

we all know, in the common law system that is what judges do, in a way that responds to the needs of the people, and to the national interest. I call this patriotic and indigenous jurisprudence. Above all, it requires a commitment to the Constitution and to the achievement of its values and vision.

But don't get me wrong: by "patriotic and indigenous" I do not mean insular and inward looking. The values of the Kenyan Constitution are anything but that. We need to learn from other countries. And we need to learn from scholars like this assembled company. We intend to build up a network of interested and highly qualified academics who share our vision. I hope that some of you here will form part of that network. My concern, when I emphasize "indigenous" is simply that we should grow our jurisprudence out of our own needs, without unthinking deference to that of other jurisdictions and courts, however, distinguished. The Kenyan judiciary has, therefore, a great opportunity to develop a robust, indigenous, patriotic and progressive jurisprudence that will give the country direction in its democratic development. This transformative mission is a duty to all judicial officers. They have all undertaken a constitutional obligation to undertake it and I have challenged them to make a personal obligation to help accomplish it.

Former Justice Krishna Iyer of the Indian Supreme Court expressed the same ambition, in his inimitable style:

Jurisprudence must match jurisdiction and jurisdiction must broaden to meet the challenges of the masses hungry for justice after a long night of feudal-colonial injustice. . . . The rule of law must run close to the rule of life and the court, to be authentic, must use native jural genius, people-oriented legal theory and radical remedial methodology regardless of Oxbridge orthodoxy, elitist petulance and feudal hubris.

Far from being inward looking, it would be my hope that we could learn from, and even emulate, distinguished courts in other countries, including, for example, the Supreme Court of India and the South African Constitutional Court. The Kenyan courts do not need to be as bold as the Indian apex court: many of its procedural innovations in public interest litigation are already enshrined in our constitution. And I would argue that the types of jurisprudence that that court has been so creative in developing are already part of our constitution. Protection of the environment, recognition of rights of communities especially in land, affirmative action, rights of persons with disability, rights to education, health and food—and the redress of past injustices—are engraved in our constitutional text.

What the first Chief Justice of the South African Constitutional Court, Arthur Chaskalson, said of their constitution could just as well be said of ours:

We live in a society in which there are great disparities in wealth. Millions of people are living in deplorable conditions and in great poverty. There is a high level of unemployment, inadequate social security, and many do not have access to clean water or to adequate health services. These conditions already existed when the Constitution was adopted and a commitment to address them, and to transform our society into one in which there will be human dignity, freedom and equality, lies at the heart of our new constitutional order.

For these reasons, including that our Constitution is couched often in language similar to that of South Africa, I anticipate that we shall learn a great deal from them, though always, as I say, suiting the decisions to our own realities.

Uppendra Baxi wrote, of Public Interest Litigation (PIL),

The Supreme Court of India is at long last becoming . . . the Supreme Court for Indians. For too long the apex court had become "an arena of legal quibbling for men with long purses". Now increasingly, the court is being identified by the Justices as well as people as "the last resort of the oppressed and bewildered."

I would hope that the Supreme Court of my country will be the Supreme Court for Kenyans where the oppressed and bewildered will find justice.

But it is not enough for the Supreme Court to shine in jurisprudential terms. Most cases will never get beyond the High Court. The corollary of the decision to create a new, final, court of general, not specifically constitutional jurisdiction, was the desire that courts at all levels could confront constitutional issues and deal with them in a way that fulfills the constitutional dream. We are hoping to raise standards of judging and standards of advocacy, including through the work of the Judicial Training Institute, and by adopting frequent use of written briefs, rather than just skeleton oral arguments. The development of a new jurisprudence must be a collaborative effort between judges at all levels, and practicing and academic lawyers.

The internet is making access to precedents much easier, and there is an improvement in the law reporting situation. There is even some sign of a resurgence of interest in writing about Kenyan law. Do add your bit!

If I may turn now to the focus of concern of most of you: international law. The Constitution took a bold step and provides that "The general rules of international law shall form part of the law of Kenya" and "Any treaty of convention ratified by Kenya shall form part of the law of Kenya under this Constitution". Thus Kenya has become a monist state rather than a dualist one!

The implications of this will have to be worked out over time, as cases come before the courts. I would not have you imagine that Kenyan judges have ignored international law. I know firsthand from Kenya's supercharged civil society that constantly makes claims of international law to hold the government accountable, exemplifies the growing importance of international law in our courts. The courts have often applied the familiar common law approach, and indeed quoted the Bangalore Principles on Domestic Application of International Human Rights Norms, including:

It is within the proper nature of the judicial process and well-established judicial functions for national courts to have regard to international obligations which a country undertakes—whether or not they have been incorporated into domestic law—for the purpose of removing ambiguity or uncertainty form, national constitutions, legislation or common law.

However, where national law is clear and inconsistent with the international obligations of the State concerned in common law countries the national court is obliged to give effect to national law. In such cases the court should draw such inconsistency to the attention of the appropriate authorities since the supremacy of national law in no way mitigates a breach of an international legal obligation, which is undertaken by a country.

Now, however, the courts have greater freedom. Many issues will have to be resolved: what precisely are the "The general rules of international law"?; what is the effect of the direct application of a treaty of which the language is not self-executing, such as "States Parties shall take all appropriate measures" rather than "everyone has the right"? And what is the effect of a treaty provision that does not fill a gap in domestic

law but inescapably conflicts with it? And what if the general rules of international law are exploitative, oppressive and subvert the radical social democratic vision of our constitution? All these questions clearly identify where the scholarship of people like yourselves, will be much appreciated by both bar and bench.

I should also like to quote another Bangalore Principle, relevant to my theme of indigenous jurisprudence:

While it is desirable for the norms contained in the international human rights instruments to be still more widely recognized and applied by national courts, this process must take fully into account local laws, traditions, circumstances and needs.

How can we achieve this marriage consistent with international law obligations?

Let me also emphasize that Kenya does not intend to be a "user" of international law, but a producer, shaper and developer of it as well. This is the link to the Nyerere Doctrine where I began. Nyerere refused to accede to existing international rules on treaty succession and came up with his own innovation. Kenyan judiciary will not just import all international legal rules including those which are disempowering to the South as a political and economic category. Instead, as I pointed above in our strategy to create an indigenous, patriotic and progressive jurisprudence, the Kenyan judiciary will use our new constitution to begin a dialogue with international legal communities to nudge the jurisprudence of social justice in a progressive direction. In particular, we have a chance to develop jurisprudence on economic and social rights in ways that are unique to our social and economic development. We intend, therefore, to be able to export progressive jurisprudence to the rest of the world.

Finally, let me not give the impression that I am negative about the work of my judicial colleagues. There are many competent and committed members of the bench. Even under the former constitution with its inadequate Bill of Rights (more limitations than rights!) creative judges were doing their best. And now many of them, new and longer established, are responding with enthusiasm to the challenges and opportunities of the new Constitution. I cannot really comment on individual cases—none has come before us yet, and some will undoubtedly do so. But I personally feel encouraged by signs of willingness to draw on international instruments, not only treaties, and by reliance on the values including those of Article 10—as Article 259 requires.

As we say in Kenya in Kiswahili—Asante Sana. We also say Shukrani, shukran and shukria. Thank you very much.

HONORING THE LIFE AND SERVICE OF CHARLES WALTER "WALT" RUCKEL, JR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2012

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life of Northwest Florida's beloved Charles Walter "Walt" Ruckel, Jr. Throughout Northwest Florida, Walt Ruckel was known for his warm nature, immense generosity, dedicated service to his local community and, above all, his never-ending love for his family. Walt Ruckel is survived by 8 children, 12 grandchildren and 15 great-grandchildren.

Walt Ruckel was a true Northwest Floridian, born and raised on the Gulf Coast. After graduating from high school, he attended Davidson College and North Georgia College as part of the U.S. Army Specialized Training Reserve Program. Upon completion of his training, Mr. Ruckel entered the U.S. Army Air Corps, where he served as an airplane mechanic before being honorably discharged in 1947. In 1948, he graduated from Soule Business College in New Orleans and returned to his native Northwest Florida where he began a distinguished career in the Northwest Florida business community. Mr. Ruckel took a position working as a bank teller and bookkeeper at Valparaiso State Bank in Valparaiso, Florida, where he quickly established himself, rising to become Assistant Vice President in 1950 before becoming President of the bank in 1951. Mr. Ruckel continued to serve at the bank as Chairman of the Board until 2004.

Mr. Ruckel's immense pride in his local community inspired him to pursue a career in real estate and property development. In 1955, he founded Ruckel Properties, which continues to serve the Northwest Florida community today. Through Mr. Ruckel's leadership, Ruckel Properties has developed countless homes and businesses in Northwest Florida and has been a driving force in the development of the cities of Niceville and Valparaiso.

In addition to his work in the Northwest Florida business community, Walt Ruckel was also a noted civic leader. He was a founding member of the Niceville-Valparaiso Rotary Club, where he served as President from 1954 to 1955 and was twice named the club's "Man of the Year." Mr. Ruckel truly believed in the value of community service, and he remained active in the Rotary Club until his passing, helping to organize and volunteer at the club's latest fundraiser. His steadfast dedication to serving his community extended beyond the Rotary Club, and he was active in many other civic organizations, including the local Chamber of Commerce, United Way and Boy Scouts of America.

Northwest Florida is also home to numerous military installations, and Mr. Ruckel was a strong supporter of the servicemen and women and their families who form such an integral part of our local community. Mr. Ruckel served as Chairman of the Air Force Armament Museum Foundation, where he helped lead a successful effort to raise more than \$1 million for the construction of the Air Force Armament Museum, located at Eglin Air Force Base.

All those who had the fortune of meeting Walt Ruckel were blessed by his kindness and generosity, and his impact on Northwest Florida will never be forgotten. To some, Walt Ruckel will be remembered as an invaluable member and leader of the Northwest Florida community, to others, an honorable member and strong supporter of our Armed Forces. To his friends and family, Walt Ruckel will most fondly be remembered as a loving and committed family man.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to honor the life of Walt Ruckel and his living legacy. Northwest Florida has truly suffered a great loss with his passing, and my wife Vicki joins me in sending our most heartfelt condolences to the entire Ruckel family.

IN MEMORY OF DELORES THOMAS
HADNOTT

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2012

Mr. AL GREEN of Texas. Mr. Speaker, today, I would like to honor the memory of a noble public servant and spiritual leader, Delores Thomas Hadnott. With singular dedication, Ms. Hadnott devoted her life to faithfully serving her community.

Ms. Hadnott was born in Arcadia, LA on December 31, 1951. Her parents instilled within her the importance of education and the drive to help others. In 1972, she received her B.A. degree in Sociology from Grambling State University in only three years, while serving as salutatorian, class president and a member of Alpha Kappa Alpha Sorority, Incorporated.

After Ms. Hadnott completed Management Training at the University of Houston, she started her thirty-six year career with the American Red Cross—Greater Houston Area Chapter. Ms. Hadnott excelled in her position, becoming the office director of the southeast branch office in 1987. Ms. Hadnott worked tirelessly to advocate for the betterment of Houston and under-served individuals.

In addition to her lifelong service in her community, Ms. Hadnott acted in several roles at the Mount Carmel Missionary Baptist Church. Through her unselfish hard work and virtue, she eventually became the assistant church secretary, a member of the finance committee, program coordinator for the Mission Society and a Sunday school instructor.

Ms. Hadnott's leadership and community service have been consistently recognized by her colleagues. Mayor Lee Brown honored her on May 9, 2002 when he proclaimed it Delores Hadnott Day in the City of Houston. In 2006, she received the 42nd Annual Founders' Day, Sojourner Truth Crystal and Professional awards. In 2009, I had the honor to present her with the 2009 Congressional Certificate of Special Recognition.

Finally, Mr. Speaker, Delores Thomas Hadnott will be missed dearly by her daughter, Crystal Denise, son, Lawrence Oliver, stepson, Lawrence Isaiah, grandson, Ashton Josiah, and daughter-in-law, Shawkanna. She will be remembered in the City of Houston as a dedicated public servant and valued community leader. May she rest in the peace she has so richly earned.

RECOGNIZING MASTER
AGRICULTURIST DALE HINES

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2012

Mr. KIND. Mr. Speaker, I rise before you today to congratulate a second-generation dairy farmer from my home district in western Wisconsin. Dale Hines is a hard-working man from the beautiful small town of Ellsworth who was recently recognized as a Master Agriculturist. This distinction, awarded by the magazine Wisconsin Agriculturist, recognizes Wisconsin farmers who not only display an ability to raise crops or livestock, but those who also

dedicate significant time to their family, communities, churches, farm organizations, and other local efforts.

I'm proud to be from an area so rich with agricultural history—an area which celebrates and appreciates the hard-working men and women who work on our farms, raising crops and livestock, helping to put food on our tables. The family farm is an important American institution, and Dale Hines and the rest of the Hines family are an embodiment of that spirit. As a child, Dale grew up surrounded by farming. Even at a young age, he spent his time milking his family's 30 Holstein cows along with his older brothers—a chore which became a full-time career for Dale after graduating from Ellsworth High School in 1977. Today, the Hines Ranch, which was recognized in 1987 as the Wisconsin Conservation Farm of the Year, has grown exponentially. They cultivate 810 acres of land and milk 80 cows, a herd which produces more than 28,000 pounds of milk per cow.

However, despite their farm's growth amidst the ever-changing world of farming, one thing has never changed for the Hineses: the importance of the family-run operation. Although only Dale's family lives in the farmhouse, the entire extended family is still very much involved with the farm's day-to-day operations. Everyone helps out in whatever way they can, whether it's helping with the planting and harvesting of the crops, constructing all of the farm's buildings, or keeping track of the books—a task which Dale's 85-year-old mother Joyce still does to this day.

The Hines family is truly an example to follow, both due to the success of their farm and the importance they place on family. It is with great pride that I rise today and congratulate Dale Hines, a dedicated father, farmer, and citizen, on having received proper recognition of the hard work that he and his family have put forth over the last half-century. He is truly deserving of the title of Master Agriculturist, and I wish him and the rest of the Hines family all of the best in the future.

IN RECOGNITION OF STEPHANNIE
FINLEY IN HONOR OF HER SERVICE
TO THE COLORADO SPRINGS
CHAMBER OF COMMERCE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2012

Mr. LAMBORN. Mr. Speaker, I rise today to pay tribute to Stephanie Finley, the outgoing President of the Colorado Springs Chamber of Commerce Governmental Affairs and Public Policy Division.

Stephannie began her career working for a small food distribution business that served Peterson AFB, the Air Force Academy, and Ft. Carson. After the business was sold, Stephannie entered the world of politics.

She has extensive experience including: working for the White House Advance Team in the early 1990s, serving as a staffer to the Colorado General Assembly, the Chief of Staff for Colorado's 3rd Congressional District, the Director of State Government Relations for the University of Colorado, and the Chief of Staff to Lt. Governor Jane Norton.

Stephannie first joined the Chamber in February of 2006. She has been a passionate and