

Foreword

This volume is a continuation of the research carried out in the framework of seminars organized for doctoral students and other researchers at the Faculty of Law of the University of Lubumbashi and the University of Kamina in collaboration with the Konrad Adenauer Foundation. The research is conducted within the context of the rule of law and current challenges in the Democratic Republic of Congo (DRC).

In fact, according to Carré de Malberg, the DRC is a "State governed by the rule of law" is "a regime established simply and solely in the interest of citizens and for the protection of citizens, i.e. it tends only to ensure the protection of their rights or their individual status" (Favoreu Louis). The ideals of the rule of law are proclaimed in the preamble of the DRC Constitution and are included in some of its provisions. The DRC is called upon to guarantee and ensure respect for the human rights and fundamental public freedoms of its citizens throughout its territory. In addition, several challenges persist for the effectiveness of this principle of constitutional value in the DRC.

In order to reflect on the new challenges that currently appear on the effectiveness of this principle in the DRC, Konrad Adenauer Foundation organized from Thursday 09 to Friday 10, June 2022, a seminar on the theme: "Rule of Law and the current challenges in the Democratic Republic of Congo" at the Cercle Hellénique in Lubumbashi. Three aspects were considered: first, the problem of the non-adherence to the rights and freedoms in the Eastern parts of the DRC, more particularly in the provinces under siege; secondly, the ratification by the Congolese government of the African Continental Free Trade Agreement and its membership in the Constitutive Treaty of the East African Community (EAC); and thirdly, the non-adherence to Congolese legislations and the Sino-Congolese contract by the Chinese investors.

Under these three aspects, several researchers have examined the current challenges to the effectiveness of the ideals of the rule of law in DRC with the aim of explaining them and determining their causes in order to propose possible solutions. On the subject of instability in the Eastern parts of DRC and on governance of the provinces of Ituri and North Kivu by Military Governments, MUMBA KAKUDJI Martial, approaches the question in two parts, on the one hand, he examines the fate of the civilian population in the Eastern part of the country during the period of the state of emergency, and on the other hand, the impact of DRC's membership in the EAC on human rights. In the same vein, MWANZA WA KALOMBO Claude analyses the problem with regard to civil justice during the state of emergency in the provinces of Ituri and North Kivu.

On the subject of DRC's accession to the African Continental Free Trade Area, MFUAMBA MULUMBA Isidore and ILUNGA MIKOMBE Hussein, question whether AfCFTA isn't a free trade area of Africa that would be too much for the Democratic Republic of Congo? Finally, on the subject of Sino-Congolese relations, KAZADI WA MALALE Doty, BANZA KIKOYO Eric, YAMBA KAZADI Gracia and KALALA ILUN-

GA MULUMBA Matthias, explain the problem of non-compliance with investment laws by the Chinese partners in the Democratic Republic of Congo, and on their part, SANGA MULOPWE Chris and BANZA MEDA KANDA, criticize the developmental impact of Chinese investments in DRC, while insisting on the current legal framework for investments in DRC.

It should be noted that these authors, most of whom are not only researchers but also practitioners, have a good command of the issues being addressed and their resolution. Thus, this volume is part of an effort to ensure the effectiveness of the ideals of the rule of law in the DRC and challenges that need to be addressed.

Finally, we would like to reiterate our gratitude to our supervisors, including Professor Dr. KALALA ILUNGA Matthiesen of the University of Lubumbashi in the Democratic Republic of Congo, Professor NGOY NDJIBU Laurent of the University of Lubumbashi, Professor MUTONWA KALOMBE Jean-Marc Pacifique of the University of Lubumbashi, Dr. MUMBA KAKUDJI Martial of the University of Lubumbashi, and Professor Dr. HARTMUT Hamann of the Free University of Berlin in Germany. We thank them as well as the generous support of the entire Konrad Adenauer Foundation team.

We would like to point out that the various analyses and opinions contained in this volume are the sole responsibility of the authors and they do not in any way represent the views of those in charge of the program, neither of the Konrad Adenauer Foundation. Our wishes remain the same: continuity, success of the program and quality improvement in terms of the proposed studies.

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