



**SHIFTING  
POSITIONALITIES**

**The Local and International Geo-Politics  
of Surveillance and Policing**

**EDITED BY**

**MARÍA AMELIA VITERI  
AARON TOBLER**

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The Local and International Geo-Politics  
of Surveillance and Policing**

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**María Amelia Viteri and Aaron Tobler**

**CAMBRIDGE  
SCHOLARS**

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P U B L I S H I N G

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Edited by María Amelia Viteri and Aaron Tobler

This book first published 2009

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data  
A catalogue record for this book is available from the British Library

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ISBN (10): 1-4438-0186-0, ISBN (13): 978-1-4438-0186-7

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# FORCED MIGRATIONS AND NATIONAL SECURITY<sup>1</sup>

FREDY RIVERA

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The current migration phenomenon confronts overlapping and usually contradictory angles that end up as public policies. A range of institutions that extend from national governments to international organizations dictates these policies and angles. We need to add a new level of analysis as poverty, unemployment, lower development expectations and natural disasters trigger migration. This level of analysis will address the multiple ways in which armed actors manoeuvre within territories that are as politically dissimilar as they are geographically distant as wars and violence becomes a commonality.

As I will illustrate throughout this paper, topical area studies that link migration issues to national security analysis can translate into an innovative space for academic reflection, applied research and political debate for the different social disciplines. These research studies might influence a range of theoretical and methodological points of view in the design of public policy. In Latin America specifically, studies on national security are no longer exclusive to the military and police. As such, these studies are becoming a deliberative field in which many social actors and organizations participate. In fact, it would be futile to deny how deeply entangled many areas of foreign policy, economics and public management are with security topics (Rivera 2007). Not only do the governments try to establish their own sovereign principles and national legislations in these fields (such as foreign policy, economics and public management), but also the limits that they consider suitable in order to differentiate legal from illegal migration or to set apart regular from irregular situations. On the other hand, human rights international organizations incorporate in their agendas a series of actions and arguments that move beyond the sovereignty of the governments by

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<sup>1</sup> This chapter is a translation of the original paper in Spanish entitled "Migraciones Forzadas y Seguridad Nacional."

attempting to establish common obligations and responsibilities in order to protect the rights of migrants—even if a certain government labelled that mobility as illegal. Non-governmental organizations (NGOs) promote awareness and mobilization campaigns to foster enforceability processes of human rights and to build accountability to government officials, in relation to the migration phenomenon. In this way, there is room for legal debate and for a political tension between the international human protection system and the national security issues of those countries that, depending on the circumstances, will then consider certain migration flows as threats.

Latin America characterizes itself for being a depository of a series of concrete applications of different security theories.<sup>2</sup> A common criterion of achieving practical results to order and pacify the government and the society is present. This criterion ranges from the class concepts of internal and external threat—embedded in the notions of national security that were present during the repressive military dictatorships for some decades—until the present experiments and related to the public construction of citizen security and the war against international organized crime (Rivera 1999). Nonetheless, within those dynamics a series of negative consequences arises which go against the validity of human rights. Other interrogations about the real interests beheld by certain groups of power also appear; the political *establishment* has not satisfactorily solved these questions and they remain as questions for academic research.

As part of a post cold-war era marked by an aggressive unilateral approach the United Nations system witnessed the inefficiency of the consensus, attempting to build an international pacific community deeply affected in its organizational frame and legitimacy.

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<sup>2</sup> Dictatorial regimes that violated human rights in the name of national defense characterized Latin America. These governments used national security doctrines designed in the United States since the 1950s. Argentina, Chile and Uruguay constitute illustrative examples of this situation. During the 1980s, Nicaragua, El Salvador and Honduras faced a similar situation as further discussed by Leal (2002).

The era of realistic<sup>3</sup> trends have strengthen its presence by influencing readings and practices that prioritize governments interests and their national securities over human condition in a kind of negative logic that remains blind to the recurrent structural and political problems that damage our societies and ourselves. Based on these premises, this study will analyze the way in which the United States, Colombia and Ecuador's national security policies and laws affect those who flee from the regions in Colombia where violence and war were present. We can conceptualize the case of the Colombian refugee population as forced migration. This population seeks humanitarian protection in Ecuador becoming one of the most representative cases highlighting the contradictions and tensions between the international human rights regime and the international security regime.

### **A Hard Co-existence: Migration and Security**

International organizations and the academic community have expressed an interest in the analysis of the relationship between the international system, the migration dynamics, human rights vulnerability and a magnified use of the notions of threat and national security. Some countries use these notions in order to process the topic of "irregular" migration. In some cases, some countries overlook the difference between *voluntary* and *forced migration*.

Although migration flows are not new, there are two powerful issues tied to the logic behind current human movements (Rivera 2007). One is the repetition of exclusive discriminatory stigma together with racist imaginaries that circulate within the immigrant recipient societies. The second one relates to the implementation of concrete measures and "preventive" actions, many of them with a military approach. These measures are shield behind the *perception of a need* for certain national security "preventive" actions that will in turn infringe upon migrants' human rights. The national security "preventive" actions more often than

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<sup>3</sup> Realism considers that nation-states are the fundamental units in international politics, national security is the priority in the governments' agendas and the concept itself is directly related with the integrity of the Government, which in turn, constitutes the competent unit at geographical legal and material levels. There is also another series of conceptual components in the realist theories that can be widely examined. See: Orozco Gabriel, "El Concepto de Seguridad en la Teoría de las Relaciones Internacionales" in *Revista CIDOB d'Affers Internacionals*, No.72, Barcelona, 2006; also, Kenneth Waltz, *Teoría de la Política Internacional*. Grupo Editor Latinoamericano, Buenos Aires, 1986.



not contravene the policies dictated by the international system. These problems are significant as they emerge in times of globalization when the need for workers and cheap labour, key for running advanced and industrialized economies, appears along with the conceptions of risk, vulnerability and threat to recipient societies. My use of “globalization” is the expansion of capitals, standardization and commodification of people and goods. It entails as such the homogenization of identities including regional political integration.

It is both intriguing and paradoxical that expelling countries, unable to maintain suitable levels of social integration and welfare for their populations, reproduce the same national security “recipes” for measures that are instead related with lack of employment and social inclusion policies. Moreover, this type of security actions seem almost “irrational” considering that the economies of expelling countries now depend, to a great extent, on the remittances sent by the immigrants.<sup>4</sup>

Why do countries with a large influx of refugees in the middle of a conflict demonstrate political tensions between a human rights system and security policies? On the American continent, the hegemonic interests of the United States overlap at the hemispheric level. There are also collateral effects at a regional level (referred to as securitization). For example, in the Andean region, with the effectiveness of control and sanctions by the international organizations in charge of watching over human rights, and more precisely, over those of migrants.

The securitization process constitutes a series of measures and actions related to the security field, that are *above* politics; this means that under certain circumstances, the government will manage political decisions about security in a restricted way. It will make decisions with small groups of leaders, destine financial resources in the fastest possible way and, under normal circumstances, limit the usually protected certain population basic rights. This occurs when danger arises and we can understand this as a life threat that requires emergency measures so that it will not reduce the governments’ capacities to react.<sup>5</sup>

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<sup>4</sup> Remittances sent by Latin American and Caribbean immigrants to their countries of origin added up to more than 62,300 million dollars in 2006, this is more than the total amount of foreign direct investment and official aid for the development altogether. Inter-American Development Bank IDB Report <http://www.MigranRemittances.org> Accessed October 5, 2008.

<sup>5</sup> Buzan, B., Waever O, y de Wilde J. *Security: A New Framework for Analysis*. Boulder: Lynne Rienner Publishers, 1998.

This implies that there is a securitizing actor or agent, separate from the normal policy, who tries to present a topic or situation as a serious threat. When the securitizing agent calls for security, there will be sectors of different nature that will agree with the securitizing agent and that will support its belief that a certain issue is indeed a matter of security (Buzan, et, al 1988:23). For example, normal social or economic problems related to drug use and its effects on public health, or to migration flows that, despite having an inherent delinquent logic to people trafficking, become at a certain point a working objective of national security. The question becomes when, why and how do these social problems become national security topics for various countries, including the U.S., Ecuador and Colombia?

For the sake of argument, we will set aside the importance of the notion of hegemony in the construction of security issues. In the spheres of international relations, such issues are often disguised under the figure of soft power, since such concept holds the advantage of camouflaging itself among the restricted consensus, incentive policies of economic exchange and not necessarily amongst military matters.<sup>6</sup> We will rather present Buzan's argument that security, besides all of the above, it is also the result of a consensus amongst various actors who possess subjectively formed conceptions and who are part of other groups of people that foster the actions of the governments' actions (Buzan 1988:25).

Along with these perceptions, either reached by consensus or imposed, threats surface, whether symmetric or asymmetric, as conceptual tools that shape securitization under certain circumstances. In order for securitization of a defined topic to exist, there must be some arguments that would politicize the threat, including it in the public sphere and debate; arguments that would display measures issued from a government that would even be open to schemes that serve specific of particular interests of the securitizing actor (Buzan 1998:23-29). Hence, by having a securitizing actor or agent, there will also be a securitizing discourse that will identify actors and interests, describe conducts, indicate disciplinary actions and express ideological positions around issues that, in many Latin American countries, link security to human rights topics in scenarios that merge at the same time, domestic and international orders.

However, if we accept these qualities inherent to the securitization process within our topic, we should also include the idea of the effects or impacts that this process creates upon the organizations and upon human rights. It is difficult to conceive that in the international system, with its

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<sup>6</sup> Nye, 2004.

goals to preserve integrity and cooperation, the hegemonic role of the United States has been left out, even more if it has permanently prevailed for many decades.

The premise “peace through law” is fulfilled in relative terms within realistic scenarios where national security criteria operate because the organizations that foster cooperation do not dictate what governments should do<sup>7</sup>, but they do create mechanisms of observation, make calls of attention and even judge and sanction violations of international norms, such as in the case of human rights. The formerly mentioned does not mean that this presumption of cooperation is completely fulfilled in the context of a complex subject, such as human rights, since even within the international system itself, there are dynamics that go beyond the norms of humanitarian protection because they depend on the interest interactions and games of power. The existing tripartite dilemma flows around the migration topic, human rights and security as they intersect with the international regime on the protection of human rights. These mechanisms in turn demand cooperation—even between countries with different levels of power and development by the acquired commitments. The international security policies that hurt these very rights—in a sort of contradictory logic—flirts with certain realisms that hide the inter-subjective consensus amongst the actors who build the interests of the national security policies, including those in the international regime.

### **Migration: National Security’s Recent Wild Card**

Currently, political tensions and international contradictions around migration issues—not exclusive to the Latin American context—illustrate links to the war against drugs and terrorism.<sup>8</sup> In fact, it is not possible to

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<sup>7</sup> Keohane, Robert; y Nye Joseph. *Poder e Interdependencia*. Grupo Editor Latinoamericano, Buenos Aires, 1988, pags 406-410.

<sup>8</sup> The most illustrative example of this connection is related to the Colombian internal conflict, which has lasted for more than 50 years without reaching a pacific solution. The dynamics of violence and war affect not only its population that undergoes a forced displacement, but it also has an impact on the bi-lateral relationships with border countries. All of these tensions are generated in the frame of a regional security strategy designed by the United States for the Andean regions at the end of the 90’s and that is known as the “Andean Regional Initiative as further discussed in Rivera, Fredy. 2005. “Ecuador: Untangling the drug war” in: *Drugs and democracy in Latin America. The impact of U.S policy*, Coletta Youngers and Eileen Rosin (eds), Washington Office on Latin America –WOLA-, Boulder: Lynne Rienner Publishers.

deny that the events of September 11, 2001, and the preventive measures that followed have widen the conceptions of national security, stigmatizing migration flows and limiting the possibility to promote the enforceability of human rights in many countries of the region.

The securitization of relations in the hemisphere since the terrorist attacks in New York became visible in the raise of frontier control measures and laws with direct military intervention<sup>9</sup> as well as in the redesigning of specialized agencies with central commands, like the Department of Homeland Security in the United States. It also became visible in the broadening of protection rings with the participation of the countries with a large transit of migrants, who see their possibilities of getting a normal visa reduced since they come from fragile or suspicious countries. This parallels the reduction for refugees and political refugees' protection agreements such as the Safe Third Country Agreement.<sup>10</sup>

The securitization migration policies after September 11, 2001, have gone against the protection principles of forced migrants (refugees and political refugees), but also have been associated with the combat to the illegal immigration support infrastructure, such as groups of drug and undocumented immigrants trafficking. In the Andean region, the United States security strategy consisting largely of anti-terrorism and anti-drug policies also includes maritime interception to vessels suspicious of people trafficking. Moreover, many ships were sunk in several occasions were sunk without valid reasons, except for those of preventive security.<sup>11</sup> That

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<sup>9</sup> As provided for by the United States Internal Security Law of January 23, 2002.

<sup>10</sup> On December 2004, the United States and Canada sign the Third Safe Country Agreement. With this Agreement both governments closed their doors to most refugee applicants. The agreement stipulates that both the United States and in Canada are safe countries for refugees and that refugee applicants have to fill their applications upon arrival to the first country. In this way, those who are in The United States have to ask for refuge in this country. Although a mutual agreement, its impact is asymmetric since most applicants go from The United States to Canada and very few do it the other way around. For more information: Riaño, Pilar y Díaz Patricia. "Contextualización del Refugio de Colombianos en Canadá" in: *Migración forzada de colombianos, Canadá*, Riaño, et al. Corporación Región, Universidad de Columbia Británica, Flacso Ecuador, Medellín, 2007.

<sup>11</sup> The sinking of Ecuadorian fishing ships by United States coastguards has become yet another conflictive issue in regards to the migration bi-lateral policy. In the past five months, at least 37 ships and 4,575 illegal immigrants have been detained, some of them part of the crew, and taken to the US to be charged with conspiracy. More details in: Calderón, J.C. *Naufrajo. Migración y muerte en el Pacífico*, Paradiso editores, Quito, 2007, cap II y II.

same strategy of regional security in the Andean regions is directly responsible for the forced migration of thousands of people who flee from Colombia's internal war to Ecuador in order to get asylum. The following data show the direct relationship between Colombia's internal conflict and the raise in the number of asylum requests in Ecuador.

**Asylum Requests from July 2000 through July 2007:**

*2000: 475*  
*2001: 3,017*  
*2002: 6,766*  
*2003: 11,463*  
*2004: 7,935*  
*2005: 7,091*  
*2006: 7,638*  
*2007: 5,792*

Source: Refugee Department, Ecuadorian Minister of Foreign Relations Statistics 2000-2007

With such a dramatic increase in the refugee population, the humanitarian issues are addressed from a national security perspective due to the lack of resources to address the specific needs of this population. A national security perspective is also at place because the country that originates the exodus does not provide with answers to the requests of help. The basic premise of these conceptions comes from a restrictive idea that the government sovereignty that denaturalizes the humanitarian nature of asylum/refugee has given way to the "limitation" of rights through the following measures:

- a) An increase in military "personal" and national security at the North border. Since 2002, the Ecuadorian government has increased the military presence at the country's Northern frontier, going from 5,000 to 11,000 detachment officers. Currently, there is a rupture of the diplomatic relations between Colombia and Ecuador.
- b) Establishment of migration restrictive measures that blight the CAN's (Comunidad Andina de Naciones) free transit agreements.

The compliance with this requirement has led to the violation of the fundamental human rights of the population in a refugee situation, as well as the presumption of innocence and the non-refoulement principle as relates to asylum seekers or the foreigners who are victims of human rights

violations, who practically expose themselves to a forced return to the border.

This type of measures adds on to the multiple problems that affect Colombian forced immigrants. To the difficult condition of a violent rootlessness, we have to add the legal tensions and the lack of protection that the Colombian immigrants need to bear in their daily lives in the different cities in which they are settled. In general, survival challenges are linked to the volatility of the local economies that cannot generate a productive stability and growth certainty with reduced chances of employment, under a labour system that exploits temporary workers. This labour market needs to be analyzed within a dollarized market that inhibits the articulation of possible cooperation networks that will facilitate the remittances to the country of origin, with a low purchasing power and an informal labour market, where the employers abuse and discriminate Colombian people who come to Ecuador seeking asylum and protection.

In this kind of situations, national and regional security topics both intervene and merge with migration issues. Unfortunately, defence and national security doctrines are still being influenced by the idea of external and internal threats, and amongst the latter, the possibility of intromission from the immigrant or foreign population that inhabits in or transits by the national territory might have. These conservative positions of the 1960s and 1970s still prevail, and aside from being xenophobic, they constitute an attack to the rights to free transit and economic freedom. For example, by reading the Ecuadorian legislation, we can observe that there are norms that limit private property, investment and mobility in determined areas of the country.<sup>12</sup>

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<sup>12</sup> Chapter VI, on Special Regulations for Foreigners, Art 50 reads: "Natural or juridical foreign persons, neither directly nor indirectly, could acquire, keep possession and other real rights over estates, nor to lease them, obtain the use of waters, set up industries, agricultural activities, set civil domicile or residence, or to sign leasing agreements over natural non-renewable resources and in general over product from the subsoil and all the minerals or substances of which nature are different from those of the soil, in a strip of 20 km, measured towards the inland from the border limit, or from the shores at sea, or inside insular territory, except that for any of these cases, the corresponding authorization, provide for by the Law is obtained. In the Reserved Areas, no authorization could be given. In Chapter VII, on Special Regulations for Foreigners, Art 34 "The acts to which refers the subsection 2°. From Art. 51 of the National Security Law are as follows: Residence; civil domicile, Leasing for up to five years, Purchase and Exercise of any other real right over the estates; and, Establishing of industries for programs contained within the integration agreement for the integration of development

In Ecuador and Colombia, issues related to national security are still being treated in closed politic circles, following the military tradition. When national security is referenced as a public policy theme it is surrounded not only with unnecessary secrecy but it is also associated to limited access to information that inhibits any attempt to legitimize the political system in terms of control and surveillance over its military and political forces. In fact, the sole existence of these practices reduces the capacities of a democratic regime to publicly discuss the rules of the *jeu-politique*, security government programs in general and military issues in particular. These are the bitter edges on which transit the rights of the migrants caught between the crossfire of the national security.

## Conclusion

Past decades demonstrate the outcome in an increase number in the migration flows, which are each more diverse and multi-functional. At the same time, these migration flows reveal how these flows are produced within a complex conundrum as faced by the current international system. These predicaments are a result of the predominance of a framework where realism, unilateralism and hegemony prevail. Realism implies a one-sided approach to securitization that translates in the low capacity of international human rights organizations to manage, control and take disciplinary actions against governmental security measures.

Within these migratory contexts, there are some traditional established patterns in relation to economic and political factors; however, it is necessary to acknowledge that there is a growing tendency in the number of refugees and displaced people by war and violence in several Latin American countries. Colombia is an example, given its internal war of nearly half a century. This conflict, which attempts to become regional due to the perceptions that the present Colombia government officials hold with the aid and support of the United States, has generated several tensions between border countries. Such tensions are due to opposite viewpoints on issues around security and human rights as these relate to the attention to the Colombian population that seeks asylum in neighbouring countries.

The impact of the terrorist attacks of September 11, 2001, on the perceptions of security and the United States' international agenda caused the region to be considered inside the hemispheric deal, where "irregular"

migrations were conceived as threats to this country's national security. Nevertheless, these same perceptions, with subtle differences, are blindly duplicated in several Latin American countries. These perceptions affect the human rights protection system and undermine the legitimacy of the regional organizations of control and disciplinary actions.

Now, past the important security issue we need to contextualize economic crises and the lack of employment in the countries of origin in the raise in forced migrations. In addition, it's important to understand the demand of cheap labour in the recipient countries, in the presence of internal armed conflicts, such as in the Colombian case. Finally, featured in a reduction of legal migration opportunities are privileged, skilled workers and people with technical formation or specialized careers.

Considering all these, some alternatives of analysis and construction of public policies have been issued, which prioritize the idea of human security over national security. In this area, although the liberal approaches attempt to expand the concept of human security to the many areas of social knowledge and analysis, they do not solve the problem of setting limits between diverse areas of study. They also make it difficult to discriminate a type of discipline from a subdiscipline in a wide semantic field, referred to as international security. Moreover, human security has two serious flaws: conceptual widening and the difficulty to carry it out in order to get results.

In the first case, there is a holistic aspiration that, despite its explicit intention, that impedes to display all the realities under the umbrella of a concept both including and undetermined. In the second case, the concept's performability finds a methodological obstacle. The same causal variables establish the dependent variables and indicators that define the concept; so that cause and effect end up being a sort of tautological exercise. Thus, the pessimistic-realistic scenarios are still successful within a regional and international context that is assumed to be cooperative with humanitarian issues. This assumed cooperation is more subjective than real. Migration governance is therefore a concept and a framework under construction<sup>13</sup>

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<sup>13</sup> For more information about this debate, see Sotomayor Arturo, "La seguridad internacional: vino viejo en botellas nuevas" in: *Revista de Ciencia Política*, Vol 27, No 2, p. 82-83, Santiago, 2007.



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