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DEBATES: LATIN AMERICA AND THE MIDDLE EAST

The Death of Alberto Nisman, the Argentine Presidency Unhinged, and the Secret History of Shared United States-Argentine Strategy in the Middle East

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In January 2015, Alberto Nisman's body turned up with a bullet to the head. In the necropolitical tradition of entrepreneur/organized crime figure Alfredo Yabrán, who died of a self-inflicted gunshot to the face in 1998, and the still-unsolved severing of Juan Perón's skeletal hands from his corpse in 1987, Nisman's death became immediate fodder for a national whodunit. Often guided by the fiercely divisive binary of current Argentine politics, fingers pointed at a range of possible killers from the government of Iran to disgruntled Argentine intelligence agents to angry drug dealers to the president herself, Cristina Fernández de Kirchner. Iran emerged at the vortex of conflicting interpretations and accusations. In 2006, as a federally appointed special prosecutor, Nisman had indicted eight prominent Iranian government officials in connection with the 1994 bombing of the Asociación Mutua Israelita Argentina (AMIA) headquarters in Buenos Aires that had killed 85. International arrest warrants had followed for five of the eight. Almost ten years later, Nisman's death came on the eve of his scheduled appearance before an Argentine congressional committee to present evidence of a purported plot by Fernández de Kirchner and Argentine foreign minister Héctor Timerman, in conjunction with Iranian authorities, to nix the Argentine prosecution of the bombers.

The killing is unsolved. Nisman's allegations against the president and foreign minister remain tantalizing but undemonstrated, as do many of the charges and countercharges that have been levelled through 2015. Even so, Argentina's multiple readings of Nisman's death suggest four keys to both Argentina's Iran policy over the past 20 years, and policy in the Middle East more broadly. First, the case tells us what Argentina's policy is not. Since the late 1940s, Argentine Middle East policy has been framed in Argentine scholarly literatures as an "equidistant" approach to the region, balancing measured support for Israel with its equivalent toward the Arab world. Save as a public diplomatic stance, the equidistance model has never made much sense. It leaves Iran, a non-Arab state, and non-Arab social and political actors, such as the Kurds, entirely out of the mix. It suggests a decades-long policy stasis in the face of evident shifts. And it fails to distinguish between ranging and diverse Arab, Muslim, and other interests in the region, across national boundaries (Klich 1996; Cisneros and Escudé 2009). In addition, the equidistance model belies a rich archival document trove for the years through 1975 in the Archive of the Foreign Relations Ministry.

Second, while the Middle East is a foreign policy tinderbox in many countries, in Argentina it has left leaders open to wild accusations of wrongdoing and irrational behavior, sensationalized by international and domestic media too willing to present arguments without evidence. Third, sensationalized media coverage underlines that Middle East policy has often been founded on domestic policies, strategies, and political circumstances with little specific relevance to Iran or to other countries in the region. Fourth, and perhaps most important, the sensational is a misreading of policy making as erratic and quickly changing. Argentina's policies in Iran and the Middle East have evolved slowly, with careful calculation, and often (though not always) in alignment with U.S. strategic priorities.

The U.S. journalist Dexter Filkins traced Nisman's death to what many in Argentina saw as a dramatic policy shift in 2013. After a decade of tense Argentine-Iranian relations over the AMIA bombing, Argentina announced a deal struck with

Iran that would lead to a bilateral truth commission to identify and help convict alleged Iranian authors of the AMIA bombing. In explaining the policy shift toward Iran that would animate Nisman's proposed congressional testimony, Filkins echoed many in the Argentine media by hinting at a slightly unhinged President Fernández de Kirchner, tagged as "erratic" and "ruthless" (Filkins 2015). Stated otherwise, for an Argentine president to court Iran, the argument went, they would have to be unbalanced. In 2004, in keeping with a new emphasis on human rights in national domestic policy that included a renewed series of prosecutions of dictatorship-era killers and a revival of the investigation into the AMIA bombing, then-president Néstor Kirchner had given Nisman the task of reopening the AMIA investigation. Edgier relations with Iran followed, highlighting a central element of Argentina's ties to the Middle East over the last half century. Decisions on major policy matters have frequently been determined on the basis of domestic policy priorities only tangentially as a function of developments in the Middle East. In this case, Kirchner's Iran policy was linked to a central domestic program on the vindication of human rights and memory. In 2013, it seemed to most, Cristina Fernández de Kirchner had done an about-face on Iran by jump-starting diplomatic and commercial initiatives with Iran while pledging to work with Iranians to find those responsible for the AMIA bombing (Wikileaks 2006).

The depiction of Argentine policy toward Iran and to Arab nations as ludicrous, corrupt, or both goes back two decades. Media assertions have been premised on the reckless assumption that nobody in their right mind would pursue relations with undemocratic, human-rights-abusing regimes labeled pariahs by others. After the Nisman killing, media in Brazil and Argentina accused Fernández de Kirchner of having accepted millions of dollars from Iran during the 2007 presidential election campaign. In return, she allegedly offered Argentine nuclear secrets and amnesty for the AMIA bombers. Never mind that, despite ebbs and flows in the transfer of materials and knowledge, Argentina had an ongoing exchange of nuclear technology with Iran since the 1970s, always registered with the International Atomic Energy Agency. Iran-Argentina nuclear exchanges were in keeping with a long-standing Argentine developmentalist modernizing project to provide poorer nations with non-bellicose nuclear means. The testimony of the three sources for the campaign funding accusation—exiled, disaffected members of President Hugo Chávez's government—could not be independently corroborated (*La Nación* 2012).

The labeling of President Fernández de Kirchner as erratic and corrupt on foreign policy formulation is reminiscent of similar accusations faced by Argentine president Carlos Menem 20 years ago. The Argentine-born son of Syrian-Argentine immigrants, Menem was accused falsely in the Argentine media of fostering close ties in the 1990s with Syria as a function of his supposed (and to some, duplicitous) dual ethnic or national loyalties. As a basis for policy making, this made as much sense as Filkins's imaginings about Fernández de Kirchner's purported emotional ups and downs as a policy driver. In Menem's case, a U.S. Federal Bureau of Investigation (FBI) informant told the *New York Times* and other media that the Iranian government's motivation for the 1994 bombing was Argentina's decision to abrogate an arms deal with Damascus and a nuclear accord with Syria's ally in Tehran. The failure to prosecute the AMIA bombers during Menem's five subsequent years of presidency came as a result not of any pro-Iran or pro-Hezbollah leanings but, rather, after Menem was allegedly paid a $10 million bribe by the Iranian government. Anything is possible, but there have been no independent, reliable confirmations for any of it (Turner 2015; Rohter 2002).

Peeling aside claims of presidential histrionics, suspicious Arab allegiances, and corruption in Menem's canceling the arms deal and the nuclear accord and Fernández de Kirchner's 2013 policy shift, we get closer to the most significant factors in the shaping of Argentine Middle East policy over the past half century. In each of those cases, as it had during the 1973 Yom Kippur War (Sheinin 2012), the Middle East functioned for Argentina as a regional forum where specific Argentine interests are limited, but where the Argentine government identified a strategic base from which it might exercise larger, global initiatives. In Menem's case, the cancellations drew on an important policy shift toward closer ties with the United States; Washington had pressured the Argentine government to back away from the agreements with Syria and Iran. In 2013, the public face of President Fernández de Kirchner's move to end Argentina's existing antagonisms with Iran had almost nothing to do with Iran itself. On both foreign and domestic policies, she had moved her administration to the left in the aftermath of Venezuelan president Hugo Chávez's death. Her public rapprochement with Iran marked a global realignment of Argentine positions to reflect that larger shift, and to distance Argentina from Brazil and Chile, which were veering from left to center on foreign and domestic policies. In addition, Fernández de Kirchner was moving to deemphasize the human rights–related politics of her predecessor in office and

hoped to expand trade opportunities with Iran, as she did with other developing nations (Restivo 2012).

Where human rights and other identifiably specific social, cultural, or political problems in the Middle East have informed Argentine policy making, they have rarely done so in a way that has placed Argentina in a unique leadership role in the international community. This has long suggested diplomatic caution rather than equidistance. Argentine diplomats and policy makers have been keen observers of social crisis. In the aftermath of the 1967 Six-Day War, the Argentine ambassador in Israel, Rodolfo Baltiérrez, urged that Argentina take a prominent stand on Palestinian refugees in the West Bank who faced hunger, anguish, and malnutrition. Baltiérrez was fiercely critical of the inaction of the United Nations (UN) Refugee Agency, and the positions of the Egyptian, Jordanian, and Syrian governments, likely to exploit and exacerbate the crisis faced by the refugees. On this as on other occasions, Argentine authorities responded with caution. They staked out a position on the UN Security Council expressing sympathy for refugees, refusing to label Israel an aggressor, calling for an Israeli withdrawal from territories occupied, defending Israel's right to defend its security, and pressing for free navigation in the Gulf of Aqaba while referencing equally free navigation in the Beagle Chanel, a sea lane whose jurisdiction Argentina disputed with Chile (Sheinin 2012).

As in the 1960s, and despite a dramatic set of policy shifts on many fronts through Argentina's 2001–2002 economic crisis, Argentine Middle East policy has remained largely unchanged from the preceding decade and from how policy was set during the Cold War. Two linked imperatives continue to guide policy making. Middle East and Iran policies are shaped by larger geopolitical and commercial objectives overseas. In addition, policy makers are guided by how their decisions will resonate domestically. Often, public government positions on Middle East conflict have concealed larger goals. Over the past 15 years two potentially explosive and on first glance, contradictory strategic objectives have guided Argentine Middle East positions. On the Middle East, as elsewhere, Argentina has publicly distanced itself from the United States. At the same time, through the 2013 Argentine announcement on the joint Iran-Argentina commission, during Alberto Nisman's almost decade-long efforts to prosecute the AMIA bombers, and in Argentine-Iranian relations from 2006 forward, Argentina worked in close cooperation with a purported antagonist, the United States.

Just as the media frenzy around Nisman seemed to have reached impossible levels of hyperbole through mid-2015, that ceiling was broken by the journalist Facundo Pastor, who recently published a book accusing the special prosecutor of having been an FBI agent. Nisman, according to Pastor, was the "top contact for the FBI in the entire region," "reporting all his legal moves to the FBI through the U.S. embassy [in Argentina], before even informing his own legal superiors." "Did he spend ten years dedicating himself to exposing a terrorist attack," Pastor went on, "or did he follow the script that the Americans had passed on to him before they cut him loose?" (Pastor 2015). Nisman, of course, was no stooge of the United States. Pastor's accusations come from a gross misreading of a handful of secret documents that turned up on Wikileaks. The documents show, in fact, that Nisman was in ongoing contact with the FBI and the U.S. State Department. Implausible as they are, Pastor's accusation draws on a fallacious view shared by many Argentines. Most cannot accept that high-ranking Argentine officials worked cooperatively with the United States on Iran policy. More important, most Argentines would have great difficulty accepting what the Wikileaks documents show. Neither the administration of Néstor Kirchner nor that of Cristina Fernández de Kirchner appears as an antagonist of Washington. On the contrary, what the U.S. State Department documentation demonstrates is that, despite that Argentine governments since 2002 have presented their polices as inimical to the interests of the United States, and that many Argentines view *kirchnerismo* as synonymous with anti-imperialism, on Middle East policy the two countries have collaborated extensively and in secret to meet common strategic ends.

In February 2008, Arab and South American government ministers met to promote stronger commercial and diplomatic ties. Argentina announced it would open a diplomatic mission in Ramallah and signed on to several multinational statements adopted by attendees that were inimical to U.S. interests. These included a reform of the UN Security Council to end the preeminence of the great powers, the right of peoples to refuse foreign occupation and for states and individuals to resist such foreign presences, a withdrawal of Israel to pre-1967 borders, the opening of Israel-Gaza and Israel-West Bank border crossings, and a criticism of U.S. sanctions against the Syrian government. At the same time, and as on other occasions after 2002, Argentine officials secretly consulted with and assured the U.S. government that it was working behind the scenes to minimize criticism of Israel and the United States—an assurance that U.S. officials took at face value. Argentine authorities have long

found ways to assert a public position at odds with U.S. strategic interests in the Middle East while, at the same time, working privately with Washington to advance common positions reflecting a more favorable position toward the United States than public Argentine postures might have suggested (Wikileaks 2008).

This was true of what the international media characterized as the 2013 Argentine about-face toward Iran on the AMIA case. While most Argentines may not have known it, because diplomatic negotiation had been private, there was nothing new in Argentine policy or the role of the United States in promoting Argentine-Iranian conversations on AMIA. As early as 2007, immediately after Fernández de Kirchner's election as president, and throughout the years that followed, there had been ongoing, though sometimes tense, diplomatic interactions between Argentina and Iran on the subject of Iranian cooperation in the AMIA investigation. This had come with the support and knowledge of U.S. officials, who had encouraged Argentina in this regard, toward a resolution of the AMIA bombing. The philosophy behind Argentina's diplomatic initiative in 2013 also dovetailed with President Néstor Kirchner's post-2002 human rights–focused agenda. In this case, the objective was to bring closure to an ugly case of mass murder for the family members and others affected by the AMIA killings.

In 2007, the Argentine government worked closely with U.S. officials in trying to convince Interpol to issue arrest warrants for Iranians accused of the AMIA bombing. In preparation for a November Interpol General Assembly where a decision on the matter was anticipated, the diplomat Guillermo González, described by U.S. ambassador in Argentina Tony Wayne as Argentina's "point man on AMIA issues" (Wikileaks 2007a), lobbied Washington for help in convincing several countries in sub-Saharan Africa, the Middle East, Eastern Europe, and Asia to support Argentina's request. Moreover, by 2007, the idea of a joint Iranian-Argentine commission to investigate the AMIA bombing had already been floated—by Iran. Argentina hesitated in the hope of winning Interpol capture notices for the accused Iranians. Perhaps more important, the U.S.-Argentine secret conversations reflected a rapprochement with Washington, and new tensions between Argentina and some Latin American governments. On the eve of the Interpol General Assembly, González told American officials that he didn't know how Venezuela, an international supporter of Iran, would vote at the Interpol meeting. Argentina had conveyed the message that if Venezuela could not support the Argentine position, it hoped that Caracas would stay silent on the matter. Failing that, if Venezuela planned to back Iran, the Argentine Foreign Ministry had asked Caracas for that information beforehand, so Argentina would not be "stabbed in the back" by Venezuela (Wikileaks 2007b). Argentina negotiated its international position on Iran in part through a confidential relationship with the FBI in which Nisman was a minor player. Before the November 2007 Interpol gathering, González asked U.S. diplomats to tell Assistant FBI Director Tom Fuentes that European Union countries and the South African Interpol Committee would be "looking for Fuentes' active participation in the EC [European Community] against any Iranian efforts to derail the process" (Wikileaks 2007b). Among those who accompanied González to the Interpol meeting, but played a minor role there, was Alberto Nisman. After the meeting, González "laughingly explained" to American diplomats in Buenos Aires that at the General Assembly meetings, he saw Iranians trying to lobby U.S. officials at a reception hosted by the U.S. government. They were unsuccessful (Wikileaks 2007c).

Unless Wikileaks releases a new batch of documents, we may have to wait some time to understand the nuance of Argentine–United States relations through President Fernández de Kirchner's 2013 policy "shift" on Iran. As late as 2009, the two countries were cooperating fully on terrorism investigations in Argentina, including the FBI's perceived Hezbollah threat in the Argentine northeast. They shared a position on Iran as a pariah state. It is possible that Argentina's decision to accept Iran's offer of a truth commission was driven in part by tensions in U.S.-Argentine relations over the effort by NML Capital, a New York–based vulture fund, to exact debt payments through court action in the United States. Beyond that severe point of contention, little had changed in U.S.-Argentine relations with respect to the Middle East. After eight years at the negotiating table, the commission now for the first time seemed to Timerman and others in Argentine government as the only way that, after 20 years, any real progress could be made on the AMIA case. In that the Barack Obama administration embarked at the same time on a diplomatic opening toward Iran that would lead in 2015 to a long-sought nuclear regulatory agreement for Iran, it is unlikely that the Argentine overture toward Iran generated much concern in Washington except perhaps in Republican congressional quarters.

In the end, the alarm Nisman seemed to have felt in January 2015 on the eve of his congressional committee testimony may not have been over the Argentine decision to work with Iran on an AMIA solution, a

policy position that he would have known had evolved over years of Iran-Argentina negotiations. He may have been concerned that the price of that truth commission could turn out to be almost a decade of his work—the abandoned prosecutions of the perpetrators. In late 2015, all eyes were on Argentine president-elect Mauricio Macri, who announced more than two weeks before his swearing-in ceremony in December, and a day before naming Argentina's new foreign minister, Susana Malcorra, that he would abrogate the 2013 deal with Iran. Whether he does so or not, Macri has illustrated one more time how domestic politics—in this case the antagonism of his recently crafted political movement, Cambiemos, toward the outgoing president and vice versa—can shape Middle East policy. At the same time, that decision is more relevant to Macri's stated intention to reshape Argentina's relations with Brazil, Venezuela, and other South American nations than to Iran. Moreover, it is unlikely in and of itself to change much about Argentina's behind-the-scenes diplomatic, commercial, and technical ties with Iran. Perhaps more important, whether or not a prosecutor picks up where Nisman left off in mounting a legal case against the AMIA killers, without a reasonably cooperative relationship on the matter with Iran, after more than 20 years, all of these developments may have eliminated the last best chance to indict those responsible for the bombing.

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