
**STATE FUNERALS IN KENYA 1963-2020: THE NEED TO CONSTITUTIONALIZE
AND AFRICANIZE STATE FUNERALS**

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ABSTRACT: *State Funeral refers to the last farewell ceremony that a state accords her Statesmen and women when they die. According to Wikipedia, it is a public ceremony observing strict rules of protocol, held in honour of heads of State or other people of national importance. In Kenya, there have been five deaths that have received this kind of ceremony. The first case was in 1978, when Mzee Jomo Kenyatta (First President of the Republic of Kenya) passed on. Kenyatta was buried in a ceremony that was largely foreign controlled. Traditional African burial practices had very little to do with the entire process. Mzee Kenyatta's State Funeral was followed by Michael Wamalwa's death in 2003. Contrary to the expectation of many Kenyans, Wamalwa's ceremony failed to match that of Mzee Kenyatta. This trend of conducting State Funerals that lack uniformity continued through Prof. Wangari Maathai, Lucy Kibaki to the last case of Daniel Moi, 2020. State Funerals, being foreign practice has continued to raise more questions than answers among Kenya Africans. The purpose of this paper is to compile one chronological detailed document of State Funerals, bringing out similarities and differences in the way they are conducted. To avoid the differences, the researcher advocates for full Constitutionalization and Africanization of the ceremonies. Constitutionalization is based on Article 119(1) of Laws of Kenya and is a silent call to the legislators to rise up to the occasion. The argument for the application of Africanization of state funerals is premised on Julius Nyerere's theory of African socialism. The scope of the research is 1963-2020. Although the first case in Kenya occurred in 1978, its preparation started earlier in the 1960s. This study heavily relied on library information with limited oral interviews. Being a descriptive research, information collected was analyzed using thematic analysis method.*

KEY WORDS: state funeral, military honour, constitutionalism, Africanization, lie in State, Mzee.

INTRODUCTION

The birth of State Funerals in Kenya can be dated to 22 August, 1978. This is when the founding president of Kenya Mzee Jomo Kenyatta passed on at State House Mombasa. From that time on, Kenya has had four more cases, the latest being the demise of Mzee Daniel Arap Moi which occurred on 4 February, 2020. The practise of State Funerals is foreign because many of the

activities associated with it have their origin outside Kenya. This does not mean Kenya Africans do not have a traditional way of burying their loved ones, but simply to be globalized. Adoption of foreign practices at the expense of traditional ones has its own negative effects to the African community. It appears like the ceremonies are dominated by military traditions whose origin is from outside Africa especially Europe and Americas (Opande, 2019). The decision on who deserves this prestigious last farewell honour seems to be a preserve of the sitting president, who is the head of State and government (Kenya Constitution, Article131 (1)). The author of this research paper has compiled a brief history of the early life, occupation and funeral ceremony of each of the Statesmen and women, starting with Jomo Kenyatta to Daniel Moi. A comprehensive comparison between the five State Funerals has been done. To avoid differences in the conduct of these funerals, constitutionalism and Africanization have been proposed as possible solutions.

MZEE JOMO KENYATTA - 1890 – 2020.

Jomo Kenyatta was born around 1890 at Ichaweri/Ngenda Ridge, Gatundu. His father was called Muigai and his mother Wambui. Muigai died while Kenyatta (Kamau wa Ngengi) was still a young boy. Kenyatta left home to Muthiga (Dagoretti) where he grew up under his uncle's care. At Dagoretti, he schooled and got converted to Christianity. In 1922, he got employed by Nairobi Municipal Council as a store clerk and water meter reader.

Kenyatta developed interest in politics and in 1924, joined Kikuyu Central Association (KCA). He was elected the Association's secretary and edited the Association's magazine called Muigwithania. Between 1932 and 1933, Kenyatta joined Moscow University where he studied political science and economics. He also studied anthropology and economics at the university college, London in 1933. In 1938, Kenyatta published a book called, Facing Mount Kenya.

Kenyatta was one of the African nationalists who not only supported but fought to strengthen Pan African movement. In 1947, he became the president of Kenya African Union (KAU), replacing James Gichuru. Together with other five members of KAU, he was arrested and detained at Kapenguria in 1952. They were accused by the colonial government of staging and managing Mau Mau which was anti-colonial policies. He was released on 14 August 1961 and taken to Gatundu where he received heroic welcome. He became the leader of Kenya African National Union (KANU), a party that formed government in 1963. In 1962, Kenyatta attended the second Lancaster House Conference, London to discuss constitutional amendments.

On 1 June 1963, Kenya attained independence, Kenyatta becoming the first Prime Minister. On 12 December 1964, Kenya became a Republic and Kenyatta was elected the first president. On 22 August 1978, Kenyatta died peacefully in his sleep at State House, Mombasa.

Jomo Kenyatta was the first Kenyan to be accorded State Funeral in 1978. It is however interesting to note that Kenyatta's funeral arrangements were done in Britain, long before his death (Ten years earlier). His body lay in state at State House for ten days as the flags flew half-mast for thirty days of national mourning. Hundreds of thousands of people viewed the body as it lay in state. According to media report at the time, an average of Ninety thousand people viewed the body. According to journalist, Levin Opiyo Kenyatta's body was put in a locally made coffin packed with dry ice. To minimize the risk of the dry ice touching his exposed skin, he was covered in foil. It was temporarily made as they waited for the casket, depositum plate and an embalmer, John Kenyon from London (Kamau, 2019).

On burial day, 31 August, 1978, Mzee's body was wheeled from State House through the streets of Nairobi to the Mausoleum by the same gun carriage that was used during the 1965 funeral of Sir Winston Churchill. Sir Churchill was Britain's Prime Minister during World War II Period. Along the procession were eighty two representatives of Nations, including 11 heads of states and Governments. One of the Heads of State was President Idi Amin of Uganda who is said to have walked on foot from Hilton Hotel to parliament building. The Queen was represented by Prince Charles. America sent its first biggest delegation to Africa for the funeral. Kenyatta was buried at parliament square in a marble mausoleum which is under 24hr military guard to date. During his burial the army gave him a 21-gun salute. According to Brigadier (rtd), Ahmed Mohammed, a 21-gun salute is honour reserved for a president who dies in office (DN 12, Feb.2020). Initially, Mzee's family members expressed the desire to have him buried at his ancestral home. They were however convinced that Mzee was Kenya's founding father hence bigger than his home, Gatundu. The body was drawn on a horse carriage to the burial site. Before burial, Kenyatta's body spent a whole night at his Gatundu home. His coffin was draped with the Kenya National flag and a coat of arms affixed on the carriage. According to the Daily Nation Newspaper of 2011, Jomo Kenyatta's funeral was rated one of the most colorful ever in the world.

He died at approximately 88 years old.

MICHAEL KIJANA WAMALWA. 1944 – 2003.

Michael wamalwa was born on 25 November 1944 at Sosia, Bungoma. He was educated at St. Joseph's Primary school, Chewoget Secondary, Strathmore College, King's College and finally Cambridge University (1965-1968). He graduated with a Bachelor degree in law. Michael proceeded with his studies and attained a Master's degree in law from the London school of economics. Michael wamalwa entered politics in 1979. He contested unsuccessfully the Sabaot constituency seat which he lost to Wafula Wabuge. Michael was elected Vice President of Kenya in 2002, under the National Rainbow Coalition (NARC) (Peterborough, 2011)

Michael died on Saturday 23 August 2003 at Royal Free Hospital, London. His death was announced by President Mwai Kibaki. Like Kenyatta, the decision on where he could be buried had a tussle between family members and the government. Whereas the family members were of the view that he be buried at his ancestral home, the government wanted it to be done at the new Heroes Square, Nairobi. Government side was headed by the Minister for Justice and Constitutional Affairs Kiraitu Murungi while the other group had two of his brothers, uncles and clan elders. The two parties finally agreed to have the body buried in his home town, Kitale.

According to Daily Nation of Wednesday 27, August 2003, the body of Wamalwa was received at the Jomo Kenyatta International Airport (JKIA) by President Mwai Kibaki, Yvonne Wamalwa and a huge crowd of mourners. National Anthem was played and Archbishop Ndingi Mwana a Nzeki led the crowd in a brief sermon. The casket draped in Kenya's National flag was escorted to parliament buildings where scores of wailing Kenyans received it. After body viewing, the hearse carrying the body was escorted to Lee Funeral Home.

The body lay in state at parliament buildings for two days for public viewing.

Michael Wamalwa was buried on 6 September 2003 at his Milimani home in Kitale. His burial ceremony was characterized with elaborate cultural rites in line with Baengele clan. The fact that the body arrived at Kitale airstrip at 3pm, tradition could not allow it into the homestead until sunset. On burial day the body was strategically placed facing the main gate so as the deceased could clearly have a glance of all those who passed through it. The grave was culturally prepared to suit the Baengele burial custom. An interview with a Bukusu man who sought anonymity revealed that burial of an elderly man demands that his private parts lie on the right thigh.

He died at the age of 59 years.

PROF. WANGARI MUTA MAATHAI. 1940 – 2011

Professor Wangari Maathai was born in April 1, 1940 in the village of Ithite, Nyeri. She schooled in Ithite primary school, St. Cecilia's intermediate primary and Loreto High School in 1956. Using the F. Kennedy Airlifts, Maathai got a scholarship to study at St. Scholastica College (Benedictine college). She got her first degree in science, 1964. She enrolled for a Master's degree in Biology at the University of Pittsburgh.

In 1966, Maathai was appointed a research assistant at university college of Nairobi. In 1971, Maathai graduated with a PhD in veterinary anatomy from the university college of Nairobi. Apart from being a lecturer, Maathai founded the Green Belt Movement in 1977. She encouraged women to plant trees. In 1980, Maathai was elected chairman of National Council of Women of Kenya (NCWK). In 1989, she successfully campaigned against the construction of a 60 storey Kenya Times Media Trust Complex at Uhuru Park. The giant project was estimated to cost 200 million

USD (Jane, 1989). On 28 February 1992, Maathai and others took part in a hunger strike in a corner at Uhuru Park / Freedom corner. This was to pressurize the KANU government to release all political prisoners. The prisoners were released a year later in 1993. Her quest for the highest political seat in the land made her to vie for presidency in 1997 on a Liberal Party. She lost. In 1998, Prof. Maathai successfully protested the allocation of part of Karura forest to private developers cum pro-government politicians. She won the Tetu parliamentary seat in 2002 and was appointed Assistant Minister for Environment and Natural Resources. Prof. Wangari Maathai founded the Mazingira Green Party of Kenya in 2003. Her contribution to environmental preservation, democracy and peace initiatives qualified her for the 2004 prestigious Nobel Prize award. On 28 March 2005, Maathai was elected the first president of the Economic Social and Cultural Council of the African Union based in Addis Ababa, Ethiopia.

In 2006, Prof. Maathai founded the Nobel Women's initiative with her Sister Nobel Peace Laureates; Joy Williams, Shirin Ebadi, Rigoberta Menchu Tum, Betty Williams and Mairead Corrigan. Professor Wangari Maathai died on 25 September 2011 at Nairobi hospital after a long battle with ovarian cancer. Her body was transferred to Lee Funeral Home, awaiting burial. Following her demise, Mwai Kibaki announced that Maathai would receive a State Funeral. He declared two days of National mourning during which the National flag would be flown at half – mast. The meeting organizing for her burial was attended by family members, nine Permanent Secretaries and two Provincial Commissioners. from the office of the president. Pomp and glamour lacked in Wangari Maathai's State Funeral. Perhaps it is because she had left a Will that her remains be cremated at Kariokor Crematorium. Her requiem mass was held on 8 October 2011 at Freedom corner/Uhuru park. Funeral service began at Lee Funeral Home to Freedom corner for a tree planting ceremony and other rites by the Kenya Defence Forces. A military band played the National Anthem as the hearse carrying her casket pulled into the park. Standing next to the hearse were Kenya Forestry wardens. The casket remained in the hearse as there was no public viewing of the body (Sandiego uniontribune.com)

Wangari Maathai's coffin was specifically made out of Lake Victoria's water hyacinth, papyrus reeds and bamboo. This was in fulfillment of her wish not to be buried in a wooden coffin. It was draped in the National flag. On it was placed a fern seedling instead of a flower wreath.

Thousands of mourners lined up the route of the procession to the funeral in Uhuru Park. Rev. Phylis Ochillo led the mourners in prayer. Government officials led by His Excellence President Kibaki braved the chilly morning to mourn the fallen heroine. Others in attendance were Vice President Kalonzo Musyoka, and Prime Minister Raila Odinga. Norway's ambassador to Kenya, Per Ludvig Magnus, former Executive Director of the United Nations Human Settlements program Dr. Anna Tibaijuka and UN Secretary General Representative Sahle –work Zewde attended the

burial ceremony. Apart from the one tree that was specifically planted at the spot, about five hundred more others were planted in honor of the environmentalist.

From the Freedom corner, the hearse carrying Wangari's body; KAL 931 M, accompanied with family members headed straight to Kariokor crematorium. The body was cremated and the remains interred at Wangari Maathai Institute for Peace and Environmental studies, Kabete.

She died at 71 years.

MAMA LUCY KIBAKI, 1936-2016.

Lucy Muthoni Kibaki was born on 13 January 1940 in Mukurwe-ini Nyeri. She was educated at Alliance Girls High School and later trained as a teacher. In 1962, she was married by Mwai Kibaki who became Kenya's third president (2002-2013).

Mama Lucy worked as a teacher and was promoted to the position of School Principal. Between 2002 and 2013, she was Kenya's First Lady. Unlike the past, Lucy revitalized this office from 'unknown' to 'known'. She chaired the Organization of the Forty Africans First Ladies against HIV/AIDS.

Mama Lucy Kibaki died on Tuesday April 26, 2016 at Bupa Cromwell Hospital in London. Arrangements were made and the body was transported to Kenya. On arrival from London, the former First Lady's body was received at Jomo Kenyatta International Airport (JKIA) by President Uhuru Kenyatta, Deputy President William Ruto, First Lady Margaret Kenyatta, interior Cabinet Secretary Joseph Nkaissery and other senior officials. At the Airport, a short sermon was conducted by Father Dominic Wamugunda. Her body was escorted to Lee Funeral Home on Sunday morning paving way for other funeral arrangements. On the way to Lee Funeral Home, there was very tight security including Outrider Motorcycles. At Lee Funeral Home police officers swiftly disembarked their escort vehicles creating a show mainly witnessed in the presidential Motorcade. They took positions as the hearse made its way into the facility.

Mama Lucy Kibaki requiem mass was held at Consolata Shrine in Westlands, Nairobi on Wednesday 4th May 2016. President Uhuru Kenyatta and Deputy President William Ruto led other dignitaries including First Lady Margaret Kenyatta and the immediate former Tanzanian President Jakaya Kikwete in eulogizing Mama Lucy. She was generally described as a loving mother, role model and mentor. President Uhuru Kenyatta announced three days of National mourning and the flying of flags at half-mast. The casket was draped with the National flag.

The final journey of Lucy Kibaki began at 8am on 6 May 2016 from Lee Funeral Home to Muthaiga home, then to Othaya (Citizen Digital .May 7, 2016). Funeral mass was held at Othaya Approved School, presided by Nyeri catholic Archbishop, Peter Kairo. The ceremony was attended

by at least Eight hundred dignitaries. The body was laid to rest at their farm at Kanyange, Othaya in a private burial ceremony.

She died at the age of 82 years.

DANIEL TOROITICH ARAP MOI, 1924-2020.

Daniel Toroitich Arap Moi was born on 2 September 1924 at Kuriengwo Sacho, in Baringo. His parents were Kimoi Arap Chebii and Kabon (Daily Nation News Paper 12 February 2020 pg4). He studied at the African Inland Mission School, Kapsabet, before training as a teacher at Tambach Teacher Training College.

Moi joined politics in 1955 and was elected member of Legco for Rift Valley. In 1960, Moi together with others founded the Kenya African Democratic Union (KADU). On 5 January 1967, he was appointed the third vice president of Kenya, after Oginga Odinga and Joseph Murumbi. He also served as Minister of Education and from 1967, Home Affairs Minister. On 22 August 1978, Moi was sworn in as acting president of Kenya following the death of Kenyatta. On 14 October 1978, he was installed as the second President and Commander-in-Chief of the Armed Forces. He retired on 30 December 2002 and handed over power to President Mwai Kibaki.

Moi died on 4 February 2020 at Nairobi Hospital. His death was announced by President Uhuru Kenyatta who ordered a period of National Mourning and Flying of National flags at half-mast. Moi's body was transferred from Nairobi Hospital to Lee Funeral Home. A sombre mood engulfed Lee Funeral Home as leaders streamed in to witness and convey their condolences to family members. With immediate effect the military moved in to secure the facility. Head of Public Service, Joseph Kinyua was tasked to lead preparations for the State Funeral that was announced by H.E Uhuru Kenyatta. His body lay in state at parliament for three consecutive days (8th-10th Feb 2020). Long queues were witnessed each day as mourners turned up to view the exposed body of Moi in parliament.

On 11 February 2020, a requiem mass for Moi was held at Nyayo National Stadium, Nairobi. The day's programme started at Lee Funeral Home where the body was kept. It was placed on a gun carriage that was drawn by French-made ACMAT vehicle. The gun-carriage was flanked by pallbearers all in the rank of Colonel. It was escorted by service members, sandwiched between military police, General officers and a guard of honour. The service band, military police outriders led the way from Lee Funeral Home to State House where it was received by President Uhuru Kenyatta. Lining the entire way were, regular police clad in their beautiful navy blue ceremonial fatigues. Nation Newspaper reporters, Nyambega and Sigei described the entire stretch as a sea of red, white and few patches of green. From State House it was escorted by Kenya Defence Force (KDF) troops to Nyayo National Stadium. At the Stadium the body was received by KDF

Chaplains Colonel Fr.Benjamin Maswiki, Col. Imam Abdul Malik Ruhega and Col.Rev.Alfayo Lelei.The casket was offloaded from the gun-carriage then carried by a team of eight Colonels under the command of Brigadier Joakim Mwamburi.The officers carried the casket and placed it on a wooden Catafalque.

Interdenominational Church Service was conducted, presided by African Inland Church (AIC) retired Bishop Silas Yego.The ceremony was attended by Kenya government leaders led by H.E Uhuru Kenyatta . Heads of States and governments present were: Yoweri Kaguta Museveni (Uganda), Paul Kagame (Rwanda), Salvar Kiir (S. Sudan), Omar Guelleh (Djibouti), Sahle-Work-Zewde (Ethiopia) and Brahim Ghali (Saharawi Arab Democratic Republic). Yoweri Museveni described Moi as a patriot and ‘hate-less’. Kagame called him a gallant leader. Salvar Kiir termed Moi as a hero of South Sudan and a humble man. Omar Guelleh called Moi a great Statesman and Pan Africanist. Sahle –Work-Zewde termed Moi as a founder of IGAD. Brahim Ghali described Moi as a great leader. Other dignitaries expected to attend but sent representatives included Queen Elizabeth of United Kingdom, Namibian president, Nigeria, Burundi and Tanzania.UK was represented by His Royal Highness the Duke of Gloucester. Namibia sent her deputy president, Nicky Iyambo. Nigeria was represented by Deputy President Yemi Osinbajo. He recognized Moi as a key player in the African continental Free Trade Area. Burundi sent her Foreign Affairs Minister, Alain Aime Nyamitwe. Tanzania was represented by former presidents Jakaya Kikwete and Benjamin Mkapa.

According to police sources, a total of 213,000 mourners viewed Moi’s body at parliament buildings in Nairobi (James K, Mary W. Daily Nation reporters). On 12 February 2020 the body was transported to Kabarak for burial.

The casket carrying Moi’s body landed at Moi Airstrip from Wilson Airport after an eight-day stay at Lee Funeral Home, Nairobi. The KCN 091 N hearse carrying the former President’s body from Lee Funeral Home arrived at Wilson Airport a few minutes to 8am under tight security. The casket was loaded into a military chopper that took off to Kabarak. Kenya Defence Force (KDF), accompanied with representatives from the Kenya Army, Navy and Airforce received the body at the airstrip before carrying it to the tent. The clergy took over the programme with prayers, followed by tributes.

Kenyans from all walks of life, estimated to be 50,000 attended Moi’s burial on Wednesday 12 February 2020. The Moi Kabarak university ground was a sea of humanity as thousands turned up for Mzee’s funeral. After being cleared by the security, some mourners got half a loaf of bread, a beverage and a bottle of water. Once again, leaders ranging from politicians, church, family, friends and dignitaries eulogized Mzee Moi. President Kenyatta described late Mzee Moi as a father and a mentor, Deputy President William Ruto eulogized him as his great political teacher.

Orange Democratic Movement (ODM) Leader, Raila Odinga described Moi as a giraffe that could predict and tell what was going to happen in the future. He concluded his speech by performing a Luo burial rite at the coffin of the late former president. “I want to send him off as a true African.” he said, while receiving a black fly whisk from his aide, standing a few meters away. He started singing a Luo dirge while lifting the fly whisk with his right hand. Translated, the dirge said; remembering the soil, so daring. You boy, what you eat is yours, what remains,” he sang then waved it and started shouting “Jowi! Jowi! Jowi!” He moved closer to the casket, waved to the body three times, from left to right, bowed and finally walked to his seat. (DN. 13, Feb 2020.) Dr. Phillip Leakey described Moi as his role model and second father. Dr. David Silverstein eulogized Moi as his patient and friend. Dr. Sally Kosgey eulogized Moi as a good time keeper and one who loved his job. ANC leader, Musalia Mudavadi lauded Mzee Moi’s contribution in education. General Lazarus Sumbeiywo described Moi as one with a passion for negotiating peaceful deals in conflict zones.

After the church and speeches, the programme was once again returned to the military. Before the military could take over, the Kalenjin elders interjected by performing a community burial ritual. They went ahead and handed a symbol of Mzee’s ‘Rungu’ (Baton) to his eldest son, Raymond Moi. Raymond on the other hand relayed the ‘Rungu’ to his younger brother, Gideon Moi. He said, “We have bestowed Senator Gideon Moi with our blessings to take over Mzee Moi’s political leadership role. He will also ensure that KANU lives on” (DN.Feb.13, 2020).The ‘Rungu’ was a symbol of Moi’s leadership. The handing over ceremony would generally symbolize handing over of Moi’s political leadership to Gideon. According to Moi’s press secretary, Lee Njiru the ‘Rungu’ was a symbol of power. It was made of ivory and gold. The casket was carried over by pallbearers to the place of final rest. At the graveside, a prayer was said followed with the three stanzas of the National Anthem. A two minute silence was observed in honour of the departed president. This was followed by buglers playing eerie and evocative the ‘last post’ as the dark maroon dome-shaped casket was lowered into the grave. According to the Premium Casket Dealers a presidential casket of such type could cost anything above Ksh. 700,000. Soldiers from the Kenya Navy led by Lt. Colonel Eliud Keter carried out the 19- gun salute. After the gun-salute, warrant officer II, Gibson Mwandawiro, the military master of ceremony (MC) welcomed the Kenya Airforce, which carried out an honorary fly past. This was followed by playing of the long Reveille, marking the final farewell. Marble was laid at the grave and Brigadier Joakim Mwamburi, immediately handed the flag used in the ceremony to the family. Mourners placed wreaths on the grave. About 400 family members and selected dignitaries watched military performance at the grave side. The whole ceremony is estimated to cost 300 million.

Moi who was also known as ‘Toroh’, ‘Nyayo’, ‘professor of politics’, ‘prince of peace’ , died at 95 years.

SIMILARITIES AND DIFFERENCES BETWEEN STATE FUNERALS IN KENYA

Similarities.

The Kenyan State is one entity and all State Funerals should be conducted in a similar manner. From the above five cases, it is very clear that the ceremonies have not always been the same. Areas where similarities can be seen include:

i) Flying of National flags at half-mast.

All the five State Funerals received national honour of Kenyan flags being flown at half-mast. This act was accompanied with a certain period of National Mourning. During Mzee Kenyatta's death, Kenyans observed thirty days of mourning with flags being flown at half-mast in government offices, institutions and embassies. President Kibaki announced two days of mourning and flying of flags at half-mast during Michael Wamalwa's death in 2003. Kibaki also announced a period of two days of National Mourning as flags were flown at half-mast during Prof. Wangari Maathai's State Funeral in 2011. The Nation mourned for three days as the flags flew at half-mast during Mama Lucy Kibaki's State Funeral. This was announced by H.E President Uhuru Kenyatta in 2016. He also announced ten days of National mourning and the flying of flags at half-mast during Moi's State Funeral in 2020.

ii) All the five cases in Kenya belong to top politicians.

Kenyatta, Wamalwa and Moi were directly given State Funerals because of their political status. Mzee Kenyatta died in office as President, Kijana Wamalwa died in office as a Vice President and Daniel Moi died after retiring as President. Lucy Kibaki was accorded a State Funeral because of being the wife to a former President Mwai Kibaki hence First Lady. Although Prof. Wangari Maathai was honoured of being a Nobel Prize Laureate, she was a politician having served the people of Tetu as a member of parliament (2002-2007) and also having vied for presidency in 1996 on Liberal Party. Still as a politician, Wangari Maathai founded a political party called Mazingira Green Party of Kenya in 2003. Her active involvement in international affairs could be another reason to be accorded State Funeral. She was the founder of the Greenbelt Movement, which had branches across Africa and beyond. She also founded the Nobel Women's Initiative with her Nobel sisters in 1996. To deny her a descent and State ceremony would cause a lot of criticism and embarrassment to the government. Her case can be compared well with that of Diana. Diana had a technical divorce with the Prince of Wales in 1996, rendering her unqualified for a State Funeral. She was no longer princess of Wales, though she was the mother of Prince William and Harry. Due to the large outpouring of public grief, the then Prime Minister, Tony Blair recommended a ceremonial funeral for her (Wikipedia)

iii) Although State Funerals are a time of mourning, some positive effects can be drawn from these ceremonies.

One of the positive similarities is that the ceremonies foster National Unity. The spirit of Nationhood could clearly be demonstrated by the multitude of people, from all walks of life who attended the funerals. In 1978, thousands of people from all corners and of all social classes not only viewed Mzee's body, but also attended the burial ceremony at parliament grounds. According to media reports, about 90,000 people viewed Kenyatta's body daily. In 2003, long queues of mourners were witnessed on each day, the body of Vice President Michael Wamalwa lay in state at parliament. I personally queued for 1 hour from City Hall to parliament to view Wamalwa's body. Longer queues were observed when Daniel Moi's body lay in state for three days. About 213,000 people viewed the body at parliament (Daily Newspaper 12 February 2020). The 30 thousand capacity Nyayo National Stadium was parked to the brim on 11 Feb. 2020 during Moi's funeral mass. A sea of humanity was seen during Moi's burial ceremony at Kabarak in Nakuru County. The National Unity was not only seen in the physical attendance of Kenyans, but also in what speakers spread. Moi's two daughters-in-law Mrs. Eunice mark and Susan Raymond extolled the old man for uniting Kenyans in grief irrespective of political affiliations, religious beliefs and faiths (DN 12, Feb 2020).

The second common positive practice of State Funerals is interdenominational religious service and prayers. In all the five State ceremonies, funeral services were conducted before and on burial day. The late Michael Wamalwa and late Lucy Kibaki requiem mass were conducted by the Catholic Church. Lucy Kibaki's service was held at Consolata shrine, Westlands Nairobi. Prof. Wangari's funeral service was held at Freedom Corner, Uhuru Park and was presided by Rev. Phyllis Ochillo. The late Daniel Moi's requiem mass was held at Nyayo National Stadium, and attended by thousands of both local and international mourners. Rt. Archbishop Silas Yego led the interdenominational prayers. Requiem mass provide rare opportunities for Kenyans of different faiths to pray together. Several souls are likely to be saved on such days.

Thirdly, State Funerals act as a recreation to many of those attending the functions. It provides a rare opportunity of entertainment and recreation from ordinary mourners, religious leaders, political leaders and the military. Ordinary people entertain mourners by singing and dancing. Others dress comically, becoming a center of attraction to the rest of the mourners. In 2003, Raila Odinga donned in Luo traditional attire/regalia while attending the late Kijana Wamalwa's burial. His style of mourning ushered in a moment of relieve to attendees. Religious leaders often entertain people with choirs, reading of the Bible and speeches. Bishop Yego threw mourners into laughter when he said that he would let the already dead Moi preach to the attendees. Politicians such as Raila provide humorous interludes not only in dressing styles but also in speech. While addressing mourners at Kabarak, H.E Uhuru Kenyatta broke mourners' ribs by narrating interestingly how he

avoided the wrath of his boss, Moi. Gideon Moi, the Baringo senator left mourners' mouths wide open when he narrated how much his late father liked roasted meat. He at some point tried to stop him from eating meat after the doctor cautioned against it. Moi looked at him and asked "Umeona daktari hapa". (Do you see the doctor here?) (DN Feb. 12, 2020.)

As already mentioned, the 2003, State Funeral of Michael Kijana Wamalwa found me in Nairobi at a time when the body lay in state. It so happened that I had finished all the official functions and i needed somewhere to relax. I decided to join the long queue to parliament where the body of the late vice president was laying in state. I arrived at this decision because of being idle, the desire to see the inside of parliament and the fact that I had never seen Michael while he was alive. From my own experience, I learnt that some people attend State Funerals because they want to pass time, see or hear from dignitaries. For example there are those who had never seen Uganda president, Yoweri Museveni and had an opportunity to see and hear from him. Such rare occasions provide one with an opportunity to sit and listen to the Colossi of world leaders. Greater entertainment comes with the various military honours given to fallen heroes. The beautifully dressed security officers perform rituals that appear very attractive to attendees. Their traditional styles of marching, saluting, escorting of the body, gun-salute and fly past are all fascinating. Presidents Kenyatta and Daniel Moi's military honours were by all standards the best in the country. Those who had an opportunity to witness the 1978 21- gun salute honour waited with a lot of zeal to see the same happen in Moi's burial. The late Daniel Moi received a 19-gun salute with a colorful fly-past on 12 Feb.2020.

To a smaller extent, some Traditional African rituals/ burial practices have managed to find their narrow way into the tight State managed Euro-centric funeral programme. To start with, it is an African practice for the dead to be buried in their ancestral home. Mzee Jomo Kenyatta was buried at parliament grounds after family members got convinced of the idea. Unconfirmed sources however indicate that there are feelings among family members that the body should be exhumed and then taken for burial at their ancestral home. Prof. Wangari's body was cremated at Kariokor crematorium and the remains interred at Wangari Maathai Institute for Peace and Environmental studies, Kabete. Michael Wamalwa was buried at his farm, Milimani in Kitale in a ceremony that was full of luhya traditional rituals. The bodies of Lucy Kibaki and Daniel Moi were taken to their rural homes for burial. Lucy was buried at Othaya while Moi got buried at Kabarak next to his late wife Lena.

In addition to the act of physically burying the dead body, other traditional African forms of mourning could also be displayed at State Funerals. During the burial of Vice President Michael Kijana Wamalwa, Orange Democratic Movement (ODM) Leader, Raila Odinga mourned in a traditional style. He donated ten bulls for the ceremony according to the Luo tradition. On the burial day, Raila arrived at the venue donned in Luo mourning attire. The former Prime Minister

mourned the late Moi in a tradition style on 12 February 2020. He moved closer to the casket, waved his fly whisk while singing a Luo dirge. This was concluded by uttering Jowi! Jowi! Jowi!

Mzee Kenyatta's body lay in State at State House next to his trade mark fly whisk. A flywhisk is a symbol of leadership in traditional African setting.

State Funerals have promoted local languages to national and international level. Words such as Mzee (elderly man) and Mama (lady) are freely applied internationally. Others include "Nyayo"(Footprint) also applied in Nyayo philosophy of Mzee Moi and "rungu" referring to short club/baton, Moi used to hold. Just like a flywhisk, 'rungu' is a symbol of leadership. In a nutshell, State Funerals in Kenya are occasions of reminding and demonstrating traditional African funeral and burial practices.

The five State Funerals in Kenya have been occasions of infrastructural development. Almost all government departments become active especially in those areas where ceremonies related to the funerals take place. During the time of Jomo Kenyatta, roads to Gatundu were repaired to good standards. The late Kijana Wamalwa's funeral and burial witnessed repair works in Kitale region. Prof. Wangari Maathai's death made the government to order thorough cleaning of the city as priority was given to the venue, Uhuru Park. Lucy Kibaki's ceremony, led to repair and the widening of roads leading to her area of Othaya. The venue at Othaya Approved School was refurbished, ready to receive local and international dignitaries. The preparations made during Moi's funeral were of very high standard. Unlike before, President Uhuru Kenyatta drove himself in his private car on 9 Feb.2020 to Nyayo stadium to see the work first hand. At Kabarak, where Daniel Moi was to be buried, activities galored beyond the brief and simple explanation given here. Roads were repaired; including the Moi Airstrip where the late's body would be received from Wilson Airport. Everything possible was done to make Kabarak University appear as if new.

The history of State Funerals in Kenya has not only been of impact locally but internationally. The ceremonies attract dignitaries from all over the world thus strengthening international relationship. During Kenyatta's funeral, eleven Heads of States and Governments attended the burial, including a not-so-friendly president of Uganda, Idi Amin Dada. Eighty two representatives of Nations joined the procession from State House to parliament precincts where Mzee would be buried. The British monarch was represented by Prince Charles while America sent several delegates. The requiem mass for the late Prof. Wangari Maathai attracted several International dignitaries, such as Director of the UNHSP, Dr. Anna Tibaijuka and the UN Secretary General Representative, Sahle-Work Zewde. During the requiem mass for Mama Lucy Kibaki, former Tanzania President Jakaya Kikwete was among many of the international dignitaries in attendance. The requiem mass on 11 February 2020 for Mzee Moi attracted eleven Heads of State and Governments. British Monarch was represented by His Highness the Duke of Gloucester. This act of Heads of States

and Governments attending State Funerals strengthens Kenya's foreign/international Relationship with the outside world.

Differences.

According to this research paper, a State Funeral should be a last National ceremony accorded to a statesman or woman on earth once he/she dies. In this case the government is obliged to fully organize and conduct the ceremony. The chronological description of the five State Funerals in Kenya, clearly show differences in the manner of conduct. The death of Mzee Jomo Kenyatta in 1978 marked the start of State Funerals/burials in Kenya. Unlike the other later cases, Mzee Kenyatta's funeral arrangements were organized long before his death. That was in May 1968, when he had a stroke, making some people think of him not being capable of leading government. To their surprise, Mzee became more robust and could lead Kenya for ten more years. Just like indirect rule, whereby the British used Africans in their Colonial administration, Mzee Kenyatta's burial was a "British Indirect burial," dupped State burial. This is evident from the conduct and machinery used in the burial ceremony. Mzee Kenyatta was buried in a casket that was wheeled on the same gun-carriage used during the 1965 funeral of Sir Winston Churchill. His successor, Daniel Moi's casket was wheeled by a gun-carriage that was drawn by French –made ACMAT vehicle. Michael Kijana Wamalwa, Prof. Wangari Maathai and Mama Lucy bodies were driven by Lee Funeral Home hearse.

Being a State burial, the organization and conduct of events are expected to be similar if not the same. Instead of having one common place of burial, the State has had its heroes buried in different places of the families' wishes. Mzee Kenyatta was buried at parliament precincts, in a mausoleum that is given a twenty four hour guard. Kijana Wamalwa was buried at his farm, Milimani, Kitale. Prof. Wangari Maathai's remains were interred at Wangari Maathai Institute for Peace and Environmental studies of university of Nairobi, Kabete campus. This was in fulfillment of her wish to be cremated and the remains interred as indicated above. Mama Lucy's remains were interred at their private home in Othaya, while Daniel Moi was buried at his farm in Kabarak.

National days of mourning have not been the same in the five cases experienced in Kenya. Mzee Kenyatta had thirty days, Kijana Wamalwa and Prof. Wangari Maathai had two days each, Lucy Kibaki, three days while Moi had nine days. The period of flying National flags in government offices, institutions and embassies at half-mast has not been the same. Differences can also be noted in the days bodies lie in state. To be precise, Kenyatta's body lay in State for ten days at State House while Moi's body lay in State at parliament for three days. Vice president Kijana Wamalwa's body lay in State at parliament for two days. These differences should be harmonized so as to have same period in which a body can lie in state.

It is not very clear how the late president Jomo Kenyatta's casket was made and the cost it was worth. The information gathered by the researcher indicates that Mzee's body was first put in a temporal casket that was locally made, as the officials waited for further instructions and an embalmer from Britain According to Kamau (Kamau, 2019) Kenyatta's funeral was estimated to cost 500 pounds. Although it is also not clear how much president Moi's casket cost, the premium casket dealers indicates that presidential /high class coffins sell above ksh 700,000. (DN. 12, Feb. 2020). Rumour has it that Moi's dark maroon, dome –shaped casket was imported from South Africa at a cost of 2 million, Kenya money (Breakingnews.co.ke, 12 Feb.2020). Compared with the others, Prof. Wangari Maathai's casket would be the cheapest. It was locally made using very simple materials from the problematic water hyacinth, papyrus and bamboo. The question that is left unanswered is whether caskets for State burial should be an individual, family or state affair.

According to the definition and meaning of the term State Funeral, there is nowhere discrimination of citizens can be seen. It talks of a ceremony held in honour of Heads of State or other people of National importance. People of national importance are not only politicians, but also academicians, doctor, researchers, clergy, artisans, musicians etc. In the researcher's view, cases such as the Garissa university massacre(2015) that claimed over 147 lives, and the death of over 14 pupils of Kakamega primary school (12 Feb. 2020) deserved State Funeral and burial. Settling hospital bills by the government is not enough for the many innocent lives lost in their 'line of duty.' All the features of State Funerals should have been fulfilled i.e. pomp, ceremony, religious activities, military honour and public involvement. They are innocent Kenyans whose future, no one can clearly predict. Perhaps, some would turn to be very important figures in future. Who knew for sure that the humble beginnings of the young orphans; Kamau Ngengi and Toroitich kamoii would be Kenya's presidents!! The death of more than 14 pupils of Kakamega Primary school occurred just a day before that of Daniel Moi. It is ironical that prominent Kenyans including leaders from Western Kenya were busy sending condolences to the family of Moi and not the innocent lives lost. Instead, the leaders were busy investigating foul play on the part of a teacher. Academicians such as Prof. Al Amin Mazuri, John S. Mbiti etc. deserved State Funerals. Great musicians with patriotic songs and sportsmen too, deserve State Funeral. Constitutionalizing State Funerals would avoid biasness and discrimination on the part of the sitting President. Cases such as the death of John Robert Ouko, (1990) George Saitoti (2012), Cardinal Maurice Otunga (2003) and Alexander Muge (1990) deserved State Funerals. In such cases, the military should be deployed to provide not only security, but also entertainment as can be seen in others.

From the above discussions, it is clear that though a moment of Sorrow and grief, State Funerals provide some positive aspects in life. Death is a natural phenomenon and cannot be avoided. All that needs to be done is to try and avoid the differences in the conduct of such ceremonies. This research paper discusses two broad ways of minimizing the differences in the conduct of State funerals. First is constitutionalizing State Funerals and secondly Africanizing them.

Constitutionalization of State Funerals means ensuring that the conduct of such ceremonies is documented in Kenya's constitution. Although the New Constitution (2010) has elevated the status of Kenyan customs to constitutional level, not much has been done to address the issue of Traditional African funerals in relation to State Funerals (Article 11(1) and 44(1)). Judicature Act Cap 8 Sect.3 (2) and Penal code Sect.137 are equally about customary law and burial, but do not fully mention what and, how State Funerals should be conducted. Using Article 94(3), Kenya's National Assembly should debate and come up with laws governing the whole process from the time of death to the time of burial. As of now it appears like the decision on what to be done lies solely on the sitting president. Being a state function the laws governing the conduct of such ceremonies should be spelled out in the constitution. The constitution should clearly indicate the office to announce the demise of not only the president but other senior government officers. Other areas to be addressed should include the duration of National Mourning, number of days the body should be in state, cost of funeral, departments that must attend burial and place of burial.

A comparative study of State Funerals reveal that most countries with this practice have got, comprehensive legal provisions concerning their conduct. In India, the decision to accord a State Funeral rests with the Union government. National mourning is authorized for four days for a President, Vice President, Former President, and Prime Minister. A public holiday is declared in case of President or Prime Minister (5th Pay Commission Recommendation, 1997). In the UK a State Funeral requires a motion or vote in parliament. The body of the sovereign will lie in State at Westminster for three days (Wikipedia). In Indonesia, State burials are done at designated place, Kalibata Heroes Cemetery in Jakarta. In US the overall planning as well as the decision to hold a State Funeral is largely determined by President and his family. It is however, highly influenced by protocol, and steeped in tradition and rich in history.

Having a common way of conducting State Funerals will get rid of some cases being mourned for more days than others or a lot of tax payers' money used for one person than the other. For instance, the cost of Prof. Wangari Maathai's funeral must have been too far little compared to that of Mzee Moi and yet both were state Funerals. The notion that State Funerals are generally for vanguard government politicians will be a thing of the past. The document that Lt.Col.David Opande and Lt. Col. Kipsaitti drafted for the Ministry of Defence after Mzee Kenyatta's burial should be re-examined for the purpose of Constitutionalization (Opade, 2019). The document has guidelines on how the Kenya military should conduct State Funerals.

The second solution in avoiding differences that exist in State Funerals is Africanization of the practice. This means that most of the events done in such burials should have African origin. This is in line with the sessional paper No. 10, 1965, titled African socialism and its application to planning in Kenya. The Paper aimed at utilizing a black man's potential in developing the young Nation of Kenya. It was signed by the founding President, Mzee Jomo Kenyatta in 1965. Unlike

the scientific socialism, African socialism is rooted in African values and traditions. In other words, socialism is part and parcel of Africanism. It (socialism) freely and naturally exists across extended families with mutual cooperation as a characteristic. There is very little room for social classes or individualism as witnessed in 'Western' capitalism. According to Tanzania's founding father, Mwalimu Julius Nyerere's (1962-1987), Africans did not need to be taught of Marxist socialism, which was largely out of conflict. He argued that 'traditional' African village society operated on its own socialist principles of communal cooperation (Kevin S.2015). Practices such as military honours are foreign with very little meaning to Africans. They, however seem to dominate the burial ceremonies .The origin of military traditions can be traced to America in 1952, when Kentucky senator, Henry Clay became the first person to have lain in state in US capital. This tradition would later spread to other countries where notable leaders such as British WWII premier, Winston Churchill, Queen Elizabeth, US president Ronald Reagan, etc. were accorded the tradition. Having been colonized by the British, Kenyans were taught and they fully adopted this practice that has some elements of Western capitalism. Practices such as the body lying in State, exposed on a table or young children being allowed to view a dead body, have no place in traditional African setting. Such practices serve to divide Africans and erode their traditional ways of life at the expense of the foreigners. Former presidents Mzee Kenyatta and Mzee Moi were strict Pan Africanists who deserved pure traditional burials. The reason as to why Jomo Kenyatta's body lay in state for ten days while Daniel Moi's lay for three days is divisive in the first place. The Kenyatta family's request to have their kin buried at the ancestral home was valid and should have been granted. This is in line with not just kikuyu tradition, but Traditional African Societies. It is with this background that the researcher argues for the adoption of the ideals of Africanization as a solution to the differences in the practise of State Funerals.

In State Funerals, traditional African practices such as burying the dead at the ancestral home, mourning in a traditional way e.g. Raila's style at Wamalwa and Moi's funerals should be encouraged.

The following table is a summary of Traditional African practices witnessed in Kenya's State Burials

Table 1

STATESMAN/WOMAN	CEREMONY
Mzee Jomo Kenyatta 1978	-Buried. -Spent a night at Gatundu -Body lay with flywhisk -Handful soil throwing
Michael Kijana Wamalwa 2003	-Buried -Buried at ancestral home -Bukusu burial rituals -Handful soil throwing -Raila mourned traditionally.
Prof. Wangari Maathai 2011	-
Lucy Kibaki 2016	-Buried -Buried at ancestral home -Handful soil throwing
Daniel T. Moi 2020	-Buried - Buried at private farm -Grave next to wife, Lena -Practice of inheritance of 'rungu' - Handful soil throwing -Raila mourned in a Luo tradition.

Table 2: Summary of Major Events and Occasions

NAME	YEAR OF BIRTH	BIRTH PLACE	DATE OF DEATH	DEATH PLACE	REQUEIM MASS	PERIOD OF MOURN	BURIAL PLACE	MILITARY HONOUR	AGE	POSITION	EULOGY
MZEE JOMO KENYATTA	Around 1890	Genda Ridge Gatundu	22.8. 1978	State House Mombasa	State House Nairobi	30 days	Parliament Precincts	21-gun Salute	Around 88 years	1 st president Of Kenya	-Nationalist -Pan Africanist
MICHAEL KIJANA WAMALWA	25. Nov 1944	Sosia, Bungoma	23.8. 2003	Royal Free Hospital London	Nyayo National stadium	2 days	Milimani home, Kitale	-	59 years	8 th vice president	-Real patriot
PROF. WANGARI MAATHAI	1. April 1940	Ihithi, Nyeri	25. Sept 2011	Nairobi Hospital, Nairobi	Freedom corner, Uhuru park	2 days	Wangari Maathai institute ,Kabete Nairobi	-	71 years	Environ- mentalist Nobel peace Laureate.	-Naturalist -Peace maker -Environment-list
MAMA LUCY MUTHONI KIBAKI	13. Jan 1936/ 1940	Mukurwe-ini Nyeri	26.4. 2016	Bupa Cromwell Hospital London	Consolata Shrine, Westlands Nairobi	3 days	Othaya, Nyeri	-		First lady	-Loving mother -Role model and mentor -philanthropist
DANIEL TOROITICH ARAP MOI	2. sept 1924	Kuriengwo, Sacho, Baringo	4. Feb 2020	Nairobi Hospital, Nairobi	Nyayo National Stadium	9 days	Kabarak, Nakuru	19-gun salute	95 years	Former president	-Great African Statesman -Political mentor Peace lover -Builder of schools Chief reconciliation

CONCLUSION

Researchers and general readers who wish to know more about State Funerals in Kenya can now find a one document with all the five cases from 1963-2020. It is clear right from the beginning that the concept and practise of State Funeral is alien not only in Kenya, but Africa. It was introduced after African countries got their independence from European powers. The practice was for the first time experienced in Kenya with the demise of Mzee Jomo Kenyatta in 1978. From that time to date, Kenyans have experienced four more other cases. These are; Vice President, Michael Kijana Wamalwa (2003), Prof. Wangari Muta Maathai (2011), Mama Lucy Kibaki (2016), and Mzee Daniel Toroitich Arap Moi (2020). In spite of all the five being declared state Funerals, the manner in which they were conducted was different. For example, Prof. Wangari Maathai's State Funeral was totally different from the other four. Unlike Mzee Kenyatta, Mama Lucy and Mzee Moi's burial ceremonies, Michael Wamalwa's burial was full of his Bukusu (Baengele) rituals.

In spite of all these differences, the ceremony is generally good and worth for the country's statesmen. It recognizes in a special way the country's heroes and heroines. State Funerals are occasions that promote National unity. Kenyans of different backgrounds put aside their differences and join together in mourning their fallen heroes and heroines. This is evident from the last case of Mzee Daniel Moi in which the 30,000 capacity Nyayo stadium was filled to the brim by mourners during his requiem mass. On 12 Feb. 2020, over 50,000 mourners thronged the vast Kabarak grounds for his burial. State Funerals have also proved to be occasions for promoting International Relationships. This can be seen from the big number of international dignitaries who attend the ceremonies. During Mzee Jomo Kenyatta's State Funeral, eighty two foreign representatives were in attendance. Just like Moi's requiem mass, eleven Heads of State and Governments attended Kenyatta's funeral.

Apart from the ceremonies being occasions of promoting local and international unity, it is also a time to worship God. The thousands and thousands of mourners in attendance worship together during requiem mass. An opportunity to worship together is also realized on burial day. The late Mzee Moi's burial mass was presided by Rt. AIC Bishop Silas Yego.

In State Funerals, church and secular traditions are well catered for. According to the researcher, traditional African rituals are not fully represented. If a balance can be established, then State Funerals will be a meeting point of Christian, traditional African and secular burial practices. This can be achieved by not only Constitutionalizing, but also Africanizing the practice. Constitutionalism will further avoid the risk of such important rites of passage being manipulated by those in authority. Africanization will give it an indigenous base. It will also strengthen African unity.

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