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ACKNOWLEDGEMENTS -- CHAPTER 1. INTRODUCTION -- CHAPTER 2. METHODOLOGY -- CHAPTER 3. THE DAYTON PEACE AGREEMENT - BACKGROUND AND OVERVIEW -- CHAPTER 4. THE GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA -- CHAPTER 5. PROTECTION AGAINST ETHNIC DISCRIMINATION IN BOSNIA AND HERZEGOVINA -- CHAPTER 6. ETHNIC DIFFERENTIATION RULES IN THE BH CONSTITUTION -- CHAPTER 7. THE SCOPE OF CONFLICT BETWEEN THE NON-DISCRIMINATION RULES AND THE -- RULES AUTHORISING ETHNIC DIFFERENTIATION -- CHAPTER 8. POSSIBLE JUSTIFICATIONS FOR ETHNIC DIFFERENTIATION IN EMERGENCIES -- CHAPTER 9. POSSIBLE WAYS OF ADDRESSING ETHNIC DIFFERENTIATION -- CHAPTER 10.; CONCLUDING REMARKS -- BIBLIOGRAPHY -- TABLE OF CASES -- ANNEX I -- ANNEX II -- INDEX.

Sommario/riassunto

"Achieving peace or protecting human rights? Conflicts between norms regarding ethnic discrimination in the Dayton Peace Agreement" examines some of the legal issues pertaining to international settlements aiming at ending a war, finding political common ground between bitter enemies, and at the same time, protecting individual human rights. The author examines the Dayton Peace Agreement for Bosnia and Herzegovina, and in particular the constitutional framework which on the one hand secures everyone's human rights and protection from ethnic discrimination, but on the other hand sets up a political system which in fact discriminates on the basis of ethnicity. The author argues that it might have been consistent with international law (particularly the legal regimes of derogation and necessity) to agree on such a constitutional system at the time of the Dayton negotiations because the alternative was a high risk of continued war, but that a constitutional arrangement with clear human rights deficiencies should have been made temporary. The author points out that the ethnically-based constitutional system, for the time being, seems to prevail at the expense of the right to non-discrimination, and discusses various possibilities of altering this situation.