

## Foreword

The Democratic Republic of Congo is currently attracting a lot of attention from many countries around the world for several reasons, including those related to armed conflicts at the regional level of which she has been the epicentre over the last few years, the major economic recovery efforts in different areas of interest to economic operators from different continents; mines, hydrocarbons, gas, industrial farming, minerals, etc.

Thus, reflections about peace, protection of victims of international crimes, the status of refugees, the issue of right to healthcare and rational exploitation of resources were conducted, by researchers from the Faculty of Law of the Catholic University of Bukavu under the framework of the 2<sup>nd</sup> Legal Seminar, organized by this university in collaboration with Konrad Adenauer Stiftung Foundation. Eight scientific contributions converging around the general theme of the « Rule of Law in the Democratic Republic of Congo » were retained.

The team leader Mr. Adolphe KILOMBA SUMAILI interrogates the potential of the Economic Community of the Great Lakes Countries and the International Conference on the Great Lakes Region for achievement of sustainable peace. He assesses the contribution of the Economic Community of the Great Lakes Countries and the International Conference on the Great Lakes Region to the DRC in the advent of peace in the Democratic Republic of Congo.

The assistant Mr. Christian BAHATI Bahalaokwibuye analyses the status of the victim and the criteria of his participation in the International Criminal Court in light of the ICC jurisprudence. He directs his thinking towards the existing arrangements for participation of victims and their compensation. His analyses are based on the lessons learnt from the jurisprudence of the ICC, especially from judgments and orders issued in the matter of *The Prosecutor versus Thomas Lubanga Dyilo*.

The assistant Mr. MAHESHE Musole Trésor on his part takes a critical look at the Act n°021/2002 on the status of refugees in respect to the socio-political situation in the DRC and her international commitments. He essentially questions the effectiveness of the Congolese law on refugees in respect to the problems which are generated by the presence of refugees and the need to promote peace, security and stability in the Great Lakes Sub-region.

The assistant Mr. Patient LWANGO MIRINDI tackles the issue relating to mining cooperative by highlighting the need for legal protection of Congolese artisanal miners against state interference.

The assistant Mr. Pacifique MUHINDO MAGADJU on his part focuses on the role of the Congolese National Police in the context of decentralization in the DRC, by putting a special emphasis on the important role of community policing.

Assistant Mr. Paterne Murhula Batumike touches on the issue of the legality of the Provincial Order of 5th October 2013, whose objective is to institutionalize participatory budgeting process in the decentralized territorial entities of South-Kivu Province. He analy-

ses the legal competence and the general conditions for putting in place a participatory budget preparation process and demonstrates that legal, political and economic challenges of the administration in South-Kivu must be efficient and independent.

Assistant Ms. Nathalie VUMILIA NAKABANDA writes on the issue of access to property in « land » by women in respect to the Congolese legal system. She notes the difficulties in applying non-discriminatory laws in a patriarchal society dominated by customs which exclude Congolese women from having access to land.

Lastly, Professor Jean Claude MUBALAMA Zibona tackles the issue of the right and access to healthcare by people infected by HIV/AIDS in developing countries in view of the trade-related aspects of the Intellectual Property Rights Agreement (ATRIPS). He examines the strategies of preserving the right to healthcare for people infected by HIV/AIDS in developing countries while avoiding to sacrifice the interests of patent holders.

These researches ended up in realizing relevant results which can be capitalized on. However, the opinions expressed in the articles are solely those of the authors; they are neither ours, nor those of Konrad Adenauer Stiftung.

We thank Konrad Adenauer Stiftung for this initiative and all the members of the academic and scientific body of the Faculty of Law for their remarkable participation in these seminars.

**Prof. Docteur Hartmut Hamann**

**Prof. Docteur Jean Claude MUBALAMA Zibona**