

Foreword

Faced with increasing environmental pressures that are degrading the quality of life, governments are taking action to ensure that their citizens enjoy a minimum standard of living. Among the factors contributing to the decline in quality of life is air pollution. This poses a serious public health problem, primarily in urban areas, especially in countries experiencing rapid urbanization.

Michel Muntasomo Kaling therefore takes a closer look at Congolese urban planning regulations against the backdrop of climate change and focuses his study on the city of Lubumbashi, which he considers a prime example of an urban area where air quality is severely affected by both urbanization and the extractive industry. The government is therefore called upon to ensure effective oversight with regard to enforcement of the enacted regulations in this area.

Nevertheless, it appears that when it comes to air pollution prevention, the Democratic Republic of the Congo (DRC) continues to lag behind. Indeed, there is no specific legislation that clearly and comprehensively addresses air quality or the harm that may be caused to it. This is why *Deogracias Bilo's* analysis on “Tort Liability and Air Quality Damage: Legal Foundations and Challenges in Congolese Law” is so relevant. As *Fabien Mayani's* article—which examines the issue of compliance with deadlines for fulfilling corporate social responsibility obligations in the mining industry of the Democratic Republic of the Congo—points out, that even the innovations introduced by the Mining Law as revised in 2018 regarding the commitments of economic operators in the mining sector require additional measures to achieve the intended objectives.

The duties imposed on companies here are intended, in particular, to ensure that local communities benefit from the revenues generated by the exploitation of natural resources and to boost local development. This involves, among other things, the development of essential infrastructure, current state of which in the DRC is extremely alarming. For example, in certain parts of the country, people rely on rudimentary means of transportation to get from one place to another, especially when crossing rivers that lack bridges. Under these conditions, the wooden pirogue emerges as a vital solution, even though the transportation activity it supports is legally marginalized, given that the Congolese Domestic Navigation Law applies only to industrial or motorized vessels, expressly excluding those for personal use from its scope. In light of this gap, *Joel Kasanga Langwana* advocates for a legal framework governing river transport contracts using wooden canoes in the Democratic Republic of the Congo, based either on a progressive interpretation of existing laws or on the development of a flexible regulatory framework that takes local realities into account.

Indeed, the lack of clear regulations governing wooden canoe transportation activities and the lack of oversight are believed to be the root causes of many boat sinking incidents. Given the risks to which users of these vessels are exposed, owners of wooden canoes

should be required to carry liability insurance whenever their canoes are used for commercial purposes. They would thus be treated, *mutatis mutandis*, as maritime, river, and lake carriers. The scope of coverage would also be similar to that applicable to the use of motorized land vehicles, as highlighted by *Hervé Ngulu Boka* and *Nonce Dede Kendy* in their study examining the impact of failure to pay insurance premiums.

On a different note, *Jean-Michel Kumbi ki Ngimbi* and *Espoir Lelo Ntumba* analyze the position of the sound industry and, based on the observation that the rights of certain voice creators are frequently violated, demonstrate the need for special protection of the professional sound industry as an intellectual property right. For his part, *Billy Muzambakani Kisula* views the crackdown on the spread of misinformation on the Internet as a major challenge for the Democratic Republic of the Congo, as this phenomenon erodes citizens' trust in institutions, fuels communal tensions, and threatens national stability. Through a comparative analysis of the main legal and regulatory texts applicable in criminal matters—notably the Penal Code and the Digital Code—the author sought to understand how Congolese law has evolved from a lack of specific criminalization to a legal and organized crackdown on the spread of false information on the Internet.

Finally, all the ideas outlined above can truly benefit the society only if the various stakeholders abide by the law and commit not only to combating negative values—including corruption—but also to each fulfilling their civic mandates. No matter how many structures the government creates, their operational effectiveness will be hampered by social inertia. The case of the Observatory for the Monitoring of Corruption and Professional Ethics (OSCEP), analysed by *Cadet Gayo Bulambo*, is a clear example.

It should also be noted here that the various analyses and opinions contained in this volume reflect solely the personal views of their authors and therefore in no way reflect the views of the program's organizers, nor those of the Konrad Adenauer Foundation.

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