

ROLE OF THE CIVIL SOCIETY ORGANIZATIONS ON ELECTORAL PROCESS IN KENYA

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Abstract: *Over the last decade, the quest for increased participation in a credible election has become an important area of concern across all world regions. Emerging studies indicate that the capacity of a sound electoral process which comprise of networks and institutional design of electoral bodies which are key factors in shaping the quality of elections across all electoral divide. Any role to be ascribed to civil society, monitors and observers in support of electoral process must therefore be in support of good election.*

Findings: *The results of this study showed a positive statistically significant relationship between role of civil society organizations and electoral process in Kenya. A positive increase in civil society organization leads to an increase in electoral process in Kenya.*

Conclusions: *The study concluded that election administration has been effective and efficient as witnessed in electoral process in Kenya. Election rules and regulations on civil society organizations is adequate as compared to other equal countries in the region.*

Keywords: *civil society, electoral process, monitors and observers*

I. INTRODUCTION

A report by Maendeleo Policy Forum report (2016), asserts that elections in most African states are slowly reversing the democratic gains that have been achieved in the last decade. Election related disputes and tensions are the main causes of instability and violent conflicts in contemporary Africa. While democratic institutions are weak to support a culture of democracy, poor management of diversity has become a major source of unhealthy competition, conflict and instability (Maendeleo Policy Forum Report, 2016). A free and fair election ensures concrete and stable political process through the attraction, installation, and sustenance of the right caliber of candidates or officers in the right office (Norris, 2017). Elections in Africa are becoming increasingly entrenched as the only credible way in which citizens can choose their leaders (Makulilo & Henry, 2018). Hence the reason why a number of countries have moved away from hitherto dictatorial regimes to an adherence to democratic principles for example Uganda, Mozambique, Sierra Leon, and South Africa.

Gilley in his article, Civil Society, Democracy and Elections (2014), explains how civil society can help promote democracy through elections using the case of Indonesia. To him, 'strong civil societies empower healthy democracies. By assuring fair elections and then holding the victors to standards of good governance, they cultivate the political condition within which democracy can thrive (Gilley, 2017). Indonesia has

experienced four peaceful electoral transitions and Gilley believes this feat is made possible due to the presence of an active and organized civil society. Their score on the Freedom House political and civil liberties index is 6 in 2007 (with 7 being the worst) to 2.5 in 2009 (Gilley, 2017). Thus the role played by civil society groups like the Democracy Forum, the University Presidents' Forum and the University Network for Free and Fair elections helps ensure fair elections through their activities including observation of the whole Electoral process.

The concept of civil society according to liberals like Diamond in his work, *Developing Democracy*, Susanne (2014) defined the term as 'as the realm of organized social life that is open, voluntary, self-generating, at least partially self-supporting, autonomous from the state and bound by a legal order or a set of shared rules. Civil society is an intermediary phenomenon between the private and sphere and the state. He went further to describe what civil society is and what it is not; actors in civil society recognize the principles of state authority and the rule of law. Accordingly, civil society is concerned with public ends, it relates with the state but does not seek to win control over or position within the state, it encompasses pluralism, diversity and does not seek to represent the complete set of interests of a person or a community. It should therefore be distinguished from the more clearly democracy-enhancing phenomenon of civic community (Susanne, 2014).

According to the United Nations, election observation is Declared as the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of Electoral process s based on the highest standards for accuracy of information and impartiality of analysis (United Nations, 2014). Many international election monitoring organizations claim to do more than just observe. Their presence is meant to prevent electoral fraud and help create a freer and fairer election (Jinadu, 2014). Past literature has argued that the presence of election monitoring organizations does in fact have an effect on the confidence of opposition parties. Opposition parties sometimes choose to boycott an election in order to delegitimize it in the eyes of the international community.

The fundamental role of civil society in an electoral process which often takes the form of support for election institutional processes as well as the more substantive development of a democratic space in a country (Susanne, 2014). Civil society does, however, have a role to play in reducing election-related conflict dynamics and promoting a peaceful electoral environment. They in many occasions have been recognized to have had a significant role in promoting peace as it is less controlled by mandates that are able to talk to several stakeholders without losing credibility, and at the same time are able to deal directly with the people in the ground through provision of civic education (Daxecker, 2014).

Likewise, civil society organizations have also other recognized roles to play with regard to election conflict dynamics. They promote peace, reconciliation and coexistence as well as social justice and the development of democratic institutions through observation of elections and giving recommendations and giving advisory to electoral bodies charged with conducting elections. According to Jinadu, (2014), operating within civil society organization represents citizens' interests by challenging the state's power by various means, such as providing alternative services that may compete with or supplement the services of the state and challenging state policies through advocacy and constituency mobilization.

Like non-governmental organizations, they are able to create social and cultural capital through the power of association and network building. Daxecker (2014) argues that the presence of international monitors could increase boycotts by endorsing unfair elections knowingly or because governments simply hide their corruption

and cheating more carefully in their presence. According to African Observer Report (2014) on Kenya's 2013 General Elections, the African Union (AU) deployed an election observation mission in Kenya from 24 February to 9 March 2013. The Mission comprised 69 observers drawn from 29 Countries across Africa. The AU observed the Kenyan elections in accordance with AU Instruments namely; Durban Declaration on the Principles Governing Democratic Elections in Africa; The African Charter on Democracy, Elections and Governance, which came to force on 15 February 2012; and the African Union Guidelines for Elections Observation and Monitoring programs.

Accordingly, the African Union report assessed various aspects of the Electoral process focusing on pre-voting day and the immediate post-election period. Overall, the AU expressed satisfaction with the conduct of 2013 elections in Kenya and concluded that the elections were a reflection of the will and aspirations of the Kenyan voters (Oloo, 2016). The AU assessment of the Kenyan 2013 elections is not without shortcomings. While acknowledging improvements on the legal framework, the AU failed to critically examine the law in relation to credible election and constitutional liberalism. With regard to electoral administration, its conclusion that the IEBC is largely prepared to conduct successful elections is not in tandem with logistical challenges that the IEBC experienced on voting day particularly with technological failures. The European Union (EU) Elections Mission to Kenya is deployed weeks to the general elections. Indeed, over the last decade, the EU has distinguished itself as an objective and impartial observer of elections throughout the world (Susanne, 2014).

The EU Mission comprised of 65 Observers from the EU Member States were deployed between January and April 2013. The Mission observed the critical election phases and noted improvement and shortcomings in the various stages of Electoral process in Kenya. For the purposes of this study, the EU report is relevant on three main areas; the legal and constitutional framework for elections; the conduct of IEBC and election management and the Electoral Dispute Resolution (EDR). The Mission also noted the transformative nature of the new laws and the potential for securing credible elections (Mutua, 2015). The EU however pointed out that the statutory amendments by parliament enacted shortly before the elections had substantial impact on the overall conduct of the elections. The Mission further noted the ambitious nature of the new legal framework especially with regard to holding six elections at the same time (Jinadu, 2014).

While the Mission appreciated the relevance of technology in enhancing the transparency of the Electoral process, the Mission decried massive failures of the Biometric Voter Registers (BVR), Electronic Voter Identification Devices (EVIDs) among others. The Mission recommended that appropriate technology should be considered and deployed well in advance. On Election Dispute Resolution (EDR), the Mission acknowledged the efforts used to reform the Judiciary and expressed satisfaction with dispute resolution mechanisms in Kenya. However, the Mission observed that the legislative framework for pre-election dispute in Kenya is extensive but complex and involves multiple channels for complaints and appeals on electoral issues (Lumumba, 2014). On the whole, the EU report is very detailed. However, the Mission while noting problems with the IEBC, failed to make recommendations of structural and institutional nature that could enhance election administration in Kenya.

Mutua (2015) notes that civil society advances democracy in two ways: by helping to generate a transition from authoritarian rule to electoral democracy and by deepening and consolidating democracy once it is established. A democracy-building function of civil society is to supplement the role of political parties in stimulating political participation, increasing the political efficacy and skill of democratic citizens. It does not

show how civil society can increase political participation especially during elections. This variable tested hypothesis in this study is:

H₀₁ Civil society organizations have no significant role on electoral process in Kenya.

H_{A1} Civil society organizations have a significant role on electoral process in Kenya.

Study Objectives

The general of the study was to establish the role of stakeholder participation on electoral process with a specific objective to assess the role of the civil society organizations on electoral process in Kenya.

II. THEORETICAL REVIEW

The section discusses theories that relates to role of stakeholder participation in performance of elections in Kenya.

Agenda setting theory is advanced by McCombs (1968). It originated from the field of communication science, and can be divided into five distinct stages: basic agenda setting effects, attribute agenda setting, psychology of agenda-setting effects, sources of the media agenda and consequences of agenda-setting effects. The media have the function of selecting and framing messages. One prominent theoretical model of the late twentieth century that captures this primary decision-making function of the media and their influence on the audience is agenda-setting research identified by McCombs and Shaw (2005). The core concept of agenda-setting is the transfer of topic salience from the media agenda to the public agenda. The first level of agenda setting states that the media can be successful in telling us what to think about, it can guide the audience to focus on certain issues (McCombs, 2005).

The agency theory was formulated and advanced by Adam Smith (1937). The author suspected the presence of agency problem and since then it has been a motivating factor for the economists to cultivate the aspects of agency theory. Agency Theory model is considered as one of the oldest theory in the literature of the management and economics (Daily & Rajagopalan, 2003; Isserman, 2006).

The stakeholder theory was postulated by Freeman (1994). The traditional definition of a stakeholder is “any group or individual who can affect or is affected by the achievement of the organization’s objectives” (Freeman 1994). The general idea of the Stakeholder concept is a redefinition of the organization. In general, the concept is about what the organization should be and how it should be conceptualized. Friedman (2006) states that the organization itself should be thought of as grouping of stakeholders and the purpose of the organization should be to manage their interests, needs and viewpoints.

III. RESEARCH METHODOLOGY

Target population for the study comprised of 519 officials from the main election stakeholders in Kenya. This included 69 IEBC, 37 staff from three Media, 225 Kenyan Voters, 63 Election observers, 114 Civil society organization members (NGOs) and 11 Legal officers who were interviewed (Bryman & Bell, 2015). The choice of these officials was based on the fact that they have vast knowledge of the matters relating to elections in Kenya and are best placed to offer valuable information to the study without biasness. This applied to the election observers and the media as have covered many elections and thus was bound to give relevant viewpoints. The choice of the sample size was mainly cast on the need for accuracy required by the researcher and the degree of variation (Sekaran, 2015). This made the study units to have 246 participants. The hypothesis

testing was done at 5% level of significance and SPSS was used for this purpose. The significance of each independent variable was also tested through Fischer distribution test called F test which applied; which refers to ratio between the model mean square divided by the error mean square. F test was used to test the significance of the overall model at a 95% confidence level.

IV. RESEARCH FINDINGS

Descriptive Results

The section required respondents to rate the role civil society have on the electoral process in Kenya. Civil society comprise of groups or organizations working in the interest of the country’s citizens, but they operate outside of the government. Organizations and institutions that make up civil society include labour unions, nonprofit organizations, churches and any other service agencies that provide important services to the society. Civil society organizations are important as they are committed to partner with other groups and stakeholders so as to ensure transparency and inclusiveness in the intergovernmental decision making process. Civil society organizations ensure that advocacy functions such as electoral processes are achieved. Responses were recorded as shown in table 1 Means and standard deviation were used in the study analysis

Table 1: Role of Civil Society

Statements	Mean	Standard deviation
A vibrant civil society body is paramount in contributing effectively in sound elections election process	4.25	3.872
Civil society bodies have basic fundamental right to participate reliable in electoral process	3.90	.910
Checking of the excesses by Electoral process bodies(EMB;s) is welcome role of civil society	3.81	.925
Strengthening weak laws offers civil society the opportunity to thrive in participating in election matters	3.99	.940
Political goodwill contributes to civil society to effectively champion expansion of the democratic space in their role in participating in electoral matters	4.03	.871
More awareness on fundamental rights of citizens is enhanced by civil society participation in electoral matters	3.86	.944
Credibility in outcome is as a result of full involvement of civil society in designing electoral systems and processes devoid of gaps	3.57	.838
Sound policies on electoral governance forms the foundation for successful electoral process by elections bodies (EMBS;s) in their code of conduct	3.61	.904
The mandate and ability to stick to their core functions of Electoral commission is checked by strong civil society	3.85	.988
Regulation of financial expenditure by civil society curtails their ability to effectively participate in electoral process	3.21	1.008

The researcher required respondents to give their views on the statement whether a vibrant civil society body is paramount in contributing effectively in sound electoral process. A mean response rate of 4.225 with a

standard deviation of 3.872 recorded. Items of analysis in this section were measured on a five point Likert-Type scale ranging between 5-1; where 5 = very high extent; 4 = high extent; 3 = moderate extent; 2 = low extent and 1 = very low extent. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that vibrant civil society body is paramount in contributing effectively in sound electoral process. The study concluded that vibrant civil society body is paramount in contributing effectively in sound electoral process in Kenya.

Respondents were again requested to provide their views on the statement on whether civil society bodies have basic fundamental right to participate in electoral process. A mean response rate of 3.90 with a standard deviation of .910 was recorded. The results of the study indicated that majority of the respondents were in agreement with the statements that civil society bodies have basic fundamental right to participate in electoral processes. The study concluded that civil society bodies have basic fundamental right to participate in electoral process in Kenya.

On the statement on whether checking of the excesses by election management bodies (EMB; s) is welcome role of civil society. A mean response rate of 3.81 with a standard deviation of .925 was recorded. The results of the study indicated that majority of the respondents were in agreement with the statements that checking of the excesses by election management bodies (EMB; s) is welcome role of civil society. The study concluded that checking of the excesses by election management bodies (EMB; s) is welcome role of civil society in Kenya.

On the statement on whether strengthening weak laws offers civil society the opportunity to thrive in participating in election matters. A mean response rate of 3.99 with a standard deviation of .940 was recorded. The results of the study indicated that majority of the respondents were in agreement with the statements that strengthening weak laws offers civil society the opportunity to thrive in participating in election matters. The study concluded that strengthening weak laws offers civil society the opportunity to thrive in participating in election matters in Kenya.

Concerning statements on political goodwill contributes to civil society to effectively champion expansion of the democratic space in their role in participating in electoral matters. A mean response rate of 4.03 with a standard deviation of .871 was recorded. The results of the study indicated that majority of the respondents were in agreement with the statements that political goodwill contributes to civil society to effectively champion expansion of the democratic space in their role in participating in electoral matters. The study concluded that civil political goodwill contributes to civil society to effectively champion expansion of the democratic space in their role in participating in electoral matters in Kenya.

Respondents were also required to give their views on if more awareness on fundamental rights of citizens is enhanced by civil society participation in electoral matters. Again a mean response rate of 3.86 with a standard deviation of .944 was recorded. The results of the study indicated that majority of the respondents were in agreement with the statements that awareness on fundamental rights of citizens is enhanced by civil society organizations in electoral matters. The study concluded that awareness on fundamental rights of citizens enhanced by civil society organizations influences electoral matters in Kenya.

On the statement on whether credibility in outcome is as a result of full involvement of civil society in designing electoral systems and processes devoid of gaps. A mean response rate of 3.57 with a standard deviation of .838. The results of the study indicated that majority of the respondents were in agreement with the statements that credibility in outcome is as a result of full involvement of civil society in designing electoral systems and processes devoid of gaps. The study concluded that credibility in outcome is as a result of full involvement of civil society in designing electoral systems and processes devoid of gaps in Kenya.

The researcher in this section required respondents to give their views on whether sound policies in electoral governance forms the foundation for successful electoral process by elections bodies (EMBS;s) in their code of conduct. A mean response rate of 3.61 with a standard deviation of .904. The results of the indicated that majority of the respondents were in agreement with the statements that sound policies in electoral governance forms the foundation for successful electoral process by elections bodies (EMBS;s) in their code of conduct. The study concluded that sound policies in electoral governance forms the foundation for successful electoral process by elections bodies (EMBS; s) in their code of conduct in Kenya.

On the statement on whether the mandate and ability to stick to their core functions of Electoral commission is checked by strong civil society the average. A mean response rate of 3.85 with a standard deviation of .988. Items of data analysis were measured on a five point Likert-Type scale ranging between 5-1; where 5 = very high extent; 4 = high extent; 3 = moderate extent; 2 = low extent and 1 = very low extent. The results of the study as shown in table 4.9 indicated that majority of the respondents were in agreement with the statements that the mandate and ability to stick to their core functions of Electoral commission is checked by strong civil society the average. The study concluded that the mandate and ability to stick to their core functions of Electoral commission is checked by strong civil society the average in Kenya.

Respondents were also asked to rate statements on if regulation of financial expenditure by civil society curtails their ability to effectively participate in electoral process. A mean response rate of 3.21 with a standard deviation of 1.008. The results of the study indicated that majority of the respondents were in agreement with the statements that regulation of financial expenditure by civil society curtails their ability to effectively participate in electoral process. The study concluded that regulation of financial expenditure by civil society curtails their ability to effectively participate in electoral process in Kenya.

Regression Analysis

m The study sought to establish the magnitude and direction of the effect of civil society on electoral process in Kenya using the hypothesis stated as follows;

H₀₁: civil society organizations significantly influence electoral process in Kenya

The regression results for civil society on electoral process in Kenya were provided as shown in table 2, 3 and 4.

Table 2: Model Summary for Civil Society Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.642 ^a	.412	.407	.51254

a. Predictors: (Constant), OP

Table 3: ANOVA for Civil Society

ANOVA ^a						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	21.012	1	21.012	79.983	.000 ^b
	Residual	29.948	114	.263		
	Total	50.960	115			

Table 4: Coefficients for Civil Society

Coefficients ^a						
Model		Unstandardized Coefficients		Standardized	t	Sig.
		B	Std. Error	Coefficients		
1	(Constant)	1.478	.265		5.574	.000
	OP	.610	.068	.642	8.943	.000

The regression results in tables 2, 3 and 4 show that the influence of civil society on electoral process in Kenya was significant (F (1, 171) =79.983, p=0.000<0.05). With R =0.642 and R² = 0.412, the model implies that about 64.2% of electoral process in Kenya changes accounts for civil society organizations, while a variation of 41.2% in electoral process was brought about by the influence of civil society organizations in Kenya.

The F test was significant with a p value =0.000 which was less than the standard p value of 0.05 and this meant that the model was significant. From ANOVA, since p value p=0.000 and was lower than p=0.05 (p value 0.000<0.05), then the contribution of civil society participation to electoral process in Kenya was significant, and the conclusion is that civil society organizations has a positive influence on electoral process in Kenya.

The coefficient for civil society (β) was also significant (β = 0.610, t = 8.943, p = 0.000<0.05) indicating that civil society organizations influences electoral processes in Kenya by about 0.610 units. Since p-value =0.000< 0.05, the null hypothesis was rejected and concluded that there was a statistically significant relationship between civil society organizations and electoral process in Kenya.

Table 5: Summary of Hypotheses

Objective	Hypothesis	Results p-value	Comment
To assess the role of the civil society organizations on electoral process in Kenya.	H ₀₄ Civil society organizations have no significant role on electoral process in Kenya.	Do not reject HA4 if p-value is <0.05	The alternative hypothesis was not rejected. Civil society organizations have a significant role on electoral process in Kenya

V. CONCLUSIONS

The objective of this study was to assess the role of the civil society organizations on electoral process in Kenya. From this objective, it was hypothesized that there is no significant relationship between civil society organizations and electoral process in Kenya. The results of this study showed a positive statistically significant relationship between role of civil society organizations and electoral process in Kenya. The results on the beta coefficient of the resulting model indicated that that constant $\alpha = 1.478$ is significantly different from 0, since the p - value = 0.000 meaning it was less than 0.05. the coefficient $\beta = .610$ was also significantly different from 0 with a p - value = 0.00 which is less than 0.05. this implies that the null hypothesis $\beta_4 = 0$ is rejected and the alternative hypothesis $\beta_4 \neq 0$ is taken to hold which implies that the model is significantly fit. This therefore means that the hypothesis **H01**: There is no significant relationship between civil society organizations and electoral process in Kenya was rejected and the study therefore concluded that there is a significant relationship between civil society organizations and electoral process in Kenya. It is not able to tell that the relationship at this stage was not as strong as expected. This confirmed that there is a positive linear relationship between civil society organizations and electoral process in Kenya. In other words, 20% of civil society participation will bring more than 60% change in electoral process in Kenya.

The findings of the study confirm that there is a statistically significant relationship between civil society organizations and electoral process in Kenya. A positive increase in civil society organization leads to an increase in electoral process in Kenya. It can therefore be concluded from this study that civil society organization was statistically significant in explaining electoral processes in Kenya. The study again concludes that election administration has been effective and efficient as witnessed in electoral process in Kenya. Election rules and regulations on civil society organizations is adequate as compared to other equal countries in the region.

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