, 2002). The initial focus of the US attention was on Uzbekistan, by the mid-2000s concerns about human rights abuses made the White House consider Kazakhstan as the most significant partner in the region (Nichol, 2013). The Congress tried to interfere into US foreign policy regarding it too pragmatic. Since 2003, assistance to the government of Kazakhstan should have been barred unless the Secretary of State convinced the Congress that Kazakhstan had significantly improved its human rights record. However, this has been waivered on national security grounds. The US Secretary of State C. Rice visited Kazakhstan in 2005 and reaffirmed this shift of the American policy. Apart from the talks with President Nazarbayev and other top officials, she met the opposition's Zh. Tuyakbay and A. Baimenov in Astana (US State Department, 2005a). Former US State Secretary H. Kissinger visited Astana just two days after Rice's visit to talk with Nazarbayev. At the end of that year, Nazarbayev defeated four candidates and won the presidential elections with 91.1% of votes (Nichol, 2013). According to the US State Department (2005), the elections were neither free nor fair. The same year the Law on Extremism was adopted with the provision of prosecution for «inciting social hatred» that might have been used against oppositionists, activists and journalists (US State Department, 2005b). None was mentioned during Nazarbayev's fifths visit to the USA. The program of the visit was rather illustrative: he met with the US President and Vice President, Members of the US Congress and CIA Director, Ministers of Energy and Trade, World Bank President and CEOs of ExxonMobil, ConocoPhillips and Halliburton (Embassy of Kazakhstan to the USA, 2006).

In the meanwhile, the Constitution of Kazakhstan was once again amended in May 2007. This time, the changes appeared to be more progressive. The number of deputies in both chambers increased; the president's term decreased; mandatory court orders in case of detention and arrest and trial by jury were introduced. Yet, there were other amendments: two-thirds of votes in each chamber were now required to override presidential alterations to the bills passed in the Majilis and Senate. Most importantly, the amended Constitution excluded Nazarbayev from term limits (Nichol, 2013). Once again the constitutional reform was followed by the early elections, this time to the Majilis that were held in August, 2007. The ruling Nur-Otan party won all 98 seats. The US Assistant Secretary of State R. Boucher (2007) called the elections «signs of the right direction towards a stable democratic system».

The Obama Administration

Globally, the Obama's administration had to deal with the consequences of Bush's «democracy promotion» of in Iraq. Bilaterally, the White House faced the challenges similar to those before the Clinton administration.

President Nazarbayev first met his US counterpart during the Nuclear Security Summit in April 2010 where the bilateral declaration by two Presidents touched upon the forthcoming Astana OSCE Summit, particularly Kazakhstan's pledge to «hold a Review Conference in Kazakhstan on Implementation of Commitments in the Human Dimension» (Embassy of Kazakhstan to the US, 2010).

The decision to support Kazakhstan's OSCE Chairmanship bid was made by the previous administration back in 2005. The White House sent H. Clinton, this time in the capacities of the State Secretary. She arrived in Astana a day earlier to conduct a Q&A session with the representatives of civil society at the Eurasian University where she praised Kazakhstan for having removed the nuclear arsenal from its territory as she thought non-proliferation to be a human rights issue. While admitting the problems in specific areas of human rights, she urged the audience to have a balanced picture (OSCE, 2010). The USA proposed three thematic areas for the Summit: firstly, to enhance the OSCE's role in Central Asia and particularly in Afghanistan; and secondly, to improve the existing and develop new mechanisms and commitments in respect of the 1999 Vienna Document, CFE Treaty, ODIHR, conflicts management (US OSCE Mission, 2010).

When Astana hosted the OSCE Summit on 1-2 December 2010, Nazarbayev represented

Kazakhstan in the El Basy (Leader of the Nation) capacities: a few months earlier his Leader of the Nation lifetime powers granted in 2000 had been secured even in the case of his retirement from the presidency via another constitutional amendment and adoption of the Constitutional Law (2010).

The major political charade started in late 2010, when a petition appeared calling to extend Nazarbayev's term until December 2020 via a referendum. The corresponding bill was vetoed by Nazarbayev that was overridden by the Parliament but ruled unconstitutional by the Constitutional Council. Eventually, Nazarbayev called to reschedule the presidential election from late 2012 to April 2011 and won with 95.55% against three candidates. The major opposition politicians either refused to run or failed to meet the requirements in such a short run. Soon, Nazarbayev received congratulations from the US Embassy (Nichol, 2013).

In 2011 there were two major events. In April new legislature on religion appeared. The Head of US Mission to the OSCE Permanent Council, raised concerns about its restrictive nature. In November, Nazarbayev dismissed the Parliament again and set early elections that were held in January, 2012. The ruling Nur-Otan Party won 83 seats, two minor parties received eight and seven seats. Assistant State Secretary Blake, the head of the Central Asian direction in the Obama's administration, praised the election as a progress towards a multi-party democracy (cited in Nichol, 2013).

On 16 December, 2011, the workers in western Kazakh town of Zhanaozen took to the streets. The protest turned violent, the police opened fire leaving 16 dead and dozens injured (BBC, 2011). Nazarbayev responded promptly: the head of the state-owned energy firm and his son-in-law and the governor were forced to resign (Moscow Times, 2011). The Zhanaozen violence was not left without trial, a number of officials involved were found guilty (BBC, 2012). The US welcomed the government's «commitment to a thorough and transparent investigation» (US State Department, 2012). However, the leader of the Alga opposition party Kozlov was tried and convicted for organizing the riots as part of a coup attempt against Nazarbayev and was sentenced to 7.5 years in prison (HRW and FH cited in Fergana, 2012). The Head of US Mission to the OSCE Permanent Council stated that the trial «casts serious doubts on [Kazakhstan's] respect for human rights, fundamental freedoms, and the rule of law» (US State Department, 2012).

After Zhanaozen, the situation aggravated. In the first months of 2012, a number of opposition leaders and journalists were arrested on various charges (US State Department, 2012). In October 2012, the US Administration received the appeal from a group of Kazakhstan's human rights activists to deny visa to over three dozen officials including Nazarbayev, who, they believed, were personally responsible for Zhanaozen violence (HRF, 2012). At the end of 2012, a number of media were ruled «extremist» and closed down; the court also banned the Alga Party as an extremist organization (FH, 2014).

On this background, the United States started the targeted assistance program in 2011 with strategic aim to ensure Kazakhstan's development as a stable, secure, democratic and prosperous partner, a respected regional leader that would embrace free-market competition and the rule of law (US State Department, 2013). Assistance Activities by US in Kazakhstan in 2012 amounted to US$19,285,000 and then decreased to US$13,959,000 in 2013 and US$12,229,000 in 2014.

Proportionally, 32% was allocated to peace and security, 38% to economic growth, 10% to investing in people and 20% to governing justly and democratically (US State Department, 2013).

Moreover, that was the Obama administration who established the Strategic Partnership Dialogue with Kazakhstan in 2012 that, along with such issues as integration of Afghanistan into the region, nuclear non-proliferation, cooperation in security, trade, investment, energy and science, stipulated for boosting people to people contacts and democracy development to strengthen the representative institutions such as independent media, local self-government and civil society. The SPD plans to achieve the goals by conducting roundtables on governance and human rights with non-governmental organizations (US State Department, 2013).

The Trump Administration

President Trump appears to see one of his priorities as to overscore the Obama years. Isolationism was the major stance during his campaign, while the practical realization of the promise has been so far rather inconsistent: on one hand, there have been unilateral withdrawal from Paris Agreement and Iran Nuclear Deal, one the other we witness rather vigorous advocacy to intervene in Venezuela and Iran. Speaking in the United Nations, President Trump underlined that the USA were «to reject the ideology of globalism and accept the doctrine of patriotism» while making a number of rather crude personal attracts towards several world leaders(Trump, 2018).

Sadri and Akar (2019) argue unlike Obama's employment of soft power economic tactics with ambiguous results, Trump Administration's foreign policy towards Central Asian is still undecided but definitely on the periphery of the Washington's agenda. However, President of Kazakhstan, Nursultan Nazarbayev, was the first to personally contact President Trump. In the course of the telephone talk on November 30th 2018, the two leaders touched upon the future of US-Central Asian diplomacy including fighting terrorism and promoting nuclear nonproliferation (Interfax, 2016).

The US ambassador to Kazakhstan explained why the USA were not inclined to dramatically change foreign policy in the region as it had too much to gain from energy trade and proposed Washington to continue to promote stability, security, and energy trade in Central Asia. Tillerson speech at the 2017 World Expo in Astana was also rather complementary (US Embassy, 2017). Similarly, at the UN Security Council Session, Tillerson cited Kazakhstan's example as an excellent nonproliferation policy (US State Department, 2018). The wording of the remarks of President Trump in Joint Press Statements in the course of Nazarbayev's visit to the USA were no less complementary and have very similar focus as those of the Ambassador (Whitehouse, 2018). in no of the abovementioned cases human rights were the topical issue.

Discussion

This is how the relations with Kazakhstan have been perused by the White House. The USA has been chosen for this case study because of its perceived importance in the international promotion of human rights (Davis and Lynn-Jones, 1987; Forsythe 1990, 2011; Lockhart, 2012). It shall be noted that, unlike the relations with the Arab World, China, Russia or Europe, the relations with Kazakhstan do not have any significant influence on the domestic politics in the USA being on the periphery of the attention of the US political elite and virtually non-existent in public discourses. Therefore, Washington possesses more freedom in its politics towards Astana not being scrutinized from within. This is an important observation as it seems to explain why Forsythe's classification does not work in the Kazakhstan's case. None of the administrations conducted proactive interventionist normative politics of human rights towards Kazakhstan. Although, Forsythe (2011) concluded that all administrations tend to eventually chose case-by-case pragmatism by the end of the term, this study demonstrated that each US administration pursued this kind of human rights foreign policy with Kazakhstan from the very beginning.

The studied administrations – except the for the Trump's one which is still rather undecided – did not differ in principle; neither did they have differences in their approaches and tools. The White House preferred to communicate its concerns about human rights practices not directly during official talks and visits (at least not publicly) but via its representatives in the OSCE (see above) or through the State Department's Country Reports on Human Rights Practices (available since 1996). The US State Department has repeatedly emphasized the following very serious human rights issues in Kazakhstan: restrictions on freedom of speech, assembly, religion and association; legal due process, torture and abuses of detainees; arrests and detentions of the opponents of the authorities; politically motivated trials and corruption of judiciary.

There was a relatively short period after 9/11, when Central Asia gained its momentum, but as much as before the events as after, the USA had to weight its normative policy towards better human rights and greater democratization in Kazakhstan against a relatively constant set of other priorities. These priorities are: firstly, military security (initially denuclearization, later counter-terrorism); secondly, political counter-balance of Russia and China; thirdly energy security (this is not about being present in Kazakhstan's energy sector because its oil is crucially important for the US supply, but because it means less influence for Russia and China in the industry) (Raphael and Stokes, 2014).

For Kazakhstan , on the contrary, good relations with Washington are of vital importance in terms of economic cooperation, international prestige and counterbalancing Russia and China; but being well aware of the above mentioned factors, Kazakhstan has been constantly warning the USA about the risks a more proactive policy to push for democracy and freedom bears for political stability in the region and drastic consequences for the USA if this stability is lost.

Washington, dealing with Kazakhstan, has not abandoned human rights altogether. However, it is important to understand how human rights practices in foreign countries are perceived in America. Washington's record in respect to adhering to human rights as they are recognized internationally is rather peculiar (Forsythe, 1990;

2011). In short, in the USA, universal human rights are those from the American Bill of Rights not the International Bill of Rights. The language of the US State Department is a very vivid example, freedom of press and religion is perceived as «absolute» and is assessed accordingly, instead of «the right of political participation» (UDHR Art 21, ICCPR Art 25) and the Department uses the term «the right to change the government».

There is no any mutually agreed understanding or shared languages of human rights between the parties. Neither are there any mutually recognized commitments. Except for a rather vague Charter on Democratic Partnership (which, in spite of its title, is not an international bilateral treaty), the two parties are not legally bound to adhere to human rights in their relations with each other. The Strategic Partnership Dialogue set in 2012 does not prioritize human rights either. Yet, human rights agenda has been ever present; the choice has been made in favor of engagement policy (financial aid for NGOs via Freedom Support Act and New Silk Road Strategy). This policy was to prevent future violations of human rights through enhancing domestic institutions and traditional diplomacy that was reactive and inconsistent. There have been a number of critical statements and publicly expressed concerns, but no matter how grave human rights violations in Kazakhstan had been, there were no sanctions or a cancelation of an official visit or withdrawal of an ambassador. The lack of any institutionalized commitments means for many (Laumullin, 2003) that Washington's human rights politics is a self-interested, illegitimate interference into domestic affairs of Kazakhstan. But relative weight of these relations and apparent unreadiness of the USA to pursue a more coercive course of actions about human rights in Kazakhstan makes Astana convinced that its ties with Washington will continue.

Conclusions

The case of Kazakhstan has been studied in order to reveal the role and place of human rights in its bilateral relations with the USA. The analysis has been mostly based on a rationalist presumption where relations are seen as a transaction (or, to be precise, a series of transactions with the actors calculating relative cost and benefits in political, economic and social spheres. This kind of analysis, however, does not preclude that understanding of the costs and benefits is purely rational and is immune from applying a logic of appropriateness that is a product of numerous influences in a historically conditioned environment.

The USA-Kazakhstan case study has led to the following findings: a) relations are insignificant for the USA and very significant for Kazakhstan; b) relations are not institutionalized; there are no commonly assumed commitments or binding obligations on human rights between the two parties; c) the parties understand human rights differently: for the USA, these are exclusively individual, negative rights (especially political liberties); for Kazakhstan, it is economy first and then politics; d) there are a number of other considerations that trump human rights for the both parties; e) there have been preventive policies of engagement and reactive policies of traditional diplomacy employed by the USA.

In the final analysis it has been demonstrated that the US foreign policy of human rights has been inconsistent and irresultative. Kazakhstan did not alter its behavior about human rights because of its engagement into bilateral relations with the USA.

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