

“We Don’t Know Who Be Who”: Post-party Politics, Forum Shopping and Liberia’s 2017 Elections

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Abstract

Liberia’s 2017 elections represented a watershed moment in the country’s political history. In addition to completing the first democratic transfer of power from one president to another since 1944, it resulted in wide representation across many different parties and independents as well as high levels of legislative turn-overs. Additionally, these polls brought forward unprecedented numbers of party reconfigurations, increased levels of defections, and politicians/parties losing abysmally in presumed ethno-regional bases. In this article, we argue that Liberia currently exists in a post-war arena of “post-party” politics where a profound disregard for parties is the norm, and in which the electorate and politicians alike forum shop for candidates and/or political configurations they presume will deliver the best results at national, sub-national and local levels.

Although literature exploring electoral trends in Africa tends to over-emphasize ethno-regionalism as a driver and constraint in the choices of voters and politicians, we demonstrate instead that Liberians make relatively informed, strategic decisions about political alliances and ballot casting thereby subverting allegiances to ethnicity and region. By further eschewing party loyalties, Liberians have gradually become astute forum shoppers in a political marketplace that makes running for office and voting complex undertakings.

Keywords: Liberia; presidential elections; legislative elections; political parties; post-party politics; forum shopping

Introduction

The inauguration of George Manneh Weah as president of Liberia on 22 January 2018 was a watershed moment in the country's political history. It commemorated nearly 15 years of peace following a protracted armed conflict, completed the first democratic transfer of power from one president to another since 1944, and also marked the first smooth transition from one political party to another since 1878.¹ Truly momentous, Weah assumed the presidency with an unusual backdrop of a glittering professional football career, succeeding a similarly legendary Ellen Johnson Sirleaf, Africa's first democratically elected woman head of state. Arguably the most hotly contested post-war polls to date, the 2017 race for president, vice-president and House of Representatives combined boasted 2.1 million registered voters, 1,026 candidates (including 20 presidential candidates), 2,080 precincts and 5,390 polling stations.² The first round took place on 10 October 2017 yet a presidential run-off did not occur until 26 December 2017 because alleged electoral irregularities raised by the second, third and sixth placed candidates prompted lengthy judicial and institutional wrangling.³ Although the number of voters noticeably decreased for the run-off, turnout in the first round was impressive with 75.2% of registered voters exercising their franchise.⁴ This marked the highest percentage turnout in post-war years—against 74.9% in 2005 and 71.6% in 2011—and cemented the continued importance of elections for Liberians.⁵

While it has been argued that elections alone do not a democracy make, Liberia's three post-war presidential and legislative polls—particularly the most recent one in 2017—reveal a lot about how democratic consolidation has unfolded in Africa's first black republic. Thus, Liberia's electoral history can be catalogued into three phases. The first phase from independence in 1847

through to a military coup in 1980 is mostly the story of a de facto one-party state under the True Whig Party (TWP) for over a century from 1878 onward. Though some have demonstrated that elections during this period were more like “selections”—dominated by the TWP which in itself was populated predominantly with settlers from the US and Caribbean—they did occur relatively regularly.⁶

The second phase involves two elections that took place under severely adverse conditions. In 1985, Samuel Kanyon Doe, who had previously led a military coup and installed himself as head of state, allegedly rigged the election and “won” the presidential race amidst considerable violence and repression that precipitated armed conflicts spanning 1989 to 1996 and 1999 to 2003.⁷ Separating the two sets of crises were elections in 1997 that took place in an insecure post-war environment. Rebel leader Charles Taylor and his National Patriotic Party (NPP) won the polls by a large margin although the electoral playing field was significantly skewed.⁸

The third and final phase encompasses the three post-war general elections to date. Almost incomparable to the first two phases, elections in the twenty-first century have been enormously competitive. For example, placing only second in the first presidential race of 2005, Sirleaf managed to leapfrog Weah in a run-off although her Unity Party (UP) failed to secure a majority in either the House of Representatives or the Senate. Weah’s party, the Congress for Democratic Change (CDC), became the largest in the House, but not the Senate. In 2011, Sirleaf was re-elected under controversial circumstances. Her main opponent again was Weah, but this time as vice-standard bearer to Winston Tubman, nephew of Liberia’s longest serving president, William V.S. Tubman of the TWP. As runners-up in the first presidential race, Tubman and Weah alleged

irregularities and subsequently boycotted the run-off, thereby handing Sirleaf the presidency.⁹ Whereas CDC's numbers in the House reduced in 2011, UP emerged as the largest party in that body though it still fell short of a majority.

While the 2005 and 2011 presidential, House, and Senate races set a precedent for remarkably open elections—with no party winning a majority in the House or Senate, the unanticipated victories of independents as well as candidates from smaller parties, and no clean presidential or legislative sweeps across any of Liberia's 15 sub-political divisions, called counties—the 2017 presidential and House polls amplified these trends.¹⁰ They resulted in wider representation across many different parties and independents as well as high levels of legislative turn-overs. Additionally, these polls brought forward political neophytes fronting parties as standard bearers,¹¹ unprecedented numbers of party reconfigurations—with political mergers taking place at break-neck speed—increased levels of defections—with candidates either switching parties or dropping party affiliations altogether to run as independents—and politicians as well as parties losing abysmally in presumed ethno-regional bases. For example, whereas Weah's political merger with his vice-presidential candidate Jewel Howard Taylor—senator of Liberia's third most populous county, Bong, and former wife of warlord-turned-president Charles Taylor—garnered him a decisive victory in the run-off with vice-president Joseph Boakai of the UP, his Coalition for Democratic Change (CDC+) neither won a majority in the House nor some of his reputed heartland counties in the Southeast nor Taylor's supposed stronghold of Bong.¹²

In this article, we argue that Weah's triumph over a “pseudo incumbent”¹³ Boakai despite the modest showing of CDC+ in House races, coupled with the House wins of independents, smaller

and newer parties at the expense of established incumbents, are emblematic of complex trends that challenge ethno-regionalism as a primary explanation for politicians' and voters' electoral choices. While some scholars have argued for the continued primacy of ethno-regionalism in Africa, others have proffered coexisting motivations for electoral decision-making, including endogenous factors such as patronage and the policy and delivery performance of candidates (Sierra Leone), as well as exogenous factors such as international criminal trials (Kenya), the influence of China (Zambia), and transnational insecurity (Nigeria).¹⁴

We expand the analysis further by contending that Liberia has existed in a post-war arena of “post-party” politics. Political parties are often still described as strong and healthy, generally, in which “party identification is an early-socialized, enduring, affective, psychological” attachment, and in Africa, where “party loyalty is unquestionably very high in many countries.”¹⁵ In contrast, the term “post-party” politics has recently come into use in a variety of circumstances, sometimes to explain the decline of a ruling party or system, for instance in China and Peru, or a collapse in trust of political parties, particularly in the so-called Global North, generally, and North America and Western Europe, more specifically.¹⁶ However, we define “post-party” politics in Liberia as more than weakened ruling parties or waning trust in parties, which have become evident in African countries such as Zambia, Senegal, Central African Republic, and Kenya.¹⁷ Instead, it is a profound disregard for parties altogether as the basic unit of analysis by both the electorate and politicians during election periods and from one election to the next. This is in sharp contrast not only to the continuing importance of political parties at a continental and global level but also to a century characterized by True Whig Party (TWP) hegemony in Liberia. Importantly, and at the same time, “post-party” politics is not accompanied in Liberia by voter

apathy but by an enthusiasm for participation in elections which manifests in a variety of modes of voter choice at both presidential and legislative levels and channels of representation other than through political parties.

Whereas Afrobarometer data show 44%, 68% and 70% of Liberians in 2008 (Round 4), 2012 (Round 5) and 2015 (Round 6), respectively, admitted feeling “close” to a particular political party, identification with parties has not necessarily translated into voting for those parties (in the case of the electorate) or maintaining strong candidate-party loyalties (in the case of politicians).¹⁸ We suggest that rather than upholding party loyalties, Liberian post-war voters and politicians engage in persistent and strategic forum shopping—a term used in legal scholarship to describe how people access justice by selecting the jurisdiction (forum/fora) likely to provide them with the most favourable outcome.¹⁹ Here we apply forum shopping to elections, from the perspective of politicians and voters, to demonstrate that regardless of how constrained their choices may be, Liberians possess varying levels of agency, thereby selecting in multiple electoral fora or platforms—ie, presidential, Senate, House races—candidates and/or political configurations they presume will deliver the best results at national, sub-national and local levels. Our findings show that Liberian politicians and voters view elections as high-stakes gambling, as articulated by this under-40 Monrovia-based man who admitted on voting day in October 2017 that “this thing [voting] is trial and error. We don’t know who be who.”²⁰ In not knowing “who is who”, Liberian voters could be seen wearing layers of multiple party T-shirts and stripping them off one by one to feign loyalties when specific parties and politicians approached them with campaign paraphernalia. In a similar fashion, Liberian politicians systematically defected to increase their chances of winning. The party swapping by politicians

and symbolic discarding of T-shirts by voters is indicative of the fact that Liberians think of parties as disposable means to an end.

Using quantitative analysis of 2017 election results as well as qualitative analysis of 35 semi-structured pre-election interviews with voters, politicians, political party representatives, poll observers and radio journalists mostly in Montserrado and Grand Gedeh counties, we demonstrate in this article that “post-party” politics in Liberian elections derives from a form of forum shopping which has emerged from specific historical, political and socio-economic developments. Our detailed exploration of parties, their composition, supporters, and crucially those candidates who swing on a pendulum indicates an extraordinarily fluid political landscape. First, we outline a framework for understanding party politics in Liberia and consider how the country can be said to be in a state of “post-party” politics. We then explore why forum shopping is an appropriate framework for unearthing the electoral motivations of candidates and voters, thus demonstrating how it actually manifested in the 2017 race. And finally, we indicate why “post-party” politics and forum shopping are so rife in Liberia.

Party Systems, Politics and (De-)consolidation in Africa

Much of the literature on political parties in Africa and in particular their variable performances during elections has been concerned either with dominant party systems or fragmented party environments. Indeed, Mozaffar and Scarritt summarized this as the “low fragmentation and high volatility” of African party systems, evidenced by “the electoral and legislative dominance of a small number of large parties” and/or “large numbers of short-lived political parties.”²¹ One can

see what they mean. In countries like Angola, Botswana, Cameroon, Ethiopia, Mozambique, South Africa, Tanzania, Uganda and Zimbabwe, the ruling party has officially won every post-Cold War election and each party, barring in Cameroon and Uganda, has managed a leadership transition.²² They have often faced a large number of mostly ineffectual opposition parties as well as perhaps one main opponent who is nonetheless unlikely to emerge as winner.²³

At the end of the Cold War, some parties in economically and/or politically troubled one-party states, such as Benin, Malawi and Zambia, lost the first open elections, but many remained in power.²⁴ Built into all explanations of this status quo is the ability of strong consolidated ruling parties to effectively use mostly presidential and often personalized political systems and advantages of incumbency—in particular the monopoly over or dominance in access to state resources often including infrastructure, security, electoral administration, funding and the media—as well as exploitation of the relative newness of democratic consolidation processes across Africa.²⁵ For example, Crook wrote about the use of incumbency by the ruling party in 1990s Côte d’Ivoire “to present itself as the organization most likely to be capable of putting together a winning coalition,” based not entirely but predominantly on ethno-regionalism and patronage.²⁶

To some extent, and in some states, these assumptions are challenged and occasionally opposition parties or coalitions have surmounted the considerable obstacles of non-incumbency. For example, Burnell suggested that Zambia in the 1990s and 2000s had transitioned from the Cold War era “de facto one-party state,” from which the ruling United National Independence Party (UNIP) was unseated in 1991, to a “predominant party system”.²⁷ Notably, Zambia then

saw a second turnover at the ballot box in 2011. Important here is that Bwalya and Maharaj (2016) emphasize the circumstances of the incumbent political party in determining this result. No longer “predominant,” the ruling Movement for Multi-Party Democracy (MMD) experienced “sustained centrifugal conditions which systematically eroded the party’s strength” leading to a “public perception of...a decaying and recalcitrant party which increasingly detached itself from the electorate”.²⁸ Remarkably, by the 2016 elections, both MMD and UNIP were marginal in their influence.²⁹ Mirroring trends in Zambia, Benin, Ghana and Sierra Leone have had three turnovers, with Malawi and Senegal recording two.³⁰ West Africa’s regional powerhouse Nigeria underwent its first electoral turnover in 2015 when the ruling People’s Democratic Party (PDP) was defeated by a two-year-old “cobbled together” opposition party while Gambian president Yahya Jammeh and his party were forcefully encouraged by Economic Community of West African States (ECOWAS) leaders to abide by a 2016 opposition coalition victory.³¹ These examples indicate ruling parties are thus not as sturdy as once thought and may even disappear once a charismatic leader has gone.

Indeed, while throngs of opposition parties in Africa still remain mostly ineffective or simply personalist vehicles, on occasions the opposition manages to organize better or coalesce from fragmentation to form, at least temporarily, a more effective proposition to overcome structural obstacles and take advantage of ruling party malaise. The case of Senegal is instructive here. From 1960 to 2000, the *Parti socialiste* (PS) successfully dominated Senegalese politics from within a multi-party democracy, a one-party state, and once again multi-partyism. According to Resnick, however, by the time of the second turnover in 2011-2012 across the board weaknesses in the party system generated “low levels of [party] institutionalization,” “limited ability of the

opposition to mobilize key constituencies,” “party de-alignment,” and low voter turnout, with personalities becoming much more important in voter choices.³² PS was defeated in 2001 following the unseating of its leader, Abdou Diouf, as president in 2000 and boycotted the 2007 elections.³³ It is, again remarkably, now a marginal force. Its successor, the Sopi Coalition, was in turn defeated in 2012 following the downfall of leader Abdoulaye Wade as president.³⁴

In 2017, Liberia’s UP suffered a defeat and adds itself to the list of African ruling parties that have been ousted. To be clear, UP’s ejection is not analogous to the electoral removal of a ruling party in neighbouring Sierra Leone where either of the two main parties can maintain their coherence and status as opposition once defeated; Liberia, we argue, is the site of a much more fractured party system and electorate. While the fate of the UP remains to be seen in the wake of Sirleaf’s presidential exit, this article takes the notions of breakdown of ruling parties as in Zambia and the fragmentation of party systems as in Senegal a step further, by centring voters and politicians alike as strategic forum shoppers in an increasingly fluid electoral environment.

Finally, as in the cases of Kenya and Côte d’Ivoire mentioned previously, ethno-regionalism is often central to explanations of African election results even when considered alongside other factors.³⁵ Our investigation suggests, however, that voters and politicians in Liberia possess various and seemingly contradictory motivations that do not centre on ethnicity or region. This fits within a constructivist understanding of identity whereby the performance of ethnicity is seen as fluctuating over time and space and subject to political, societal and geographic pressures which affect the way an individual may act with respect to her/his ethnicity or overlapping ethnicities.³⁶

Forum Shopping as Electoral Choice

In forum shopping (also known as venue shopping) a plaintiff is an agent of her/his own making with the capacity to strategically select a court or legal jurisdiction that s/he deems capable of rendering the most favourable/advantageous judgment/outcome over her/his opponent, in cases as varied as those involving land disputes, intellectual property and trademark claims, human rights violations, patents, labour standards, and chemicals regulations.³⁷ In instances where more than one court has legal jurisdiction over the case, plaintiffs may choose particular fora because they are known to be “plaintiff-friendly,” rendering judgments speedily, requiring little to no transaction costs, and providing larger damage rewards.³⁸ In a similar fashion, Liberian politicians and voters operate in an arena of heightened competition whereby politicians shop around for parties and coalitions in multiple electoral fora, and voters feel increasingly empowered to select candidates representing different parties or standing as independents in diverse venues—presidential-national, Senate-subnational and House-local races. Whereas some politicians and voters personified a rationalist theory of politics by tactically positioning themselves to guarantee micro-level, personal victory at the polls, others admitted to making electoral choices based on national, sub-national and local considerations, such as the maintenance of Liberia’s fragile peace.

Thus, forum shopping provides an “elaborate set of options,” a kind of checks and balances particularly for the poor, weak and disaffected. In effect, it prevents one forum from possessing a monopoly of power, be it in executive-national or legislative-subnational/local elections in the Liberia case, informal village institutions or more formal courts in other cases.³⁹ For example,

using survey data of over 4,500 legal disputes judged in both customary and statutory institutions in Liberia, Sandefeur and Siddiqi employed the term forum shopping to describe how poor rural citizens make strategic although constrained choices in maneuvering a dual legal system, and that while customary law is the preferred forum because of its low-cost emphasis on “remedies” and reconciliation, those likely to experience negative bias in the customary system (ie, women, ethnic minorities) are more prone to select formal statutory law—with its emphasis on “rights”—to adjudicate their cases.⁴⁰ Where Liberia is concerned, scholars have demonstrated repeatedly that while formal courts tend to structurally favour those with financial, social and political capital, customary institutions seemingly enable those lacking money, personal connections or political clout to seek—and secure—legal recourse in a consistent, predictable, transparent, fair and affordable forum, especially in cases where the parties are from the same community.⁴¹

Although it has been used in legal terms primarily, forum shopping is an apt phrase for describing the state of play in different electoral venues in Liberia. In the same way plurality of options is the bedrock of a sound electoral democracy, the bedrock of forum shopping is the multiplicity of choices, though finite. This is emblematic of how Liberian voters, on average, have participated in post-war elections at executive and legislative levels; it is also increasingly indicative of how politicians select particular political configurations or join coalitions from which to launch their careers or expand their constituencies. Equally, politicians’ forum shopping tendencies are hardly confined to Liberia, however Liberian examples are particularly acute.

In the sections that follow, we provide concrete examples of how forum shopping and “post-party” politics actually manifested in Liberia’s 2017 presidential and House races.

Forum Shopping and “Post-party” Politics in Liberia: Two Sides of the Same Coin

There are at least two ways of looking at forum shopping and “post-party” politics in Liberia and in particular the lack of serious consideration for political parties in twenty-first century electioneering: from the perspective of voters and politicians.

While forum shoppers select jurisdictions based on published court judgments previously rendered⁴², Liberian voters in particular are motivated less by parties and more by a candidate’s symbolism and evidence of a perceived or proven track record of success and delivery in the public and/or private spheres at executive and legislative levels. In particular, voters interviewed in Monrovia appeared less swayed by party loyalties and more inclined to forum shop for presidential candidates whom they presumed would have Liberia “at heart”.⁴³ For instance, in Weah’s stronghold of vote-rich Montserrado County, where the capital Monrovia lies, support for him as an athlete turned statesman appeared more robust than support for his CDC+.⁴⁴ While some voters lauded Weah for his accessibility, neutrality and humanitarianism during Liberia’s armed conflict, others suggested that his youthful outlook and humble beginnings would make him more empathetic to the poor, young and disaffected, like themselves.

However, not all Monrovia-based voters were enamoured with Weah’s rags to riches story. For instance, interviews with two under-40 entrepreneurs revealed that, despite zero allegiance to the Alternative National Congress (ANC), both intended to cast ballots for political newcomer and ANC standard bearer Alexander Cummings because they argued that he would be a better candidate for reversing Liberia’s spiral into recession given his private sector managerial profile

and promises to improve the ease of doing business in the country.⁴⁵ While some Liberians lauded Cummings' commitments to increase the country's revenue base through privatization and curbing government waste, others remained wary of his transnationalism and lack of public service experience, thereby opting instead for veteran politicians who had much longer records of political engagement. For instance, one 30-year-old researcher admitted that although he knew his was a "wasted" vote he still intended to cast a ballot for the Liberian People Party's H. Boima Fahnbulleh, former national security advisor, because he espoused socialist ideals and would likely challenge the neoliberal, capitalist model of development adopted and sustained by Sirleaf.⁴⁶

There are also countless examples of voters' forum shopping at the legislative level. First, there is the spread of representation across the country, as indicated by Table 1. The number of House seats held by small parties and incumbents continues to be very high. Although the two main parties/coalitions, UP and CDC+, have a greater grip on the House than in previous elections with 41 seats between them—20 for UP and 21 for CDC+, compared in 2011 to 24 for UP and 11 for CDC and in 2005 to eight for UP and 15 for CDC—neither is yet remotely close to a majority. Small political parties (those with less than 3% of the vote or no representation in the presidential/vice-presidential race) have eight seats combined (LTP, LPP, MDR, VCP, UPP, MOVEE, LINU) with some parties only recording single seats. Remarkably, the number of independents in the House rose from nine in 2011 to 13 in 2017. It is important to note here that unlike votes derived at the legislative level which operates as a first-past-the-post, simple majority system tending to favour independents, votes garnered at the presidential level must be absolute majority (50% +1%) and as such it would be more difficult for a presidential candidate

to win on an independent ticket. Nevertheless, despite the Liberian government being executive heavy and there being just two main parties/coalitions realistically vying for the presidency, there is an inordinate number of other players. This is emblematic of voters responding strategically to the plurality of electoral options available to them in national, subnational and local venues.

Table 1: House results by party wins

County/ Party	CDC+	UP	IND	PUP	LP	ALP	MDR	LTP	LINU	LPP	MOVEE	UPP	VCP
Lofa		3	2										
Gbarpolu	2		1										
Grand Cape Mount	1		1		1								
Bomi	1	1		1									
Montserrado	8	3	5					1					
Bong	1	2	1	1		2							
Margibi	2	1	1							1			
Grand Bassa	1	2	2										
Nimba	1	2		3			2						1
River Cess		1			1								
Sinoe		3											
Grand Gedeh	1		1									1	
River Gee		1				1					1		
Grand Kru					1				1				
Maryland	2	1											
TOTAL	21	20	13	5	3	3	2	1	1	1	1	1	1

Source: National Elections Commission of Liberia

Unlike counterparts in neighbouring countries such as Sierra Leone and Ghana—who in some regions vote conspicuously on ethno-regional party lines⁴⁷—Liberian voters in 2017 blocked the top three parties from dominating across House and presidential races in supposed heartlands. For example, although the UP took three of five seats in Boakai's home county of Lofa, the party won only one seat in Bomi, Sirleaf's home county, and no seats at all in Gbarpolu County where the UP candidate won the first-round presidential races in both 2011 and 2017. Indeed, UP

dropped from three seats to one in Bomi and Margibi counties, but increased from one to three in Sinoe County in the Southeast. Again, although CDC+ increased its total from seven to nine out of 17 seats in Montserrado (down from an original eight in 2012 following the death of CDC's Tandapolie and the victory of UP's Nyenka in a by-election) and held onto six of these seats from 2011, the Coalition won just one seat in Taylor's home county, Bong; one in Grand Gedeh County where Weah polled 75% in the first-round presidential race in 2017⁴⁸; and no seats in the Southeastern counties of Sinoe (71.5% in the presidential race), River Gee (59.8% in the presidential race) and Grand Kru (63.5% in the presidential race). As in 2005 and 2011, there were no clean sweeps in 2017 of legislative and presidential polls by any party in any county. During a particularly ironic by-election in November 2018 emblematic of forum shopping and "post-party" politics, CDC+ subsequently lost a Montserrado representative seat to a former CDC partisan turned independent.⁴⁹ However, ruling parties typically lose seats in mid- rather than start-of-term elections; they certainly do not lose seats held for 12 years to independents.

If the story is transferred to supposed non-heartlands, the patterns remain puzzling as a comparison of Tables 1 and 2 demonstrates. CDC+ has one seat in Nimba County where Weah has never polled well and amassed just 8% of the first-round vote for president in 2017, as indicated in Table 2. UP took all three seats in Sinoe County where Boakai mustered only 12.9% and two seats in Grand Bassa County where he gathered just 9.2%. Similarly, LP won one of three seats in Grand Kru County where Brumskine polled 5% in the presidential race. Indeed, it is hard to identify a part of the country which is either dominated by or highly unpromising for the main political parties in the 2017 polls, or indeed those in 2011 and 2005.

Table 2: First round results by county for top four presidential candidates (as percentage of total votes)

County Politician/Party	Weah CDC+	Boakai UP	Brumskine LP	Johnson MDR	Cummings ANC
Lofa	7	78.5	5.2	0.6	2.1
Gbarpolu	37.7	41.5	4.3	3.3	4.2
Grand Cape Mount	39.3	36	5.5	1.2	5.3
Bomi	41.1	36.2	5.5	0.5	7.5
Montserrado	48.6	27.3	7.1	1.6	10.4
Bong	40.6	34	5.2	1.5	5.5
Margibi	43.6	26.9	13.7	1.4	6.8
Grand Bassa	27.1	9.2	50.2	1.1	2.6
Nimba	8	19.9	4.5	53.5	6.2
River Cess	39.6	10.7	35.7	1.3	2.8
Sinoe	71.5	12.9	1.7	1.5	2.1
Grand Gedeh	75	9.7	3.7	2.7	1.9
River Gee	59.8	16	4.5	2.6	5.2
Grand Kru	63.5	13.7	5	3.1	3.9
Maryland	47.8	12.5	5.7	0.6	21.6
TOTAL	38.4	28.8	9.6	8.2	7.2

Source: National Elections Commission of Liberia

Crucially, established political parties held onto just 19 seats in the House post-November 2018 by-elections, all of which were held by larger parties/coalitions: 10 for UP, eight for CDC+ and one for LP. In addition, three candidates held their seats as independents, thus bringing the total number of holds under the same political banner to 22—just 30.1% of the seats in the House.

Change of party or incumbent occurred in a total of 55 of 73 seats from 2011 to 2018 (This does not include the two independents-Pennue and Barchue—who did not represent a party). Based on these findings, we can safely say that the post-war Liberian electorate votes on the basis of criteria other than party affiliation and forum shopping is ubiquitous.

From the perspective of politicians, although the act of floor crossing or forum shopping is not unusual in Africa or around the globe, it seems to have become a prominent feature of post-war

Liberian politics. At the leadership level, it showed no signs of abating in 2017. Boakai has always been UP during his time in office and Weah has until now been the opposition leader for the same party, CDC, but those around them have shifted dramatically. For instance, Emmanuel Nuquay had been a Representative in the House for UP from 2005, but after re-election in 2011 left UP to form PUP. In 2017, he came full circle and became the vice-presidential standard bearer for the UP's Boakai, who in the process selected Nuquay for a variety of political reasons that completely sidelined party stalwarts. Perhaps most remarkably, Sirleaf was widely assumed in 2017 to have joined other UP devotees like Gbehzohngar Milton Findley and Toga Gayewea McIntosh in putting her weight behind Weah rather than Boakai and despite denials she was subsequently expelled from UP.⁵⁰

At the level of rank and file politicians, forum shopping patterns continue. In the 2017 polls, a remarkable 31 of 38⁵¹ incumbents in the House of Representatives ran for different parties than those they had stood for in prior elections; the remaining seven changed from independent status to representing a party. Although one of these incumbents went from party (NPP) to coalition (CDC+) and two others went from coalition (APD) to two parties formerly of that coalition (LPP and UPP), the 38 incumbents together represented over half (52%) of the 73 members of the House. With nine incumbents not standing in 2017, this left just 26 representatives (35.6%) under a consistent party affiliation.

The examples detailed herein demonstrate how “post-party” politics and forum shopping—as two sides of the same coin—proved simultaneously favourable and unfavourable to voters and politicians alike in the same electoral cycle. It is of course undeniable that parties still exist and

are in some ways still useful but it is their severe downgrading as political vehicles for politicians and voters which is extraordinary. In the two case studies that follow, we explore more deeply how forum shopping and “post-party” politics enhanced the clout of a thrice elected representative while severely hobbling the aspirations of a thrice defeated presidential contender.

How “Cow Kill the Lion”

One particular case at the legislative level in Grand Gedeh County exemplifies “post-party” politics and forum shopping. Zoe Pennue is one of three surviving House legislators from 2005 and the only independent candidate (under a consistent independent affiliation) to win all three post-war legislative elections, and by a substantial margin in District 1 in 2005 (57.9%) and District 2 in 2011 (57.1%) and 2017 (55.7%).⁵² Although he contested the Grand Gedeh Senate race in 2014 and only garnered a second-place finish, Pennue returned to win the House seat in 2017 well above another independent, Jeremiah Garwo Soka, who gained only 20.8% of the vote.⁵³

The battle between Pennue and Soka was partly symbolic. The cow has long been Pennue’s emblem while Soka chose a lion. In an upending of the power hierarchy in the animal kingdom, the slogan “cow kill the lion” was often heard and reported.⁵⁴ While both men have Krahn ancestry, the dominant ethnic group in Grand Gedeh, the race partly boiled down to perceptions about experience and “rootedness”.⁵⁵ Whereas Pennue has been representative since 2005 and played a part in the rebel group Liberians United for Reconciliation and Democracy (LURD) to oust former President Taylor from 1999-2003, Soka, previously deputy minister of planning

and national coordinator for the climate change secretariat, had spent considerable time in the United States.⁵⁶

These factors played a part in Pennue's victory, however the main message from officials at the campaign office was what Pennue had done in a very direct sense, from paying school fees and hospitals bills to donating cars.⁵⁷ One narrative held that Pennue has long supported the Grand Gedeh County football club, in particular when the financially troubled team progressed to third place in the National County Meet in 2013-2014.⁵⁸ Contrary to the symbolism and personality of Weah at the presidential level, Pennue's legislative largesse resembles markers of patronage, whether aimed at communities or individuals; however, he clearly does not need party money or infrastructure to secure victories in the House. Indeed, it may sometimes be the reverse. Another narrative reveals that Sirleaf postponed a visit to Grand Gedeh because Pennue was on one of his many trips abroad and she needed his support.⁵⁹ Within an environment of weakly consolidated parties where Pennue could conceivably better forum shop outside of party strictures, there is also an electorate willing to forum shop at the ballot box bolstered in Pennue's case by stories, whether true or false, of his generosity and linkages abroad. At the same time, as noted previously, while Weah won 75% of the votes in the first-round presidential race in Grand Gedeh, CDC+ secured only one seat thus contributing to a "post-party" environment in the county.

Shopping Forums for LP

One stark example of forum shopping and “post-party” politics can be seen at the presidential level, with the waning influence of the LP and its now late former standard bearer Charles Brumskine. After three failed presidential campaigns, the LP seems weaker now than it was in 2011 when Brumskine came in only fourth place after securing fewer votes than the MDR’s Prince Johnson, a warlord-turned-senator who lacked any campaign machinery to back him in the 2017 race.⁶⁰

Brumskine’s LP began to visibly unravel at the seams early on in the campaign trail, when he was rumoured to have been receiving financial and strategic support from Sirleaf.⁶¹ The LP/Brumskine-Sirleaf alliance hearsay was further substantiated in the eyes of the electorate when stalwarts of the UP crossed the political carpet over to LP—including Harrison Karnwea, former forestry development authority managing director, who became LP’s vice-presidential candidate, and Musa Bility, a wealthy entrepreneur and former president of the Liberia Football Association, who became LP’s lead campaign chief executive officer.⁶² Karnwea’s abrupt political marriage with Brumskine is said to have been brokered by Sirleaf⁶³ when Boakai refused to take him on as a vice-presidential candidate, so he forum shopped and selected LP as the party that he thought could deliver him the most favourable outcome. In the same way that Karnwea and Bility forum shopped, so too did LP by embracing the two ex-UP loyalists.

What placed the nail in LP’s political coffin was that after losing its case against the National Elections Commission to annul the 2017 presidential election results, after a contentious six-week court battle, in a show of betrayal against Brumskine some LP high-level executives—including Karnwea, Bility and national chairman Benjamin Sanvee—snubbed the party’s official

position of neutrality and instead publicly endorsed, in their personal capacities, Weah for the run-off against Boakai. By going against LP's standard bearer and the official party stance, the three LP executives engaged in forum shopping tactics by allying themselves early on with the party that they believed would win the election.⁶⁴ In the same way that LP politicians forum shopped by crossing over to other parties to gain favour, so too did LP voters forum shop in the 2017 legislative race by not electing LP. For example, LP won no seats in Grand Bassa, a presumed heartland and where Brumskine came first in the 2017 presidential first round with 50% of the vote and where the LP had swept all House races in 2005. In many ways, a once reasonably strong ethno-regional party has been undone by forum shopping.

Post-elections, forum shopping is still in public view with LP partisans purposefully aligning with President Weah. For example, LP partisan and Grand Kru representative J. Fonati Koffa, former chairman of the LP, officially joined the CDC+ in August 2018 in a further consolidation of the ruling party's political base.⁶⁵ The crossing over of UP executives to LP and then from LP to CDC+ is a clear example that politicians too forum shop, selecting platforms that they believe will deliver them the most decisive victory, or at the very least the most favourable outcome.

In the concluding analysis that follows, we explain why forum shopping and "post-party" politics are so prevalent in Liberia.

Conclusions

In this article, we have argued that while plaintiffs may forum shop for a favourable court or legal jurisdiction, Liberian voters and politicians forum shop in various electoral venues for candidates and/or political outfits likely to serve national, sub-national and local level interests. For voters, these interests do not appear to have ethno-regionalism as a priority and instead include calculations on which politicians provide the most convincing personal/political histories and delivery promises for individual, community or nation at each electoral venue. For politicians, there is significant forum shopping between parties which again belies the idea that ethno-regionalism is of primary concern. However, this electoral environment has not developed within a vacuum. There are particular historical and socio-economic reasons forum shopping and “post-party” politics feature prominently in Liberia’s post-war electoral milieu which make our findings quite specific.

First, unlike some African countries where parties have crystalized out of liberation struggles and/or endured since independence—as in the cases of South Africa or Sierra Leone—the majority of twenty-first century political parties in Liberia are relatively new and therefore unconsolidated. The historical trajectory of political parties is useful to recount here. For example, although the once-dominant TWP still exists it has gained no seats in the House or Senate since the end of the armed conflict in 2003. Doe’s former party, the National Democratic Party of Liberia (NDPL), won one House and two Senate seats in 2005, lost them all in subsequent elections in 2011 and 2014, respectively, and was not registered in 2017.⁶⁶ Two other longstanding parties, the Liberian People’s Party (LPP) and the United People’s Party (UPP) date back to the 1970s and continue to play small roles in elections and gain a few seats each time, separately or in alliances.⁶⁷ Whereas the vast majority of current parties are products of the war

or post-war political configurations—like the NPP and CDC—the UP represents the only pre-war party that has remained relevant since the advent of multi-party democracy in the 1980s. The UP is probably now the most consolidated party but in comparison to a very weak field and now confined to opposition.

Second, the 2005 elections followed a two-year all-inclusive National Transitional Government of Liberia (NTGL) which mandated that no one serving as chairman, vice-chairman, chief justice, associate justice, speaker, deputy speaker or principal cabinet minister could stand for elected office.⁶⁸ In the absence of incumbents, there was an enviable levelness to the electoral playing field and a high degree of competition. Liberia also received substantial assistance to facilitate these conditions, although high administrative overhead and exorbitant payments to foreign interveners in particular consumed the financial resources allotted for democracy promotion and peacekeeping.⁶⁹ Third, Liberia's first-past-the-post, or simple majority, electoral system at the legislative level and large numbers of candidates allow some to win with small vote totals, thereby potentially aiding independents and small parties.

Fourth, there are little to no ideological differences that distinguish one party from the next, with policy pronouncements broadly promising socio-economic change. Lastly, and most importantly, politicians increasingly perceive winning elections as a conduit for amassing personal wealth given the lucrative nature of holding public office in Liberia.⁷⁰ This, in turn, has created an increasingly demanding electorate which views polls as a forum for both eliminating self-interested opportunists and rewarding would-be public servants who can devise and deliver

practical solutions to the country's grim socio-economic outlook and/or benefits for their communities.

Nevertheless, while “post-party” politics and forum shopping in Liberia buck the general trend across Africa, there are elements of the country's political environment that make it similar to other parts of the continent. For example, some parties' shallow historical roots and the absence of acute ideological differences amongst parties figure elsewhere in Africa. Thus, we believe our conclusions are worthy of wider consideration and contribution to debates in African politics. Although literature exploring electoral trends in Africa tends to over-emphasize ethno-regionalism as a driver and constraint in the choices of voters and politicians, we have demonstrated in this article instead that Liberians make relatively informed, strategic decisions about political alliances and ballot casting thereby subverting allegiances to ethnicity and region. By further eschewing party loyalties, Liberians have gradually become astute forum shoppers in a political marketplace that makes running for office and voting complex undertakings.

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Notes

- ¹ Dunn, "Presidential Power Transfer"; Dunn, Beyan and Burrowes, *Historical Dictionary of Liberia*, 263–264.
- ² All elections statistics are culled from the official website of the National Elections Commission of Liberia (<http://www.necliberia.org/>).
- ³ Daily Observer, "Solidarity Statement"; Davis, "Supreme Court Upholds."
- ⁴ National Elections Commission of Liberia, *2017 Presidential and Representative Elections*.
- ⁵ National Elections Commission of Liberia, *2005 Election Results/By-election Results*; National Elections Commission of Liberia, *2011 Presidential and Legislative Elections*.
- ⁶ Afrofusion, "Liberian Documentary Filmmakers"; Dunn, "Presidential Power Transfer."
- ⁷ Sawyer, *Beyond Plunder*; Liebenow, *Liberia: The Quest for Democracy*.
- ⁸ Harris, "From 'Warlord' to 'Democratic' President."
- ⁹ BBC, "Liberia's Sirleaf Seeks Re-election."
- ¹⁰ Harris, "Liberia 2005"; Harris and Lewis, "Liberia in 2011."
- ¹¹ See Pailey and Harris, "Liberia's Run-up to 2017", for more details.
- ¹² Ballah, "Weah, Taylor to Represent CDC."
- ¹³ This means that that the ruling, incumbent party has a change in standard-bearer. See Pailey and Harris, "Liberia's Run-up to 2017."
- ¹⁴ Bratton and Kimenyi, "Voting in Kenya"; Long and Gibson, "Evaluating the Roles"; Lindberg, "'It's Our Time to 'Chop'"; Lynch, "Electing the 'Alliance of the Accused'"; Wyrod, "Sierra Leone"; Bwalya and Maharaj, "Not to the Highest Bidder"; LeVan, Page, and Ha, "From Terrorism to *Talakawa*."
- ¹⁵ Dalton, "Party Identification," 1; Bob-Milliar, "Activism of Political Parties," 10.
- ¹⁶ Hui, "The Crisis of Representativeness"; Levitsky, "Fujimori and Post-party Politics"; Gardels, "The Era of Post-party Politics"; Wilson, *Post-party Politics*.
- ¹⁷ Momba, "Democratic Transition and the Crises"; Resnick, "Continuity and Change"; Mehler, "Rebels and Parties"; Rutten and Owuor, "Weapons of Mass Destruction."
- ¹⁸ Afrobarometer, *Round 4 Afrobarometer Survey*; Afrobarometer, *Round 5 Afrobarometer Survey*; Afrobarometer, *Round 6 Afrobarometer Survey*.
- ¹⁹ Brown, "Ideologies of Forum Shopping."
- ²⁰ Interview with voter, Monrovia, October 2017.
- ²¹ Mozaffar and Scarritt, "The Puzzle," 399.

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- 22 Doorenspleet, “Political Parties, Party Systems.”
- 23 Lekalake, “Why Opposition Parties.”
- 24 Burnell, “The Party System,” 239.
- 25 Bratton and van de Walle, *Democratic Experiments in Africa*; Bleck and van de Walle, *Electoral Politics in Africa*.
- 26 Crook, “Winning Coalitions,” 215.
- 27 Burnell, “The Party System”; Sartori, *Parties and Party Systems*, 195. This is taken from Sartori’s definition which makes a distinction between predominance and hegemony.
- 28 Bwalya and Maharaj, “Not to the Highest Bidder,” 71.
- 29 Resnick, “Zambia’s 2016 Elections”; Momba, “Democratic Transition and the Crises.”
- 30 Sierra Leone has had three opposition victories, but one turnover was delayed for a year by military coups d’état.
- 31 LeVan, Page, and Ha, “From Terrorism to *Talakawa*,” 2; Kora and Darboe, “The Gambia’s Electoral Earthquake,” 154–155.
- 32 Resnick, “Continuity and Change,” 623.
- 33 Ibid., 625–626, 629.
- 34 Ibid., 627.
- 35 Bratton, Bhavnani, and Chen, “Voting Intentions in Africa.”
- 36 Brubaker and Cooper, “Beyond ‘Identity’”; Berman, “Ethnicity, Patronage and the African State.”
- 37 Crook, “Access to Justice and Land Disputes”; Benda-Beckmann, “Forum Shopping and Shopping Forums”; Ewert and Weslow, “Forum Shopping in Europe,” 9; Helfer, “Forum Shopping for Human Rights”; Moore, “Forum Shopping in Patent Cases”; Murphy and Kellow, “Forum Shopping in Global Governance.”
- 38 Ewert and Weslow, “Forum Shopping in Europe,” 9.
- 39 Brown, “Ideologies of Forum Shopping,” 650; Benda-Beckmann, “Forum Shopping and Shopping Forums.”
- 40 Sandefeur and Siddiqi, *Citizen or Subject?*.
- 41 Isser, Lubkemann, and N’Tow, *Looking for Justice*, 75; Lubkemann, Isser, and Chapman, “Neither State Nor Custom,” 90–91. It is worth noting here, however, that surveys have shown despite their preference for customary jurisprudence, Liberians 59% of the time opt out of using both customary and statutory mechanisms because of their limitations.
- 42 Whytock, “The Evolving Forum Shopping System,” 489.
- 43 Pailey, “Birthplace, Bloodline and Beyond,” 821–822.
- 44 Interviews with voters, Monrovia, October 2017.
- 45 Interview with Alexander Cummings, Monrovia, August 2016; Interviews with voters, Monrovia, October 2017.
- 46 Interview with voter, Monrovia, October 2017.
- 47 Conteh and Harris, “Swings and Roundabouts”; Bob-Milliar and Paller, “Democratic Ruptures and Electoral Outcomes.”
- 48 For instance, in two polling places within one precinct in Zwedru, Weah totalled 241 and 209 votes, respectively, whereas CDC+ totalled 6 and 1 (observations by author, 10 October 2017).
- 49 Frontpage Africa, “National Elections Commission Declares.”
- 50 Dodoo, “Liberia’s Outgoing Ruling Party.”
- 51 Only 13 of the 38 incumbents who changed political affiliations went on to win a seat in 2017.

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- 53 National Elections Commission of Liberia, *2014 Special Senatorial Election*.
- 54 Author observations and informal conversations, Zwedru, October 2017.
- 55 Pailey, "Between Rootedness and Rootlessness."
- 56 Harris, *Civil War and Democracy in West Africa*, 194–195; Harmon, "Liberia Gets Top Post"; Soka, "Grand Gedeh County."
- 57 Interview with Zoe Pennue campaign officials, Zwedru, October 2017; Informal conversations, Zwedru, October 2017; Johnson, "ZPMD Identifies"; Tiah, "Grand Gedeh: Zoe Pennue."
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- 63 In another example of forum shopping, Sirleaf is rumoured to have brokered a political alliance between Cummings' ANC and UP loyalist Jeremiah Sulunteh, former Liberian ambassador to the US, who became the ANC's vice-presidential candidate.
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- 70 Kazeem, "George Weah Is Trying."