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ARGENTINA'S FOREIGN POLICY IN THE AGE OF *KIRCHNERISMO*. IS IT POSSIBLE TO EXPORT HUMAN RIGHTS?

Introductory Remarks

The present article, dealing with the Argentine foreign policy during the governments of Néstor Kirchner and Cristina Fernández de Kirchner, is a continuation of the author's earlier research focused upon the following question: What influence—if any at all—the concept(s) of global social justice has on the foreign policy of chosen states¹.

The studied cases were Poland (the focus of analysis: official discourse regarding foreign policy), Mexico (the focus of analysis: academic discourse regarding foreign policy) and South Africa (the focus of analysis: actions from the field of foreign policy). Why such a set of cases was chosen? There are three important similarities between those countries justifying the comparison. First, all of them can be described as peripheral or semi-peripheral countries from the point of view of the world-system theory. Second, all of them share a history of fairly recent human rights abuses on a very serious scale. Finally, all of them are relatively new democracies, as the years symbolizing the beginnings of their democratic transitions are 1989 (Poland), 1994 (South Africa) and 2000 (Mexico)². Admittedly, due to the circumstances mentioned above, one could assume that in each of those countries the question of global social justice (and, as a result, of the global reach of human rights) should have been of primary importance. Nevertheless, the undertaken research has led to a rather grim conclusion. In each

¹ It needs to be stressed that the concept(s) of global social justice usually are closely intertwined with human rights. See for example the works of Jürgen Habermas or Martha C. Nussbaum mentioned in the bibliography.

² It is of course a matter of an ongoing debate if those transformations are actually concluded. Admittedly, in each case a firm opinion stating that mature democratic political cultures are functioning there in the context of a stable democratic legal state would probably be somewhat risky.

case, the aforementioned influence of the concept(s) of global social justice and human rights was negligible.

In the present article a similar question is being asked: to what extent the concept of human rights—highly important, as we will see, for the governments of both N. Kirchner and C. Fernández de Kirchner³—was influencing the directions of their foreign policy/policies. That question is, at least at the first sight, narrower than the one used in the earlier analysis. On the other hand, as we have already stated, human rights should be perceived as inalienable from the concept(s) of global social justice. Hence the connection between the case of Argentina and the three cases studied previously is justified. Besides that, Argentina also shares with Poland, Mexico and South Africa each of the similarities mentioned above (it is important to add that its democratic transformation commenced in 1983).

The analytical method applied in the present article is a straightforward one. First, the concept of human rights will be briefly introduced. Second, the Kirchners' attitude towards it—as expressed in their rhetoric—will be considered. The third part is devoted to the analysis of Kirchners' policies (i.e. actions) towards China and Iran in order to determine to what extent they were consistent with human rights. In the final part the main thesis answering the central research question will be presented.

What Are Human Rights?

It is beyond doubt that human rights are a very complex, dynamic and contested concept. The best proof of this statement is the amount of literature devoted to this subject. Due to the lack of space, a detailed analysis of all the intricacies involved cannot be discussed here. Nevertheless, in order to accomplish the research task stated above, a concise, working conceptualization of human rights is necessary.

As Micheline R. Ishay observed, *[h]uman rights are rights held by individuals simply because they are part of the human species. They are rights shared equally by everyone regardless of sex, race, nationality, and economic background. They are universal in content*⁴. James Nickel describes the concept of human rights in a similar way⁵. According to him, human rights are: rights (as

³ It is worth to remind the reader that since 1975 until N. Kirchner's death in 2010 they were married.

⁴ M.R. Ishay, *The History of Human Rights. From Ancient Times to the Globalization Era*, Berkeley – Los Angeles – London 2008, p. 3.

⁵ J. Nickel, *Human Rights*, in: *The Stanford Encyclopedia of Philosophy*, ed. E. N. Zalta, Winter 2014 Edition, <http://plato.stanford.edu/archives/win2014/entries/rights-human/> [accessed: 13.10. 2017].

they can justify claims of various kinds), plural (human rights are related to multiple issues, hence their plurality) and universal (every human being is protected by human rights). They also have a high-priority. Generally speaking, it means that human rights are very important but at times, when they clash with other values, not always do they come away completely unscathed from such a scuffle.

As Ishay additionally remarks, over the course of history a great deal of human rights conceptualizations were proposed, usually including various rights and their hierarchies⁶. Currently one may also encounter various definitions of human rights and controversies regarding their contents, reach etc. Nevertheless, nowadays it is a rather widely held view that three generations of human rights can be distinguished⁷. In the opinion of the present author the three generations should be perceived as a conceptual whole stemming from the concept human dignity⁸. The political and civil rights of the first generation (e.g. the right to vote, freedom of speech, freedom from torture), presumably cannot be guaranteed and fulfilled without the economic, social and cultural rights of the second generation (e.g. the right to be employed in just condition, the right to food, housing, health care) and collective third generation rights (e.g. the right to a healthy environment, the right to intergenerational equity and sustainability). Admittedly, there are still enormous problems with the proper implementation of each generation of human rights on a global scale.

In the Argentine context it is important to stress that human rights are not only historically or symbolically but also constitutionally important. After the constitutional reform of 1994, the Article 75 paragraph 22 of the Argentine Constitution indicates that such international declarations, conventions or pacts as the American Declaration of the Rights and Duties of Man, the Universal Declaration of Human Rights, the American Convention on Human Rights, or the International Pact on Economic, Social and Cultural Rights are to be understood as having a constitutional status and thus complementing the rights and guarantees recognized by the constitution⁹. Such a constitutional affirmation of human rights' importance was certainly the result of Argentina's legacy of human rights abuses, committed especially—albeit not exclusively—by the military regime governing the country between 1976 and 1983, during the so-called 'Proceso de Reorgani-

⁶ M.R. Ishay, op. cit., s. 3.

⁷ J. Ife, *Human Rights and Social Work: Towards Rights-Based Practice*, Cambridge 2001, p. 24–28.

⁸ J. Habermas, *The Crisis of the European Union. A Response*, Cambridge- Malden 2012, p. 79–80.

⁹ G. Bidart-Campos, *Manual de la Constitución reformada*, volume I, Buenos Aires 2001, p. 372 and A. R. Dalla Via, *Manual de Derecho Constitucional*, third edition, Buenos Aires 2011, p. 244–245.

zación Nacional'. At the same time that affirmation was awkwardly paradoxical, as the so-called impunity laws, passed in the 1980s (La Ley 23.492 de Punto Final and La Ley 23.521 de Obediencia Debida), formally ended the investigation and persecution of human rights violations committed during that period¹⁰.

The Kirchners and Human Rights

In order to understand the Kirchners' approach to human rights, first of all it is useful to focus briefly on the chosen examples of the public rhetoric used by both N. Kirchner (president of Argentina between 2003–2007) and C. Fernández de Kirchner (president of Argentina between 2007–2015) with regard to that subject.

It is certainly meaningful that human rights were mentioned during N. Kirchner's inauguration speech delivered on May 25, 2003. According to him:

Entre los fundamentales e insustituibles roles del Estado ubicamos los de ejercer el monopolio de la fuerza y combatir cualquier forma de impunidad del delito, para lograr seguridad ciudadana y justicia en una sociedad democrática en la que se respeten los derechos humanos¹¹.

The above quotation sends a rather clear signal regarding the president's future human rights policy. The reference to the monopoly of the use of force and Kirchner's proclaimed willingness to end any kind of impunity certainly can be understood as an allusion to the pressure exerted by the armed forces in the 1980s on the Argentine legislators, which culminated with the already mentioned enactment of the impunity laws.

A very similar message was conveyed by Kirchner on March, 24 2004, in his speech celebrating the establishment of the Museum of Memory in the former seat of ESMA (Escuela de Mecánica de la Armada), which functioned as a secret detention center during the last military dictatorship:

Las cosas hay que llamarlas por su nombre y acá si ustedes me permiten, ya no como compañero y hermano de tantos compañeros y hermanos que compartimos aquel tiempo, sino como Presidente de la Nación Argentina

¹⁰ L. A. Romero, *Breve Historia Contemporánea de la Argentina. Nueva edición, revisada y actualizada*, Buenos Aires 2012, p. 283–285.

¹¹ N. Kirchner, *Discurso de asunción del Presidente Néstor Kirchner* (25.05.2003), <http://www.cfkargentina.com/discurso-de-asuncion-del-presidente-nestor-kirchner-a-la-asamblea-legislativa-el-25-de-mayo-del-2003/> [accessed: 13.10. 2017].

vengo a pedir perdón de parte del Estado nacional por la vergüenza de haber callado durante 20 años de democracia por tantas atrocidades.

Hablemos claro: no es rencor ni odio lo que nos guía y me guía, es justicia y lucha contra la impunidad. A los que hicieron este hecho tenebroso y macabro de tantos campos de concentración, como fue la ESMA, tienen un solo nombre: son asesinos repudiados por el pueblo argentino.¹²

In spite of the content's similarity, a more emotional and plain language is noticeable here. It is illustrated foremostly by the description of ESMA and other detention centers as concentration camps. What is also significant is Kirchner's silence about the Trial of the Juntas (Juicio de las Juntas) which took place in 1985, during Raúl Alfonsín's presidential term. That serious attempt at justice (for example military junta leaders general Jorge Videla and admiral Emiliano Massera were sentenced to life imprisonment) was to be later jeopardized by the aforementioned military pressure resulting in impunity laws and presidential pardons enacted by Alfonsín's successor Carlos Menem¹³.

It has to be admitted that the above quoted speeches delivered by Kirchner were focused primarily upon inner dimension of human rights (i.e. Argentine): the human rights abuses committed in Argentina had to be brought to justice mostly in Argentina itself after the revocation of impunity laws etc. At the same time, however, in other public pronouncements, the Argentine president was stressing also the importance of human rights with relation to his government foreign policy. For instance, that thread was mentioned on March 1, 2006 in the speech inaugurating the new session of Congress:

Promover y proteger los derechos humanos constituye una política de Estado que forma parte de nuestra identidad como nación, razón por la cual constituye uno de los ejes centrales de la política exterior llevada a cabo por la Cancillería¹⁴.

The message is very clear: according to Kirchner, human rights constitute a crucial part of the Argentines' national identity. As a consequence, they are also one of the most important factors shaping the country's foreign policy. Human

¹² N. Kirchner, *Creación del Museo de la Memoria, Néstor Kirchner en la ESMA* (24.03.2004), <http://www.cfkargentina.com/museo-de-la-memoria-nessor-kirchner-en-la-esma/> [accessed: 13.10. 2017].

¹³ B. Sarlo, *La Audacia y el Cálculo. Kirchner 2003–2010*, Buenos Aires 2010 [kindle].

¹⁴ N. Kirchner, *Néstor Kirchner en el inicio de Sesiones Ordinarias* (01.03.2006), <http://www.cfkargentina.com/nessor-kirchner-en-el-inicio-de-sesiones-ordinarias-2006/> [accessed: 13.10. 2017].

rights in the context of foreign policy were referred to in other parts of that speech too. For example, the president was mentioning various diplomatic actions undertaken by Argentina, aiming at the creation of a more safe, stable and equal world order. Among guiding principles of such pursuits was respect of human rights. The universal importance of them was also mentioned by Kirchner in the context of Argentina's non-permanent membership in the United Nations Security Council (years 2005–2006)¹⁵.

Similarly concise analysis of the rhetoric used by C. Fernández de Kirchner leads to the firm conclusion indicating, that her stance on human rights was a continuation of the policy initiated by her predecessor. On September 24, 2014 during her address to the UN Security Council (Argentina was its non-permanent member again between 2013 and 2014) Fernández de Kirchner said the following words:

[C]reo que también una cuestión fundamental en esta lucha, es el respeto por los derechos humanos. Y lo hablamos por qué. Lo hablamos desde un país que sufrió una dictadura genocida sin precedentes y que también actuó una Justicia sin precedentes, acá no hubo necesidad de hacer un Tribunal de Núremberg ni de recurrir a juzgar a los dictadores al Tribunal de La Haya, fue la propia Argentina, nuestro propio sistema judicial, el que enjuició y condenó a quienes habían sido responsables, inclusive también, de la muerte de ciudadanos y ciudadanas francesas, como las monjas francesas, y ciudadanas suecas también desaparecidas. Con lo cual, creemos que tenemos algunos antecedentes para poder hablar de la necesidad de que la lucha esta se lleve a cabo en un marco de juridicidad y de respeto a los derechos humanos que nos garanticen precisamente, no seguir retroalimentando el monstruo.¹⁶

Besides the obvious calls for a world-wide respect of human rights, Argentina's president is setting here her country as an international role model for all the nations struggling to deal with an uneasy past marred by human rights violations (Fernández de Kirchner describes the last military junta as *genocidal dictatorship without precedent*). In her opinion the praiseworthy attitude of the Argentines had enabled them to face the legacy of human rights abuses on their own terms, without a need to ask for any kind of expertise or support in that respect from another countries or international bodies. Although she is not mentioning it *ex-*

¹⁵ N. Kirchner, *Discurso de Néstor Kirchner en la ONU* (15.09.2005), <http://www.cfkargentina.com/nelstor-kirchner-en-las-naciones-unidas-en-2005/> [accessed: 13.10. 2017].

¹⁶ C. Fernández de Kirchner, *Cristina Kirchner en el Consejo de Seguridad de ONU* (24.09.2014), <http://www.cfkargentina.com/discurso-de-cristina-fernandez-de-kirchner-en-el-consejo-de-seguridad-de-la-onu/> [accessed: 13.10. 2017].

pressis verbis, it is obvious that for her the achievements on that particular field were made possible only because of earlier efforts of N. Kirchner, which questioned the legality of amnesty laws eliminating the possibility of pressing charges against human rights offenders active during the last military government mentioned before.

It is interesting to contrast the above quotation with another one, this time from the speech delivered on May 25, 2015, commemorating the anniversary of the outbreak of La Revolución de Mayo (it was the beginning of the process which culminated with the independence of Argentina, declared on July 9, 1816):

[L]os derechos humanos se han incorporado definitivamente a esta nueva identidad democrática de la que nadie puede renegar, forman parte de nuestra identidad constitutiva¹⁷.

It clearly contains a reference to N. Kirchner's earlier remarks regarding the ties connecting human rights and the contemporary identity of the Argentines. Here, his successor confirms that statement in a very confident manner. The reasons justifying such a palpable certitude were the supposed Argentine achievements in the field of human rights, observable in the post-2003 period. It is also an emphatic confirmation of a policy continuation between the two presidential administrations.

It has to be admitted, that when it comes to the internal protection of human rights, the rhetoric used by Kirchners was by no means an empty one. Although according to such non-governmental organizations like Amnesty International and Human Rights Watch Argentina's record on human rights remains mixed (there are still problems with regard to women's reproductive rights, indigenous peoples' rights, police brutality or freedom of expression), the balance seems to be tilted nowadays more towards cautiously positive evaluation of the country's performance¹⁸. The reasons behind such assessments are closely related to the 2003 annulment by the Congress of the impunity laws (two years later the annulment was declared constitutional by the Argentine Supreme Court¹⁹; president Menem's

¹⁷ C. Fernández de Kirchner, *Discurso de Cristina Kirchner en la Plaza celebrando el 25 de mayo* (25.05.2015), <http://www.cfkargentina.com/discurso-cfk-acto-25-de-mayo/> [accessed: 13.10. 2017].

¹⁸ *Amnesty International Report 2014/15. The State of the World's Human Rights*, London 2015, pp. 60–62 and *Human Rights Watch World Report 2016 (Events of 2015)*, New York 2016, pp. 71–77.

¹⁹ B. Bevernage, *History, Memory and State-Sponsored Violence. Time and Justice*, New York–Abingdon 2012, pp. 29–30.

amnesty decrees met the same fate²⁰)²¹. After that, a number of court cases were opened regarding human rights abuses committed during the last military dictatorship. As of September 2016, such court cases resulted in 723 convictions²². The role played in that human rights turnaround primarily by N. Kirchner—also when it comes to the symbolic acts performed by him or to the creation of the sites of memory—is hard to exaggerate²³. Even if important reservations remain with regard to Argentina's overall human rights record, at least when it comes to the past abuses there are some important achievements registered after 2003.

The Kirchners' Foreign Policy and Human Rights

The question on which the present part of the article focuses is: in what ways *the new democratic Argentine identity inspired by human rights* (one may add: if it is Argentina's new identity, then the country's politicians certainly should share it too) affects the field of relations with other countries? If that new identity indeed had an impact on the country's foreign policy, then the scrutiny should lead to the conclusion that Argentina's external human rights record is relatively as positive as the internal one.

Before we attempt to answer, it should be remembered that the Argentine Ministry of Foreign Affairs and Worship on its web-page—under the title “Profundizando el liderazgo argentino en derechos humanos” (Eng. “Consolidating Argentina's Human Rights Leadership”) – currently informs that the promotion of human rights is the central axis of Argentina's foreign policy, inspired by the history of human rights abuses committed in that country until 1983²⁴. Similar

²⁰ A. Micus, *The Inter-American Human Rights System as a Safeguard for Justice in National Transitions. From Amnesty Laws to Accountability in Argentina, Chile and Peru*, Leiden–Boston 2015, pp. 241–242.

²¹ According to the data gathered by the Department of Economic and Social Affairs of the United Nations and presented in “Inequality Matters. Report of the World Social Situation 2013”, Argentina is among the countries where economic inequality is actually decreasing. As a result, it can be assumed—to a certain extent—that a cautious advancement was noticeable also when it comes to, for example, second generation of human rights.

²² *Human Rights Watch World Report 2017 (Events of 2016)*, New York 2017, pp. 83.

²³ P. Engstrom, G. Pereira, *From Amnesty to Accountability: The Ebb and Flow in the Search for Justice in Argentina*, in: *Amnesty in the Age of Human Rights Accountability. Comparative and International Perspectives*, ed. F. Lessa, L. A. Payne, New York 2012, pp. 114–116.

²⁴ *Profundizando el liderazgo argentino en derechos humanos*, Ministerio de Relaciones Exteriores y Culto, <https://www.mrecic.gov.ar/es/construyendo-un-puente-entre-el-pasado-y-el-futuro> [accessed: 13.10. 2017].

statements can be found in printed sources too, to which the Ministry (in this case via embassy in Bolivian La Paz) contributed. For example in the catalogue accompanying XI Festival Internacional de Cine de los Derechos Humanos held between 17–23 August 2015 in Bolivian capital Sucre:

La trágica historia de violaciones masivas y sistemáticas de los derechos humanos en la Argentina tiene hoy como contrapartida un liderazgo internacional en distintos temas de derechos humanos, tanto en materia de memoria, verdad, justicia y reparación como en avances significativos a nivel mundial en inclusión social, políticas migratorias, lucha contra la discriminación²⁵.

In that context it is interesting that Argentina's supposed global *leadership in various aspects of human rights* was not an insurmountable obstacle for the intensification of its mutual relations with China and Iran. Obviously the mention of those two countries in particular is not accidental, as their human rights record is—to say the least—far from satisfactory. In 2016 edition of the Human Rights Watch World Report China is described as

[a]n authoritarian state, one that systematically curtails a wide range of fundamental human rights, including freedom of expression, association, assembly, and religion. While there were a few modest positive developments in 2015 (...) the trend for human rights under President Xi Jinping continued in a decidedly negative direction²⁶.

In turn, Amnesty International in its annual report for 2014/15 mentions the following problems with regard to the human rights situation in Iran: restricted freedom of expression, association and assembly; legally questionable arrests, detentions and prosecutions of, for example, journalists or women and human rights advocates; tortures and other kinds of ill-treatment; discrimination of women, ethnic and religious minorities; not infrequent death penalty, flogging and amputation sentences²⁷.

There is plenty of evidence (only a few examples are mentioned below) indicating that Argentina's cooperation with China during Kirchners' governments

²⁵ XI Festival Internacional de Cine de los Derechos Humanos (2015), *Catálogo*, <http://www.festivalcinebolivia.org/Catalogo20151.pdf> [accessed 20.04.2016].

²⁶ *Human Rights Watch World Report 2016 (Events of 2015)*, op. cit., p. 175.

²⁷ *Amnesty International Report 2014/15. The State of the World's Human Rights*, op. cit., p. 186.

had been very intense²⁸. For instance, in July 2014 Argentina had secured a loan from China Development Bank to finance the building of two hydroelectric dams in Santa Cruz province (one of them is named after N. Kirchner). One of the two companies which won the contracts to construct the dams is a Chinese company China Gezhouba Group Company Limited²⁹. Moreover, in early 2015 China was allowed to build on Argentina's territory (in the southern part of the Neuquén province) a satellite space station. The agreement includes a generous 50-year tax exemption for the base and a 50-year lease of the 200 hectares lot surrounding the installations³⁰. In November the same year, China agreed to provide funding and to construct two nuclear power plants in Argentina³¹. Argentina is also one of the world's leading soy and corn producers—a substantial part of that output is exported to China³².

When it comes to Argentina's interests in Iran, they are substantial too. According to *The Economist*, in recent years Argentina has become the seventh-biggest exporter to that country, supplying it foremostly with agricultural products, such as corn, soybeans and wheat (it has to be remembered that the United Nations economic sanctions on Iran were lifted only in January 2016). During that time (roughly since the beginning of C. Fernández de Kirchner's first presidential term), Argentine exports to Iran more than tripled, to reach the amount of \$1.08 billion³³.

Probably the most controversial aspect of Argentina's policy towards Iran was the ultimately failed attempt to mutually establish the Commission of Truth in order to investigate the 1994 car bomb attack carried at the main offices of AMIA (Asociación Mutual Israelita Argentina), a Jewish community center in Buenos Aires, in which 85 people were killed and over 300 injured. Rather unan-

²⁸ The cooperation with China was intense also during Néstor Kirchner's presidency. See for example: G. B. Johnson, J. T. Wasson, *China, Latin America and the United States: The Political Economy of Energy Policy in the Americas*, in: *China's Energy Relations with the Developing World*, eds. C. Liu Currier, M. Dorraj, New York-London 2011, p. 132.

²⁹ E. Raszewski, *China lends Argentina \$7,5 billion for power, rail projects*, "Reuters", 19.07.2014, <http://uk.reuters.com/article/argentina-china-idUKL2N0PT2N220140719> [accessed: 13.10. 2017].

³⁰ Goñi, U., *Argentinian congress approves deal with China on satellite space station*, "The Guardian", 26.02.2015, <http://www.theguardian.com/world/2015/feb/26/argentina-congress-china-satellite-space-station> [accessed: 13.10. 2017].

³¹ J. Anderlini, J.-P. Rathbone, *China to build two nuclear plants in Argentina in \$15bn deal*, "Financial Times", 18.11.2015, <https://www.ft.com/content/2d264e78-8cf9-11e5-a549-b89a1dfde9b> [accessed: 13.10. 2017].

³² E. Raszewski, op. cit.

³³ *A pact with the devil?*, "The Economist", 20.01.2013, <http://www.economist.com/blogs/americasview/2013/01/argentine-iranian-relations> [accessed: 13.10. 2017].

imously the Iranian authorities were accused of masterminding the attack, which was carried out by Hezbollah³⁴. That fact alone had made the secretly negotiated memorandum of understanding (signed in 2013) a highly controversial document³⁵.

In spite of various interpretations of the motivations justifying Argentina's rapprochement with Iran one thing is probably certain: it would be more coherent with the rhetoric analyzed above, if the Argentine government intended to discuss with Iran the AMIA attack related matters only. Simultaneous increase in the volume of mutual trade arguably must have inspired numerous critical opinions suggesting that AMIA investigation had been sacrificed for the sake of economic benefit³⁶.

The China's case, on the other hand, is certainly a more straightforward one: Argentina's supposedly human rights inspired new national identity had to be balanced against the economic interests and the latter were ultimately perceived as being more important.

Conclusion

Is it possible to export human rights then? At least when it comes to the studied case the answer is a firm "no". During presidential terms of both N. Kirchner and C. Fernández de Kirchner the universalism of human rights usually ended on the Argentina's borders. Of course, that fact alone is not anything new in the realm of international relations. Many countries before were following exactly the same path. What is more, it has to be acknowledged that not in every case it is a question of double standards or plain hypocrisy. International reality is far more complex than its internal counterpart and for that reason alone a straightforward transfer of internal attitudes towards human rights to the world stage is very difficult if possible at all (with reference to Michael Walzer one could say that thicker moral argumentation is more feasible in an internal context³⁷).

³⁴ M. Levitt, *Hezbollah. The Global Footprint of Lebanon's Party of God*, Washington D.C. 2013, p. 88.

³⁵ R. G. Russell, *U.S.–Argentine Relations: The Years of Cristina and Obama*, in: *Contemporary U.S.–Latin American Relations. Cooperation or Conflict in the 21st Century*, eds. J. I. Domínguez, R. Fernández de Castro, New York–Abingdon, pp. 94–95.

³⁶ R. G. Russell, *ibid.*, p. 95 and D. M. K. Sheinin, *The Death of Alberto Nisman, the Argentine Presidency Unhinged, and the Secret History of Shared United States–Argentine Strategy in the Middle East*, "Latin American Studies Association Forum", Volume XLVII, issue 1, Pittsburgh 2016, *passim*.

³⁷ M. Walzer, *Thick and Thin. Moral Argument at Home and Abroad*, Notre Dame 1994, *passim*.

A similar conclusion is possible when the question of values organizing international order is taken into account: human rights and justice are important but unfortunately, they are not the most important values shaping that order. Nevertheless, the case of Argentina's foreign policy with regard to human rights during the Kirchners' era is at least in one respect rather disturbing: the gap between frequently self-congratulatory rhetoric and actual deeds was substantial. It is quite surprising when one bears in mind Argentina's still fairly recent historical experiences. As a consequence, it is legitimate to ask, if a careful and serious balancing act involving such past experiences on the one hand and potential economic gains on the other, should not make diplomatic ties with Iran or China more difficult or even impossible? It will be interesting to observe how the administration of the new Argentine president Mauricio Macri positions itself with respect to such questions. Certainly, the above mentioned gap should be narrowed as quickly and as efficiently as possible, primarily in order to save the reputation and the soft-power appeal of human rights, as they are usually the first victim of such paradoxes and inconsistencies as the ones characterizing the Kirchners' foreign policy.

Bibliography

A pact with the devil?, "The Economist", 29.01.2013, <http://www.economist.com/blogs/americasview/2013/01/argentine-iranian-relations>.

Amnesty International Report 2014/15. The State of the World's Human Rights, Amnesty International Ltd., London 2015.

Anderlini J., Rathbone J.-P., *China to build two nuclear plants in Argentina in \$15bn deal*, "Financial Times", 18.11.2015, <https://www.ft.com/content/2d264e78-8cf9-11e5-a549-b89a1dfede9b>.

Bidart-Campos G., *Manual de la Constitución reformada*, t. 1, Ediar Sociedad Anonima Editora Comercial Industrial y Financiera, Buenos Aires 2001.

Bevernage B., *History, Memory and State-Sponsored Violence. Time and Justice*, Routledge, New York–Abingdon 2012.

Dalla Via A.R., *Manual de Derecho Constitucional*, third edition, Abeledo-Perrot, Buenos Aires 2011.

Engstrom P., Pereira G. *From Amnesty to Accountability: The Ebb and Flow in the Search for Justice in Argentina*, in: *Amnesty in the Age of Human Rights Accountability. Comparative and International Perspectives*, eds. F. Lessa, L.A. Payne, Cambridge University Press, New York 2012.

Fernández de Kirchner C., *Cristina Kirchner en el Consejo de Seguridad de ONU* (September 24, 2014), <http://www.cfkargentina.com/discurso-de-cristina-fernandez-de-kirchner-en-el-consejo-de-seguridad-de-la-onu/>.

Fernández de Kirchner C., *Discurso de Cristina Kirchner en la Plaza celebrando el 25 de mayo* (May 25, 2015), <http://www.cfkargentina.com/discurso-cfk-acto-25-de-mayo/>.

Goñi U., *Argentinian congress approves deal with China on satellite space station*, "The Guardian", 26.02.2015, <http://www.theguardian.com/world/2015/feb/26/argentina-congress-china-satellite-space-station>.

Habermas J., *The Crisis of the European Union. A Response*, Polity Press, Cambridge-Malden 2012.

Human Rights Watch World Report 2016 (Events of 2015), Seven Stories Press, New York 2016.

Human Rights Watch World Report 2017 (Events of 2016), Seven Stories Press, New York 2017.

Ife J., *Human Rights and Social Work: Towards Rights-Based Practice*, Cambridge University Press, Cambridge 2001.

Inequality Matters. Report of the World Social Situation 2013, Department of Economic and Social Affairs of the United Nations, New York 2013.

Ishay M.R., *The History of Human Rights. From Ancient Times to the Globalization Era*, University of California Press, Berkeley–Los Angeles–London 2008.

Johnson G.B., Wasson J.T., *China, Latin America and the United States: The Political Economy of Energy Policy in the Americas*, in: *China's Energy Relations with the Developing World*, Continuum, eds. C. Liu Currier, M. Dorraj, New York–London 2011.

Kirchner N., *Creación del Museo de la Memoria, Néstor Kirchner en la ESMA* (March, 24 2004), <http://www.cfkargentina.com/museo-de-la-memoria-nestor-kirchner-en-la-esma/>.

Kirchner N., *Discurso de asunción del Presidente Néstor Kirchner* (May 25, 2003), <http://www.cfkargentina.com/discurso-de-asuncion-del-presidente-nestor-kirchner-a-la-asamblea-legislativa-el-25-de-mayo-del-2003/>.

Kirchner N., *Discurso de Néstor Kirchner en la ONU* (September 15, 2005), <http://www.cfkargentina.com/nestor-kirchner-en-las-naciones-unidas-en-2005/>.

Kirchner N., *Néstor Kirchner en el inicio de Sesiones Ordinarias* (March 1, 2006), <http://www.cfkargentina.com/nestor-kirchner-en-el-inicio-de-sesiones-ordinarias-2006/>.

Levitt M., *Hezbollah. The Global Footprint of Lebanon's Party of God*, Georgetown University Press, Washington D. C. 2013.

Micus A., *The Inter-American Human Rights System as a Safeguard for Justice in National Transitions. From Amnesty Laws to Accountability in Argentina, Chile and Peru*, Brill Nijhoff, Leiden-Boston 2015.

Nickel J., *Human Rights*, in: The Stanford Encyclopedia of Philosophy, ed. E.N. Zalta, Winter 2014 Edition, <http://plato.stanford.edu/archives/win2014/entries/rights-human/>.

Nussbaum M.C., *Capabilities as fundamental entitlements: Sen and social justice*, "Feminist Economics", 9 (2–3), Abingdon 2003.

Profundizando el liderazgo argentino en derechos humanos, Ministerio de Relaciones Exteriores y Culto, <https://www.mrecic.gov.ar/es/construyendo-un-puente-entre-el-pasado-y-el-futuro>.

Raszewski E., *China lends Argentina \$7,5 billion for power, rail projects*, "Reuters", 19.07.2014, <http://uk.reuters.com/article/argentina-china-idUKL2N0PT2N220140719>.

Romero L.A., *Breve Historia Contemporánea de la Argentina. Nueva edición, revisada y actualizada*, Fondo de Cultura Económica, Buenos Aires 2012.

Russell R. G., *U.S.–Argentine Relations: The Years of Cristina and Obama*, in: *Contemporary U.S.–Latin American Relations. Cooperation or Conflict in the 21st Century*, eds. J.I. Domínguez, R. Fernández de Castro, Routledge, New York–Abingdon 2016.

Sarlo B., *La Audacia y el Cálculo. Kirchner 2003–2010*, Editorial Sudamericana S.A., Buenos Aires 2011 (kindle).

Sheinin D.M.K., *The Death of Alberto Nisman, the Argentine Presidency Unhinged, and the Secret History of Shared United States–Argentine Strategy in the Middle East*, "Latin American Studies Association Forum", Volume XLVII, issue 1, Pittsburgh 2016.

Walzer M., *Thick and Thin. Moral Argument at Home and Abroad*, Notre Dame 1994,

XI Festival Internacional de Cine de los Derechos Humanos (2015), *Catálogo*, <http://www.festivalcinebolivia.org/Catalogo20151.pdf>.

Summary

Argentina's Foreign Policy in the Age of *Kirchnerismo*. Is It Possible to Export Human Rights?

The article is focused upon the following research question: to what extent the concept of human rights has been influencing the directions of Argentina's foreign policy during the presidencies of Néstor Kirchner and Cristina Fernández de Kirchner. The method used in the article is a straightforward one. First, the concept of human rights is briefly introduced. Second, the Kirchners' attitude towards it—as expressed in their public pronouncements—is considered. The third part is devoted to the analysis of Kirchners' policies (i.e. actions) towards China and Iran, in order to determine to what extent they were consistent with their

views on human rights. In the final part the main thesis answering the central research question is presented. It states that the above mentioned influence is negligible.

Streszczenie

Polityka zagraniczna Argentyny w okresie *kirchneryzmu*. Czy możliwe jest eksportowanie praw człowieka?

Celem artykułu jest udzielenie odpowiedzi na następujące pytanie badawcze: w jakim stopniu koncepcja praw człowieka wpływała na kierunki polityki zagranicznej Argentyny w okresie prezydentur Néstora Kirchnera oraz Cristiny Fernández de Kirchner? W tekście zastosowano następującą metodę badawczą: w części pierwszej omówione zostało pojęcie praw człowieka; część drugą stanowią rozważania dotyczące stosunku Kirchnerów do tejże kategorii, wyrażanego w ich wystąpieniach publicznych; część trzecia poświęcona została analizie ich działań względem Chin oraz Iranu. W części ostatniej sformułowana została główna teza artykułu, będąca odpowiedzią na wcześniej zasygnalizowane pytanie badawcze: przeprowadzone badania wskazują, że wyżej wspomniany wpływ w zasadzie nie występuje.