FOREWORD

Konrad Adenauer Foundation in its support to scientific efforts of young researchers in law in the Democratic Republic of Congo continues to expand the program of seminars aimed at consolidating the rule of law as a guarantee for any democratic society. The second seminar was opened at the Faculty of Law of the University of Kolwezi from 29th to 30th March 2016. This was indeed a welcome development in view of the number of participants and especially the interest demonstrated for this second seminar not forgetting the quality of contributions on the subjects proposed for discussion and which touched on social, economic, cultural and political environment.

The second seminar focused on constitutional law, tax law, fight against corruption, judicial law, etc.

This volume comprises of seven articles. As mentioned above, they address different subjects touching on the most important activities of this part of the Republic in terms of development. By aggregating these different subjects, we seem to have a peculiarity in the manner in which the authors analyse the issues under discussion by seeking to be as practical as possible, i.e. reconciling the law with societal reality. Hence, one after the other, the following drafts were developed: Crackdown on tax offences in the Democratic Republic of Congo: Case of the town of Kolwezi; Issue of the independence of the Judiciary in the face of separation of powers in Congolese constitutional law; more federalism in the Democratic Republic of Congo: legal means; the Bill on the fight against corruption in the Democratic Republic of Congo: Reflections on the powers and chances of success of a national agency for the fight against corruption; right of the citizens to carry firearms: The current law and the necessary regulations; independence of the judiciary: An obligation of the state and its partners.

From all the issues addressed by the authors of these articles, it turns out tax evasion causes a serious moral and financial prejudice to the society as a whole which directly undermines republican pact. Independence of the judiciary is not proclaimed, but it is exercised. For it to be exercised, there is need for the appropriate legal statutes, members of the judiciary who are aware of their independence in respect to other powers and litigants as well as the people themselves for whom the court decisions are intended. Federalism and democracy must go hand in hand for federal democracy to become a reality in the country. Corruption features among the most serious crimes according to the Convention against organized cross-border crime. In the Democratic Republic of Congo, partners in the judiciary share the fact that they are not necessarily state officials but they participate in the administration of justice. Through membership of the Democratic Republic of Congo to the Organisation for the Harmonisation of Business Law in Africa (OHADA), this country has just put in place a modern, up-to-date and attractive Business Law which perhaps enables it, including the town of Kolwezi, to catch up. This justifies the efforts deployed by the Congolese authorities since 2004.

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In this regard, we would like to thank Konrad Adenauer Foundation for its continued support to the youth towards their scientific and academic promotion not forgetting those from the Faculty of Law of the University of Kolwezi. The views and opinions contained in these articles are solely those of the authors. We would also like to thank the authorities of the University of Kolwezi for their kindness and proven interest shown in respect to this program.

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