

FOREWORD

This volume contains works of the 6th seminar organised for doctorate students of the Faculty of Law of the University of Lubumbashi with the support of Konrad Adenauer Foundation, just like the five previous volumes.

This volume has a double special feature, both in terms of the big number of articles i.e. a total of fifteen, and increasingly more of number of participants who were five for the first volume and twenty five in this particular volume.

The importance of the program is more recognizable, which in turn has increased interest in it. This also reflects the wealth and the diversity of the topics reviewed by our doctorate students whose primary target is related to the need, for them, to own different issues facing our people in their societal life while trying, more or less, to propose legal solutions they deem appropriate.

Even though several subjects have been submitted for scientific cogitations, it is nevertheless possible to bring them together under more or less four topics in the following order.

First, the democratic progress in the Democratic Republic of Congo brings, with it, the demonstration of an obvious need of consolidating rights and freedoms of the citizens; which, is clearly part and parcel of what is collectively known as the «Rule of law» whose advent, in our state-run corporation, is the expectation and wish of everybody. In the foregoing, rights and freedoms among which, freedom of assembly or association as means of expression, was the subject of the studies conducted by KAPYA KABESA Jean Salem Marcel and NTALASHA KISIMBA on the one hand and, on the other hand, by NDJEKO KALUME L'AEA and TSHOMA NUMBE. Their approaches, although different, only had the objective of reporting on the efficiency of the rights and freedoms in question as well as their current state of development in the Democratic Republic of Congo.

The second topic concerns, supervision and legal streamlining of the economic sector of our country which remains closely linked to the development policies of the social well-being. It is in this light that banking activities of the private sector cannot, as supported by KYUNGU NSENGA Justin, KYEMBE MULUMBWA Albert and KASONGO KYALWE Didier, be carried out in a none State in which vultures and other birds of prey extract with lawlessness preys almost abandoned to their sad fate due to lack of legal guarantees susceptible of defining their framework and limits of action. This is more so true in that the current fiscal and taxation system seems, above all, not to correspond any more, in its socio-legal foundation and its efficiency, to the expectations and services for the concerned taxpayers. This is what has been reported from the studies done by NGOY NDJIBU Laurent and MUTONWA KALOMBE Jean-Marc Pacifique, MUFUNDJI TSHINAT-Karl as well as MANIKUNDA KASHA Justin and MWAPE NGOSA Valentin. The end result of this state of affairs is, of course, the porosity of normative and institutional mechanisms which, just like those meant for exploitation and marketing of copper ores or for customs control, do not provide a safe haven for doing business while proposing a living example of what man,

in this failing state, has become a wolf against his fellow man. This is what is replied by the analyses of MUSOYA MAZUWA Alexis as well as MUSONDA BWALYA E. Didier and NIKICO MUTABAZI Flavien.

Thirdly, the Congolese people, probably pushed around by this sort of resignation of the State in terms of promoting his well-being, takes refuge in the church movement known as Evangelical churches as an outlet and whose flourishing is in contrast with the regulation in force in this field. Has the Church, in the absence of an appropriate legal framework, also become the opium of the masses in the Democratic Republic of Congo? MAKUNGU KANANGE and TSHESSU MBAYO, KITENGIE KASONGO François as well as KAKUDJI YUMBA Pascal have in one way or another, tried to propose a pragmatic thinking either on the foundation and legal framework of the Evangelical churches or on the relationship between the Church and the State which is mainly the Catholic Church.

Fourthly and lastly there is a series of reflections, which raise some other current and or community interest issues. Among these include the critical look of the funding of political parties in the electoral context of 2011 tackled by MUMBA KAKUDJI Martial and MUTONWA KALOMBE Jean-Marc Pacifique, the issue of legal protection of tropical forests as presented by DIMANJA KALONDA Pierre and NKULU BUTOMBE Francis-Noël as well as this apprehension which appears to haunt BANZA ILUNGA Aimé in relation to the need of defining the legal conditions and even to condition the modernisation and extension of the INGA Hydraulic Dam. Many concerns are raised which in conclusion, point to the need for the Democratic Republic of Congo to consolidate the emergence of the Rule of law.

This sixth Seminar is, once more, the fruit of a very successful support, which our doctorate students, who demonstrate it through their respective papers, have continued to enjoy, and this support is mainly attributed to Konrad Adenauer Foundation, which thus contributes to the scientific growth of our youth.

Kalala Ilunga Matthiesen

Sango Mukalay Adalbert

Hartmut Hamann