

# A Theory of Elite-Initiated Democratization, Illustrated With the Case of Myanmar

[Incomplete, pre-coup draft]

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## Abstract

Around half of democratic transitions are “top down” in the sense that the autocrats write the constitution that governs post-transition democracy (Albertus and Menaldo 2015). We analyze a model of elite-driven democratization, illustrating its logic and implications with the case of Myanmar. In the model, continued dictatorship is costly and inefficient due to risk of a violent rebellion and, possibly, the increase in aid, trade, and geopolitical support that would follow democratization. But the autocrats fear that fair elections would lead quickly to their marginalization. We argue, contrary to a common suggestion, that paper constitutions that provide veto points for the old elite are not by themselves sufficient protection. Top-down “democratic transitions” are really cases of *power-sharing*, in which the old elite retains de facto control of rent streams that the opposition cannot unilaterally seize simply by changing laws. As the military’s coup threat gradually declines over time, democracy may eventually “consolidate.” A model variant that introduces intra-elite competition helps explain why top-down transitions are far more likely to be pursued by the more institutionalized single-party and military autocracies, whereas personalist regimes are much more likely to see no transition or more violent, revolutionary transitions. We also show how the prospect of increased international aid, trade, and investment make top-down transitions more likely, though only when post-transition power-sharing is feasible.

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# 1 Introduction

The core of Acemoglu and Robinson’s (2000, 2001, 2006) influential and productive account of democratization goes as follows. An autocratic elite faces periodic threats of “bottom up” revolution in the form mass protests or other major collective action. In these moments when the danger is high, the elite would like to promise to redistribute more in the future to avert a costly rebellion. But all know that after the moment of collective action passes, the elite would want to renege and backslide. So to avert a costly revolution, they may offer to democratize, instituting an electoral system or extending the franchise so as to credibly assure the poorer classes of future redistribution. In this account, whether the elite want to democratize depends on the extent of economic inequality (which affects how much they would be “soaked” after transition), and random factors affecting the occurrence and frequency of mass protests.<sup>1</sup>

We develop an alternative account that instead sees the *opposition’s* commitment problem – how to credibly guarantee the elites enough future rents to make transition worthwhile – as the critical obstacle. To illustrate, allow the opposition in Acemoglu and Robinson’s model (the “median voter” in their game) to set a different tax rate on the old elite, or otherwise use the power of the state to expropriate or prosecute the old elite after democratization. Then after democratization the new government will push them down to their reservation value for a coup. If this value is expected to be worse than their value for continued autocracy – when the elite still controls the state’s coercive powers – they would not want to allow a transition in the first place. They would rather try to repress the rebellion.<sup>2</sup>

A common way that autocratic elites try to solve this dilemma is by writing and implementing an “autocratic constitution” that codifies a *de facto* sharing of control of the state’s rents. By

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<sup>1</sup>Boix (2003) argued similarly that inequality impedes democratization due to resistance of the rich. [more cites, subsequent evaluations ...]

<sup>2</sup>Acemoglu and Robinson restrict attention to linear tax rates, which has the effect of protecting the elite from full expropriation after democratization. In their basic models, they also assume that the elite has no chance of successfully repressing the opposition when the opposition is able to generate collective action.

itself a paper constitution is not enough, however, even if it formally gives veto powers to the old elite. After transition, the opposition could simply declare the piece of paper illegitimate (imposed by the autocrats) and proceed to price the old elite or military down to their coup value.

We argue that to solve the core commitment problem, the transition needs to leave the old elite in direct control of a sufficient stream of rents, so that the onus of violent escalation to change the terms *ex post* would be on the opposition. We develop a dynamic model that fleshes out the strategic problem and identifies conditions under which this form of “top-down,” elite-led democratization – which is really *power-sharing* and at best partial democratization – would be more or less likely to occur. The contrast is to “bottom-up,” revolution-driven democratization, which may occur in our model if the autocratic group prefers not to try the autocratic constitution route.

In an extension of the basic model, we show how the international community can – and, we argue, sometimes does – promote top-down democratization by conditioning aid, investment, or military and other geopolitical support on “democratic openings.” Such inducements would have no effect on the autocratic elite if after transition an opposition in control of government could push them down to their coup option value. In that case, the opposition would extract all the benefits offered by the international community. But if *de facto* power-sharing reserves a portion of the economy for the old elite, then the increased “pie” that comes with internationally supported democratization makes transition via autocratic constitution more attractive.

A second variant on the basic power-sharing model introduces intra-elite politics. It yields the prediction that personalist dictators will tend to avoid, while more institutionalized military and single-party regimes will tend to prefer, top-down democratization via an autocratic constitution. In this variant, the autocratic leader (or leading faction) has to share rents with supporters to avoid a “putsch” (here, a within-elite coup). It is shown that under autocracy, less institutionalized, more personalist leaders can get away with sharing less with their elite selectorate, because the

risk of losing power to the opposition in a rebellion following a putsch attempt is higher in a more personalist regime. But if a personalist transitions using an autocratic constitution that formalizes de facto control of rents for the elite group, intra-elite putsches after power-sharing democratization can become less dangerous for his supporters and he would have to share more. By contrast, the leader in relatively professional military regime is not using the threat of *après moi le déluge* to extract more from his own support group under autocracy (or not as much). So a constitutionalized transition does less to undermine his position relative to his supporters (the military or single-party institutions). In fact it may improve it, in so far as a putsch to replace the old autocratic boss after transition risks forceful consolidation of democracy by the new government (the old opposition), with fewer coercive capabilities.

In the second section we provide more empirical motivation and backing, in the form of data on transitions with an autocratic constitution, and a synopsis of the military-led transition in Myanmar. Sections 3-6 present a sequence of models, beginning with the result of no top-down transitions without power-sharing via an autocratic constitution; then the core power sharing model; then the role for the international community; and finally, the intra-elite-politics version that suggests an explanation for why more institutionalized autocracies are so much more likely than personalists to attempt exit via autocratic constitution (a fact we document in section 2).

We are certainly *not* the first to note the importance of what we call here the opposition's commitment problem for democratization. In her influential analysis "What Have Learned about Democratization after Twenty Years?", Barbara Geddes commented that "The basic problem facing exiting dictatorships is that the agreements they make during transitions are usually unenforceable once the transition is complete. Much of their bargaining power disappears the minute they leave office" (Geddes, 1999, 137). Her focus, however, was not on how and when the commitment problem is resolved. Instead, she proposed a typology of authoritarian regimes – military, personalist, and single-party – and developed arguments about how they characteristically break

down. Drawing on both original data analysis and a broad range of transition studies, Geddes advanced several empirical generalizations that will be seen to emerge as equilibrium implications of our model. First, personalist regimes tend to break down and transition due to “bottom up” revolutions and mass protests (more common in subSaharan Africa). By contrast, transitions from more institutionalized military and single-party regimes have tended to involve less popular mobilization and more negotiated exits, sometimes via “pacts” (more common in Latin America, Asia, and Southern Europe). Second, personalist regimes distribute rents more narrowly and “rarely survive long after the death of their leader” (p. 132), whereas military and single-party regimes are often able to maintain capability following a transition due to their institutionalization (as the state’s military or in successor parties). Third, the constitutional and other legal guarantees that military and single party autocracies have negotiated “seemed very important at the time and may well have hastened the transitions,” but they have sometimes gradually lapsed or broken down (p. 137). In the model, democracy may gradually consolidate when the military’s coup threat has declined so much that the power-sharing division is no longer incentive compatible for the elected government. This is anticipated by the autocrats, but far enough in the future to not put them off transition.<sup>3</sup>

We are also indebted to recent work by Albertus and Menaldo (2013, 2014, 2018), who have systematically coded democratic transitions employing “autocratic constitutions” written by the outgoing regime that continued to govern post-transition politics. They show that these top-down transitions via autocratic constitutions have been common, and that autocratic constitutions associate with less post-transition economic redistribution and significantly greater personal security for the old regime leaders. Albertus and Menaldo see autocratic constitutions precisely as means of lessening the opposition commitment problem. But they do not directly address how these pieces of paper manage to solve the problem if, as Geddes put it, the old autocrats’ bargaining

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<sup>3</sup>[other articles and books that reference or address the opposition commitment problem.]

power will disappear “the minute they leave office.”<sup>4</sup>

As far as we know Sutter (1995) is the only formal analysis of the opposition commitment problem. In his model, like ours, the problem may be solvable for a military regime, but for a different reason than our de facto power-sharing mechanism. He assumes that renegeing by the new leaders is either all or nothing, so the military can credibly threaten to intervene if the new government reneges. But as the case of Myanmar will illustrate, renegeing does not have to be all or nothing. The post-transition government can price the military down towards its coup value by subtle adjustments to the original deal.

[papers on types of autocracy. Svobik ...]

## 2 Top-down transitions, and the example of Myanmar

### 2.1 Patterns

A top-down or elite-led transition is a transition to democracy that is governed by an *autocratic constitution* in the sense of Albertus and Menaldo (2013, 2014, 2018) – that is, by a constitution written under the old regime by agents of the autocratic elite, that governs the transition and the terms of the new democracy for some time. By Albertus and Menaldo’s (2014) codings, 39 of 80 democratic transitions since 1945 were elite-led in this sense (49%). Some examples are given in Table 1, along with Geddes, Wright and Frantz’s (2014) coding of autocratic regime type.<sup>5</sup>

Albertus and Menaldo find that transitions via autocratic constitution are associated with significantly better post-transition outcomes for the outgoing dictator (2014); more restricted suffrage and more inegalitarian and discriminatory policies (2018, chapter 4); and greater economic inequality and less redistribution through social spending (2011 and 2018). They also observe that

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<sup>4</sup>[they suggest constitutional provisions render coordination to change things by opposition hard. other suggestions ...]

<sup>5</sup>Focused on cases from southern Europe and Latin America, the observation that democratic transitions were often precipitated by elites and realized through “elite pacts” was made by O’Donnell and Schmitter (2013).

Table 1: Examples of transitions with and without autocratic constitutions

country	year	leader	Geddes regime type
Transition with autocratic constitutions			
Turkey	1983	Evren	military
Sudan	1986	Nimeiry	military
Chile	1990	Pinochet	military
Burundi	1993	Buyoya	military
Indonesia	1999	Habibie	single party
Mexico	2000	Zedillo	single party
Yugoslavia	2000	Milosevic	single party
No autocratic constitution			
Costa Rica	1949	Calderón/Picado	personalist
Philippines	1986	Marcos	personalist
Panama	1988	Noriega	military
Poland	1988	Jaruzelski	single party
Ghana	1992	Rawlings	personalist
Malawi	1994	Banda	personalist
Peru	2000	Fujimori	personalist

(what we will call) these top-down transitions are much less likely to occur following a popular revolution (2018, chapter 4).

Using their coding of transitions via an autocratic constitution and Geddes, Wright and Frantz’s (2014) codings of autocratic regime types, we show in Table 2 that autocratic constitutions are far more likely when the autocratic regime was military or single party as opposed to a personalist dictatorship.

Table 2: Autocratic regime type and use of autocratic constitutions, 1946-2004

	military	single-party	personalist	monarchy	all
# Dem. transitions	43	18	18	1	80
# Autoc. constitutions	26	10	3	0	39
% Autoc. constitutions	60.5	55.6	16.7	0.0	48.8

Note: Albertus and Menaldo constitution codings and Geddes et al. regime codings in year prior to transition.

## 2.2 Myanmar

Myanmar's experience fits the model of a top-down transition via a constitution written by the old regime. The country had one of if not *the* most stable and long-lived military regimes in post-1945 world. After a shaky, formally democratic start in 1948, General Ne Win seized power in 1962 and ruled Burma till 1988, when mass protests and violence in Yangon led to his replacement by a military junta that was known as the SLORC until 1997, and then the SPDC after that. The junta ruled as a committee, although with contentious jockeying for top-dog status between Generals Than Shwe and Maung Aye and Chief of Intelligence Khin Nyunt, until the latter was put under house arrest in 2004. Khin Nyunt had announced the regime's "Seven-Point Road Map to Discipline Flourishing Democracy" in 2003.

The regime carried out this program in a steady and methodical manner, despite two major shocks that could have led to overthrow. These were, first, the "Saffron revolution" in 2007, in which thousands of monks and others marched in Yangon and all across the country, protesting the dictatorship. They were successfully repressed. Second, more than 150,000 people in the Irrawaddy delta were killed by Cyclone Nargis in May 2008, probably one of the worst weather disasters of all time. The regime at first blocked humanitarian aid and was generally perceived in the country as having failed in its response. But no mass protests followed.

The regime proceeded with its Road Map, which involved producing a new constitution that was approved in a stage-managed national referendum held shortly after Nargis. The constitution included provisions that specifically disallow opposition leader Aung San Suu Kyi (ASSK) from being President.<sup>6</sup> It also reserves 25% of parliament (two chambers known as "Hluttaw") for military-appointed representatives, and requires assent of 75% of the Hluttaw to make any changes to the constitution. Further, the military retained full control of three key ministries – Border Affairs, Defense, and Home Affairs. The Home Ministry includes the General Administration

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<sup>6</sup>The Constitution requires that the President not have any non-citizen close relatives, including children, spouse, or parents. ASSK's husband was British and her children have UK citizenship.



Department, which as discussed below staffs and runs the actual, day-to-day administration of the country at the township level.<sup>7</sup>

Moving to the fifth step in the seven-step plan, the regime held multiparty elections in 2010. These were boycotted by the NLD because ASSK (their leader) was not allowed to run – the regime kept her under house arrest until shortly after the election. As a result, the political party created by the military, the USDP, won 80% of a low-turnout vote, and reformist ex-general Thein Sein became President. Due to the NLD boycott and ASSK’s imprisonment, the US, the EU, the UN Secretary General, and many other states were highly critical and did not recognize a democratic transition.

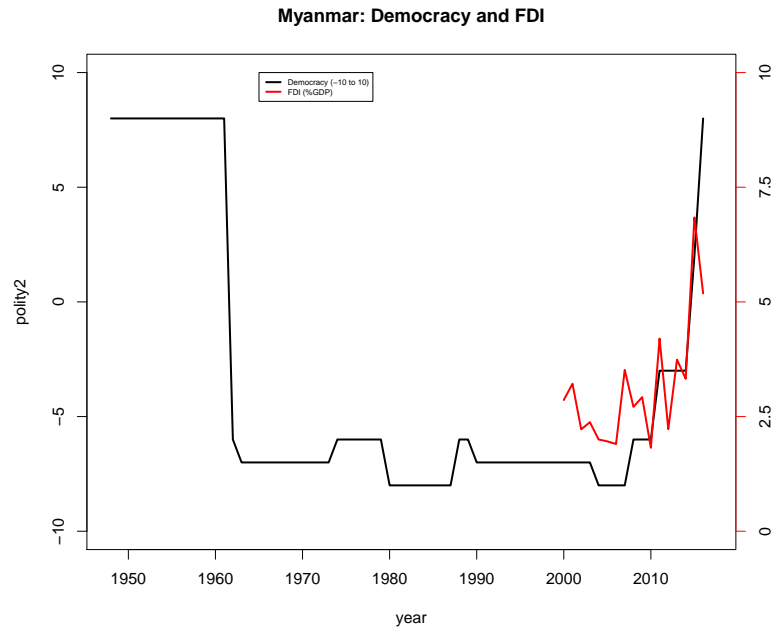
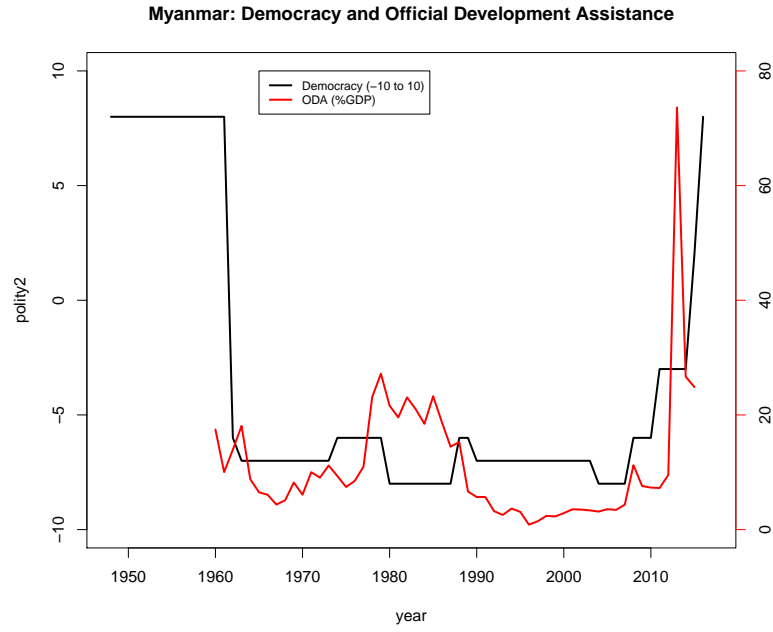
Thein Sein’s government and the newly created Union Electoral Commission allowed NLD candidates to run in by-elections held in 2012 for 45 seats, of which NLD candidates won 43, by overwhelming margins. ASSK won one of these seats, and she was allowed to sit in the Hluttaw. This development – the free by-elections and willingness to tolerate ASSK’s participation – seems to have turned the heads of “the international community,” who decided that maybe there really was a democratic transition happening. Economic sanctions began to be eased and, as shown in Figure 1, economic support increased massively in the form of both aid and foreign direct investment. The expatriate sector of Yangon boomed, along with house rents in the old colonial-officer areas of the city. Huge investments flowed in from China, Korea, and Japan, with some significant participation by European countries as well. As the owners and managers of business “conglomerates” set up by the military beginning in the 1990s, family members and friends of top generals were well positioned to be the principal mediators and beneficiaries of these investments. (“The cronies” is the local term.)

The second national election was held in November 2015 according to schedule, and was judged to be plausibly fair. This was easy to do, as the Union Electoral Commission announced that the

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<sup>7</sup>With a couple of minor exceptions, Myanmar does not and has not had any tradition of independent local or municipal government bodies.

Figure 1: Development aid and FDI take off in 2012



NLD won overwhelmingly, taking three-quarters of the non-reserved seats.<sup>8</sup> Thein Sein and the military allowed the NLD, their mortal enemy since 1988, to form a government, expecting that ASSK would be the party leader and an MP but not the President and head of state, since she was barred by their constitution. However an advisor to ASSK, constitutional lawyer Ko Ni, immediately proposed a simple work-around: The NLD in the legislature would invent and approve a new position “above” the President to be called “State Counsellor.” He argued that this was not expressly prohibited by the constitution.

The military leaders were shocked and strongly opposed this gambit, arguing quite plausibly that it was unconstitutional. In January 2016 they let it be known that a coup was possible. Nonetheless, Than Shwe, still the final arbiter in the military even though he formally retired in 2011, decided against a coup. He may have expected, correctly, that ASSK and NLD would not be able to meet popular expectations, and he surely expected that a coup would bring a strong negative reaction from the international community, and possibly an explosion of popular discontent. He met privately with ASSK and is said to have told her something like “now it is your turn.” ASSK is still “State Counsellor” and very clearly is de facto head of state.

About one year later, on January 29, 2017, Ko Ni was assassinated at the Yangon airport (while holding his infant grandson). Four men were later arrested, the alleged “mastermind” a former lieutenant colonel.<sup>9</sup> Ko Ni had been talking about having the NLD majority in Parliament authorize a referendum to endorse writing an entirely new constitution, and was reported to have been working on a draft new constitution right up to the time of his murder. Many believe that

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<sup>8</sup>Leaders of the USDP and the military seem to have expected that ethnic parties would not vote for the NLD nearly to the extent that they did, and that with the 25% military reservation the USDP could maintain a majority (interviews . . .).

<sup>9</sup>One rumor holds the Home Minister at the time, a lieutenant general, was behind the colonel. Wai Moe, Mike Ives and Saw Nang, “[Brazen Killing of Myanmar Lawyer Came After He Sparred With Military](#),” *New York Times* 2 February 2017. More recently, the police questioned a USDP member of parliament who retired from the military in 2015 in connection with the plot, and who is said to have worked at one time as driver for the current head of the army. Kyaw Zwa Moe, “[Where are the Assassins?](#),” *The Irrawaddy* 29 January 2020.

his assassination was a message saying “back off.”<sup>10</sup>

Since Ko Ni’s murder, NLD representatives have continued to advocate for changing the constitution, while the military pushes back. There has been considerable debate among Myanmar intellectuals and politicians about how fast and how hard to press. For example, a former NLD MP from Kachin was quoted as follows:

While acknowledging that the NLD has the numbers to pass a referendum bill, [Daw Dwe Bu] said she was concerned about the potential consequences. “We need to understand that not all civilians support the NLD; some still support another group. Anyone can create violent incidents intentionally. If that happens, the Tatmadaw can take state power under the current constitution.”<sup>11</sup>

By a number of indicators ASSK and the NLD have not governed well since 2016. Critics are increasingly jailed or otherwise silenced. The State Counselor delegates very little authority and is criticized for a personalist, authoritarian style by many within her own movement. The government has struggled to define and execute any clear economic agenda. ASSK made “the peace process” a priority but has essentially backed the army’s long-standing positions while the country has seen major escalation of armed conflict in multiple areas. The biggest and most immoral policy disaster in her first term – the attacks and violent ethnic cleansing of three-quarters of a million muslim Rohingya in Rahkine region that began in August 2017 – seems to have been mainly an initiative of the top general (Min Aung Laing), who may desire to replace ASSK in some future election or coup. This action undermined Western support for Myanmar and ASSK – who has actively defended the assault – and has had the effect of forcing the regime to turn back to China. Since

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<sup>10</sup>See for examples Ron Corben, “[Murdered Lawyer Was Working on Plan to Undercut Myanmar Military](#),” *Voice of America*, 14 March 2017; Wai Moe, Mike Ives and Saw Nang, “[Brazen Killing of Myanmar Lawyer Came After He Sparred With Military](#),” *New York Times* 2 February 2017.

<sup>11</sup>NLD could draft new constitution,” *Consult-Myanmar* 23 April 2016. Another good example is this comment by Min Zin (2016, 118), a well-informed and analytically sharp analyst of Myanmar’s transition politics: “In other words, the new government should slowly try to shift the orientation of existing institutions away from the military rather than abandoning them altogether. This would ease the military’s anxieties about committing to the rules of game and increase the odds of its honoring that commitment, while lowering the risk of a political reversal over the next few years.”

balancing against China’s influence was one of the military’s several objectives in pursuing the transition, many in the Bamar elite, at least, see this as a bad outcome.<sup>12</sup>

As the country heads into its second relatively free multiparty general election since the early years (November 2020), public enthusiasm is greatly diminished. NLD leaders, including ASSK, have expressed concerns about voter turnout, for example. A “fringe” Facebook group called “No-Vote Community Myanmar 2020” recently attracted high-level criticism and legal threats. In a comment that conveys the unhappiness with both continued military domination and the weak performance of the NLD, the organizer of the group

explained that “no-voters can be mainly classified into two groups: those who will never vote on principle in an election governed by the military-drafted 2008 Constitution, and those who voted in 2015 but are so unhappy with the ruling party’s performance and political incompetence they won’t vote again.” “The vast majority is in the second group,” he told *Frontier*.<sup>13</sup>

### 2.3 Puzzling and interesting features of Myanmar’s political transition

*Why did the military choose to transition and to implement their transition with an autocratic constitution?* The full inside story will likely never be known. The Tatmadaw is a famously secretive organization. But from the best available accounts and facts of the case some reasonable inferences can be drawn.<sup>14</sup>

The transition was clearly “top down” via an autocratic constitution in the sense described above, and it was clearly *not* an immediate short-term reaction to a popular uprising. As noted, the military leaders planned and carried out the transition step by step, arguably over two decades. Further, the regime’s repressive capacity and organizational cohesion were widely considered to

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<sup>12</sup>ASSK’s defense of the genocidal actions in Rahkine may reflect her actual views, or may reflect that she believes that doing otherwise would be domestic political suicide. The level of antipathy and prejudice against Rohingya in the heartland of the country is extreme.

<sup>13</sup>Pyae Sone Aung, “[‘Voting Wont Change Anything,’ say Myanmar’s no-voters,](#)” *Frontier* 24 August 2020. Note that this is a small group that is surely heavily urban. It remains likely that the vast majority of rural Bamar, at least, will vote again for ASSK and the NLD.

<sup>14</sup>In particular, Zin (2016); Zin and Joseph (2012). others ...

be very strong, and had been repeatedly demonstrated. The regime did not face growing signs of protest and organized or unorganized opposition in either 2010 or 2015.

Nonetheless, it is also clear that the top generals were worried that in the future, a mass uprising could sweep them and their families away violently. The Saffron rebellion of 2007 was alarming and “8888” could not be forgotten.<sup>15</sup> So while this case definitely does not fit the Acemoglu-and-Robinson model of a shock to mass mobilization causing democratization as a credible commitment to redistribution, it is plausible that an ongoing, low-level hazard of revolution contributed to making continued dictatorship inefficient for the military elite.

Several other factors contributed to making continued military rule inefficient, in the sense of keeping the total economic and geopolitical “pie” smaller than it could be. Most obviously, the regime wanted economic sanctions lifted and investment and economic development to redress the embarrassing (to the military leaders) backwardness of Myanmar compared to the rest of the region (except Laos). Relatedly, Zin and Joseph (2012), Zin (2016), and others stress how the leadership became increasingly concerned about their dependence on China for geopolitical and economic support. China’s economic rise, and efforts to create an economic corridor from Yunnan to the Indian Ocean through Myanmar, created a desire to develop better “outside options” in the West and with Western-allied Asia countries.

*Why did military believe that the constitution they wrote would protect them ex post?* The piece of paper gives the military a formal veto on legislative initiatives to change the constitution and so prevent reduction of the military’s control and influence. But it is also clear that the paper constitution is not by itself a constraint on NLD behavior, given their electoral success.

The first thing the NLD did after winning the 2015 election was to change the terms of the paper constitution. In effect they made the military a take-it-or-leave-it offer: Accept that ASSK will be de facto head of state as “State Counselor,” or coup. Though very unhappy about it, the

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<sup>15</sup>One story holds that (rich) family members of Than Shwe petitioned him to pursue democratic transition as early as 2004, three years before the Saffron rebellion, out of fear of a jacquerie.

military acquiesced.

Further, as Ko Ni and some other NLD leaders suggested, once in control of the formal government ASSK and her party could have simply declared the 2008 constitution invalid and called for a national referendum on a new constitution. So far they have chosen not to, but it is not the piece of paper or any deep normative commitment to its terms that is stopping them. Instead, there has been continuous debate in the press, within the NLD, and between the NLD and military representatives over the question of constitutional reform, and small steps in that direction.<sup>16</sup> As represented in our bargaining models of the next section, a central issue in these debates is the question of how far the NLD can push without provoking a coup.

The larger point is that theories of democratization should not assume that autocratic constitutions solve the opposition's commitment problem simply by paper fiat. Nor, as we show below, is it sufficient to say that the old elite is protected and the commitment problem solved by an implicit coup threat. Once in control of government the opposition can make offers that price the military down to their value for a coup, which tends to diminish after transition. This is exactly what Ko Ni and ASSK did with the move that invented the State Counselor position and put her "above" the President.

*Was this a democratic transition at all?* Many in the NLD, Burmese intellectuals and dissidents, and foreign analysts say "No!" The military has retained extraordinary, unaccountable power and influence.

But on the other hand there is no doubt that 2015 elections were fair and that they put the NLD in control of a legislature and executive that have real power and quite substantial opportunity to govern. The post-transition regime in Myanmar is best understood as a *power-*

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<sup>16</sup>For example, the military acquiesced to letting the General Administration Department shift towards de facto if not de jure civilian control in XX. The NLD also approved creation of a constitutional reform commission to solicit reform proposals, which military representatives have engaged with by making proposals that would effectively dilute NLD electoral strength. The commission looks a bit like a show so that the NLD can keep the issue in the public mind without actually pressing it. We note further that it is by no means clear that the present constitution is the major obstacle to improved governance and economic performance. [interviews]

*sharing* arrangement, or partial democratization, rather than full democratization. As Min Zin observed in 2016,

The military will not defer to the NLD; rather it will claim parallel power. [Top general] Min Aung Hlaing has called on the NLD to act for “the betterment of the country with a reciprocal arrangement,” meaning a power-sharing deal rather than a full transfer of power to the winning party (2016, 127).

What assures the military leadership of the stability of the power-sharing arrangement, given that they have handed over the state house and the legislature? We argue in what follows that key to the stability of the deal is that the outgoing autocratic elite retains *de facto* control of a variety of major rent streams, as well as territorial control of large parts of the country where some of those rents are generated. This puts the onus of costly escalation on the NLD, which stabilizes the arrangement despite post-transition weakening of the military’s coup threat.

First, as noted the military began the transition with *de jure* and *de facto* control of three critical ministries and in particular the General Administration Department, which is the structure that administers and implements policy in the country on a day-to-day basis.<sup>17</sup> This effectively gave the military a *de facto* veto on implementation of policy initiatives coming out of the legislature, which assures them a stream of policy rents (relative to what they would have if the NLD fully governed).

Their second major *de facto* rent stream derives, ironically, from the ongoing armed conflict with ethnic armed organizations (EAOs) mainly in the northeast. The rents that top brass-connected families are getting from natural resources in these areas – especially jade in the Kachin area – are reported to be staggering. A Global Witness report issued in October 2015 estimated that jade production in 2014 was worth \$31 billion, which would equal about half of Myanmar’s official GDP. Very little is officially taxed, with most being smuggled across the border to China.

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<sup>17</sup>“Moreover, the military could cripple the new government through the General Administrative Department, which is the backbone of public administration and does everything from tax collection to land management and rural development, as well as issuing registrations and certifications” (Zin, 2016).



The NLD transition by itself did nothing to put the NLD in direct control of the distribution of jade rents.<sup>18</sup>

If peace agreements with the EAOs would reduce the ability of the military-connected enterprises (and the EAO bosses) to profit from natural resource exploitation, then both sides' incentives to achieve the overarching deal that ASSK and the NLD ostensibly seek are weakened. By the same token, following the model-based argument developed below, the military leaders' expectation that they would be able to continue to profit from jade mining post-transition due to the continuing armed conflict increased their incentive to give transition a try. In effect, the continuing wars in Myanmar act as a part of a guarantee on the continued centrality of the military for the state headquartered in Nay Pyi Taw.

Third and possibly most important, the generals' prior accumulation of large amounts of capital from these and other sources has put their families and friends in control of the "commanding heights" of the more western-oriented economy that is rapidly developing in Yangon since the transition began in earnest around 2008. As discussed by Mangan and Egreteau (2018, 17), the 1988 coup that ended Ne Win's chairmanship and his "Burmese Way to Socialism" was followed by a "state-led clientelist capitalism" managed by and for the top brass of the military and their families. While engaging in some liberalization and marketization of the economy, the regime authorized and protected large state-owned enterprises, including two sprawling conglomerates, with diverse holdings and foreign participation, but always with significant natural resource investments. From the early 1990s, "all major foreign investments were required to enter a joint venture with military firms as a precondition to entering the Myanmar market." As Mangan and Egreteau summarize:

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<sup>18</sup>Global Witness (2015). Even if the Global Witness estimates are too high, there is no doubt but that there is massive theft of what should be nationally controlled resources by private entities in this area, which are overwhelmingly military men and to a smaller degree EAO bosses. There has been some movement in the parliament to try to change the licensing system and bring this sector under greater control of the state (or the state separate from the cronies), but we have not seen analyses of whether or how much these moves have succeeded so far.

Initially amassing fortunes primarily from extracting natural resources in ceasefire areas and government construction contracts, the military-owned and other connected firms diversified over time, especially with the help of a second round of SOE privatisations immediately prior to the 2011 elections (Aung Min and Kudo 2014). At the advent of the transition they had secured dominant incumbency positions in sectors more amenable to foreign investment such as banking and transport, and consolidated control over former state assets, natural resources and agricultural land. This re-orientation set the stage for the transition by strategically placing them to sustain their dominance in a post-sanctions, liberalised economy with shifting centres of political power. They possess the connections, domestic capital base and local knowledge required to navigate the burdensome regulatory environment on behalf of investors where joint ventures with local partners are still required in many capital-intensive sectors.

Concerning our argument about power-sharing, the top military families are now so economically entrenched and necessary for industrial development, natural resource development, and foreign investment that it would be extremely costly for the NLD or any political movement to expropriate or heavily redistribute away from them even if they could gain the legislative and administrative power to try. In addition, it is obvious that extreme concentration of wealth in leading military families gives them the ability to influence politicians and so potentially weaken or undermine coalitions that would try to change the terms.

In these ways, the Tatmadaw carved out de facto control of offices and revenue sources that the new majority party in the legislature cannot claw back without Tatmadaw acquiescence even if it passes laws that attempt to do so. The NLD would have to risk violent conflict to gain direct control of these rent streams, and for that move the Tatmadaw's threat to use force remains credible.

### **3 The opposition's commitment problem: A baseline**

We begin with a baseline model that starkly lays out the opposition commitment problem, and in which the autocratic elite never chooses democratic transition despite a continual risk of violent overthrow.

There are two parties, an opposition group  $O$  and an autocratic elite whom we will refer to as the military,  $M$ , until the section below on different types of autocracies. Action occurs in successive periods  $t = 0, 1, \dots$ . Both players discount future payoffs by  $\delta \in [0, 1)$  per period, beginning in period 1. Period 0 will be for institutional choice by the autocratic regime. The state generates revenues or policy benefits each period – the “pie” – that we normalize to 1. In this baseline case, the player who controls the executive will completely determine the allocation of the pie between  $M$  and  $O$  in each period.

In  $t = 0$  the military chooses whether to allow a democratic transition. If there is no transition,  $S$  denotes the probability that the military survives in power to the next period. That is, there is an exogenous probability  $1 - S \in [0, 1)$  that a successful popular revolution will depose the military in each period.<sup>19</sup> Successful revolution puts the opposition in power and eliminates the military as a political actor thereafter. Revolutions are costly, reducing the size of the pie to  $\beta < 1$  in each subsequent period. Because our focus is on the democratization problem rather than the politics of dictatorship, we let the only choice in dictatorship be the military’s allocation of the pie, which, since it can’t influence the risk of revolution (by assumption), it always keeps entirely for itself. So payoffs for the no-transition path are just

$$V^M = S(1 + \delta V^M) + (1 - S)0 = \frac{S}{1 - \delta S}, \text{ and}$$

$$V^O = S(0 + \delta V^O) + \frac{(1 - S)\beta}{1 - \delta} = \frac{(1 - S)\beta}{(1 - \delta)(1 - S\delta)}.$$

That a successful revolution may occur ( $S < 1$ ) and would be costly ( $\beta < 1$ ) means that dictatorship is inefficient:  $V^M + V^O < \Pi \equiv 1/(1 - \delta)$ . So if a democratic transition eliminates the risk of revolution both sides could be better off if they could arrange things so that the opposition faction is credibly committed to transfer at least  $(1 - \delta)V^M$  to the military in every period, while

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<sup>19</sup>We will show that elite-led democratic transitions may still occur when  $S = 1$  in section 5. This, however, depends on the international community being involved, as outlined there.

keeping the remainder.<sup>20</sup>

In section 5 we introduce another source of inefficiency under autocracy, in the form of foregone aid, trade, or military and diplomatic support from other states, referred to as “the international community.” Many have also argued that prospects for sustained economic development tend to be better under democracy (e.g., Acemoglu et al., 2019). As discussed above, revolution has often led to the execution or imprisonment of autocratic leaders, which is another cost we could add that would contribute to their incentives for a democratic transition.<sup>21</sup> Finally, resources devoted to repression of the opposition and the population are losses relative to a system where costly repression is not necessary. These are all reasons why dictatorship may make for a smaller aggregate “pie” than functioning democracy could generate. For now this formulation, in which the costs of dictatorship come solely from damage incurred in a revolution, is conveniently simple.

If the military chooses in  $t = 0$  to allow a democratic transition, then starting in  $t = 1$ , the opposition takes power and the two play the following stage game in this and all subsequent periods.

1. The opposition offers  $x_t \in [0, 1]$  to the military.
2. The military observes  $x_t$  and decides whether to re-take power via a coup. No coup means that payoffs in  $t$  are  $x_t$  for the military and  $1 - x_t$  for the opposition, and play continues to the next period.
3. If a coup occurs, it succeeds and restores the military back to power with probability  $p_t S$ . Thus, the military’s re-taking power in a coup reintroduces the threat of rebellion, and

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<sup>20</sup>These inefficient autocracy payoffs can be derived from an Acemoglu-and-Robinson-type set up where democratization may occur as a result of “bottom up” rebellion. Suppose that under autocracy, in each period the autocrat divides the pie keeping  $x_t$  for himself and giving  $1 - x_t$  to the opposition. After this, Nature randomly causes mass popular mobilization with probability  $1 - S$ , which, if it occurs, gives the opposition the choice of whether to depose the ruler and monopolize future rents. Violent overthrow is costly, so the pie shrinks to  $\beta < 1$ . It is easy to show that if  $\beta > \delta(1 - S)/(1 - \delta S)$ , then in the unique subgame perfect equilibrium the ruler always chooses  $x_t = 1$  and the opposition rebels when they get the chance, which implies the payoffs we are using for the non-transition path.

<sup>21</sup>As noted above, some who have interviewed high-level military officers believe that fear of losing everything in a massive popular rebellion was a motivation for the Tatmadaw’s pursuit of an internationally acceptable democratization process beginning even before the “Saffron Revolution” of October 2007.

when  $p_t < 1$  the military’s odds of successfully retaking power are lower than their odds of maintaining power when they controlled the executive. The chance of a successful rebellion deposing the military permanently at the time of the coup attempt is  $1 - p_t S$ . If the military succeeds and returns to power it gets its dictatorship payoff of  $V^M$  henceforth; that is, once safely ensconced back in power the military returns to facing the original per-period survival probability  $S$ . If the coup fails or is defeated by the rebellion, the military is put under effective civilian control thereafter, so the opposition gets  $\beta\Pi$ , and zero for the military (recall  $\Pi = 1/(1 - \delta)$ ).

It remains to specify the sequence  $p_t$  that, with  $S$ , gives the probability that the military can successfully seize power by force after a democratic transition. In Appendix 2, we present results for a fairly general formulation in which  $p_t$  can be any weakly declining sequence that converges to a limit smaller than 1.<sup>22</sup> Such paths are empirically plausible for at least two reasons. First, after exiting some set of the highest government offices, the outgoing elite’s ability to organize and implement a successful coup and subsequent repression is likely to be lower. And the longer they are out of these offices, the greater the ability (on average) of the new incumbents to organize resistance or counterattack. Second, more time after transition may tend to increase popular sentiment that a return to dictatorship is illegitimate and unacceptable, so facilitating mass coordination and possibly foreign support to oppose it.<sup>23</sup>

However, in the text we will employ a simpler formulation for  $p_t$ , because it makes our core arguments and results much more transparent and avoids cluttering the exposition with multiple cases that arise when we consider more general  $p_t$  paths. In particular, we consider the following

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<sup>22</sup>For convenience most of that analysis assumes  $\lim_{t \rightarrow \infty} p_t = 0$ .

<sup>23</sup>See for example Persson and Tabellini (2009) and Besley and Persson (2019), as well as a long tradition in the Political Science literature that sees “democratic consolidation” as a process of gradually changing societal values (cites). That said, we recognize that democratic regimes sometimes become very unpopular due to poor performance – indeed this may be particularly true for democracies produced by top-down elite-led transitions (Albertus and Menaldo, 2018) – which could imply temporary upward shocks to  $p_t$ . It might be interesting consider such shocks in subsequent work.

simple stochastic sequence:

$$p_t = \begin{cases} p_1 \in (0, 1) \text{ for } t = 1 \\ p_t \in \{p_{t-1}, 0\} \text{ with } Pr(p_t = p_{t-1}) = \rho \text{ for } t > 1. \end{cases} \quad (1)$$

Thus, in the first period after a top-down transition, the military’s probability of retaking power in a coup is  $p_1 S < S$ . Subsequently, in each period there is a  $\rho$  chance that this capability continues ( $p_t = p_1$  again), and a  $1 - \rho$  chance that democracy “consolidates” in the sense that the military loses any ability to retake power in a coup ( $p_t = 0$ , which could be due to changes in society, government, the military, or all three). If democracy consolidates in period  $t > 1$ , it remains consolidated thereafter:  $p_t = 0$  for all periods after consolidation. So  $1 - p_1$  and  $1 - \rho$  are measures of the extent and rate at which the military’s ability to retake power by force declines after a transition.

Simply to ease notation, we will assume that a coup attempt after a transition is bloodless, not affecting the size of the economy (pie). Costs attach only to revolutions that occur under autocracy. Since a successful coup when  $p_t = p_1 > 0$  introduces a chance of return to autocracy, coup attempts post-transition but before democratic consolidation are still inefficient in expectation.

**Proposition 1.** *The game as described has a unique subgame perfect equilibrium in which the military chooses not to transition to democracy, and thus only bottom-up, revolutionary transitions ever occur.*<sup>24</sup>

The intuition is straightforward. Once in power the opposition government will push the military down to its value for trying a coup. So if a transition causes even the slightest reduction in ability to retake power by force, the autocratic regime does better not to transition in the first place. Formally, if the military tries a democratic transition, it expects that prior to consolidation

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<sup>24</sup>All proofs are in Appendix 1.

the opposition will choose  $x_t$  so that  $x_t/(1 - \rho\delta)$  is just as large as the military's coup value, which is

$$F_t^M = p_1 S(1 + \delta V^M) = p_1 V^M.$$

This is strictly less than the military's value for sticking with autocracy,  $V^M$ .

Both sides could in principle gain from a transition – here, by eliminating the risk of a violent and destructive revolution – but the opposition's control of the executive means that its post-transition incentive is to appropriate all of those gains. The opposition's inability to commit not to exploit the military's growing weakness means that the military would not want to head down the democratization path, even though dictatorship is inefficient and could be quite costly for everyone, including the military leaders. Notice also that this result holds even if the decline in the military's coup ability is arbitrarily small ( $p_1 \approx 1$ ) and never declines any further ( $\rho = 1$ ).

## 4 A partially democratic solution: Power sharing and autocratic constitutions

The commitment problem just described is well understood by autocrats. Many deal with it as above, by accepting the inefficiencies and risks of dictatorship and repressing opposition. Some, however, attempt to address it by putting in place constitutions designed to assure them and their elite friends enough power in the post-transition system to protect their interests. Besides Myanmar and South Africa, a number of examples from Latin America are discussed by Albertus and Menaldo (2013). Some lead to elite over-representation directly, as with Argentina's 1957 constitution. Some employed direct or indirect restrictions on the franchise, such as property- or literacy-based requirements as in Brazil, Peru and Ecuador, which held until the 1980s. In Chile, Pinochet stacked senatorial appointments to limit the strength of the newly empowered political parties. Or special constitutional powers may be reserved for the military. In Honduras, the 1957

“constitution stipulated that the military would select the chief of the armed forces, retain control over military command and selectively deny executive budgetary oversight” (p. 582).

It is puzzling, however, that autocrats would rely on constitutions for their future security. If anyone should know better than to trust his political and personal fate to a piece of paper it should be an autocrat. *What stops a newly elected opposition leader from declaring the autocrat’s constitution invalid because it was imposed by the previous, illegitimate regime, and initiating a new constitutional process to produce a more democratic one?* One might say, “the threat of a coup if the new regime did this.” But as seen in the last section, the new regime leadership can calibrate their “offer” in the form of the changed constitutional arrangements and/or other rents and policies, to make the military/old regime faction prefer not to run the risks and bear the costs associated with a coup attempt. If the autocrat cedes proposal power over the state’s rents and policies, how does a piece of paper prevent the new proposer from exploiting this power?

Considering the case of Myanmar, we argued above that the autocrat’s faction needs to retain some de facto, actual control of a portion of the state “pie,” so that after the opposition controls the legislature and executive, it would have to risk costly and risky conflict to “grab” rents from the autocrat’s sphere. It is not in a position to grab the rents, confronting the old elite with a fait accompli.

The power-sharing solution we are describing is dynamic rather than static. It changes over time in a manner anticipated by the players. For the simple  $p_t$  sequence described above, the military anticipates that eventually they will have to cede full control to future electoral winners. For general declining  $p_t$ , in Appendix 2 we show that the military gradually cedes, or allows to be taken, greater control. It would even be willing to allow amendments to the constitution acknowledging this.



## 4.1 The power-sharing model

Formally, suppose that at time  $t = 0$ , if the military chooses to try a democratic transition, it makes an offer  $\alpha \in [0, 1]$  to the opposition, and the opposition then decides whether to accept or reject.  $\alpha$  is the share of the state pie that the military will keep control of after transition. This is codified in the autocrat's paper constitution, but what is important is that the military will maintain staffing of offices and control of economic positions or resources that generate an  $\alpha$  share of total rents and policy benefits.

The opposition has to agree to participate – in particular, not to boycott elections organized by the regime – for the autocrat's proposal  $\alpha$  to be “blessed” as an actual “democratic transition.” In Myanmar, for instance, neither the opposition nor observers from democratic countries considered the 2010 elections held by the military government to have constituted a democratic transition, primarily because the NLD boycotted. They did so because the regime kept their leader, Aung Sang Suu Kyi, under house arrest (and thus unable to participate) until just after the election. When “the lady” was permitted to run for a parliamentary seat in by-elections held in 2012, both the NLD and international observers began to consider that an actual transition was occurring.

Formally, if the opposition in the model rejects the military's transition offer  $\alpha$ , autocracy remains in place, along with the  $1 - S$  per period chance of violent overthrow.<sup>25</sup>

Recall that in the full democracy case, the opposition, when it gained power in transition, could make take-it-or-leave-it offers to the military on the division of state rents and policies. Now, with the military and opposition separately controlling “pies” of  $\alpha$  and  $1 - \alpha$  in each period, we consider a simple extensive form that captures the key feature that each separately decides how to allocate the rents or policies that it controls. Formally, the stage game after opposition acceptance of a transition on terms  $\alpha$  is

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<sup>25</sup>Below, when we introduce the “international community” (IC) as a player, it is natural to suppose that the IC requires that the opposition agree to participate in order to accept that there has been a transition and to begin rewarding the new regime with aid, trade, and investment.

1.  $M$  and  $O$  simultaneously choose how much of the rents that they control to transfer to the other.  $M$  transfers  $m_t \in [0, \alpha]$  and  $O$  transfers  $o_t \in [0, 1 - \alpha]$ .
2. After observing the other's transfer,  $M$  and  $O$  decide in sequence whether to coup, in the case of the military, or to "walk out" in the case of the opposition. "Walk out" means that the opposition quits the power-sharing arrangement, declaring it illegitimate. This is the same thing as precipitating a coup or military takeover, and we assume that the odds of the military successfully returning to the path of autocratic rule is likewise  $p_t S$  in this scenario.<sup>26</sup>

If there is no coup, then payoffs are  $x_t = \alpha - m_t + o_t$  for the military, and  $1 - x_t = 1 - \alpha - o_t + m_t$  for the opposition. If there is a coup (or opposition walk out), then continuation payoffs are, as before,

$$F_t^M = p_t S(1 + \delta V^M) = p_t V^M$$

$$F_t^O = p_t S(0 + \delta V^O) + (1 - p_t S)\Pi = p_t S \delta V^O + (1 - p_t S)\Pi.$$

While each side can of course transfer nothing to the other, the only way either can grab rents or policies from the other's domain unilaterally is by trying the gamble of a coup and violent breakdown. We don't rule out that, say, the opposition could make a verbal or legislative demand on some part of the military-controlled share – indeed, it could even declare the current constitution invalid and proclaim a new one. But this would just be talk unless the military chooses to acquiesce, and of no consequence if the opposition does not walk out of government (cease participation).

What is the effect of this division of powers, as codified by the autocrat's constitution ( $\alpha$ )? Whereas in the baseline case the new opposition government could price the military down to its expected value for trying a coup, now the military may get a surplus over its coup value provided that the opposition prefers living with  $1 - \alpha$  in a period versus walking out of the power-sharing

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<sup>26</sup>We have the coup decisions made in sequence to get rid of inefficient equilibrium in which each coups/walks out only because they expect the other to be doing this. We could allow a different  $p_t$  for coups versus opposition "walk outs" if they evolve in a similar manner; we make them the same for simplicity.

agreement. As the next claim indicates, the prospect of this surplus can make embarking on a democratic transition worthwhile for the military.

**Proposition 2.** *In any subgame perfect equilibrium of the game with power-sharing and post-transition elite coup ability described by (1), a democratic transition occurs if*

$$p_1 \geq \frac{V^M}{S(\Pi - \delta V^O)} = \frac{1 - \delta}{1 - \delta S - \delta(1 - S)\beta} \text{ and} \quad (2)$$

$$\rho \geq 1 - (1 - S)/\delta S. \quad (3)$$

*When these conditions hold, the military chooses the terms of the autocratic constitution as  $\alpha^* = \min\{p_1 S(1 - \delta\rho)(\Pi - \delta V^O), 1\}$  and the opposition agrees to participate in a transition. After transition, the military and opposition offer nothing to each other on the equilibrium path, simply consuming their shares  $\alpha^*$  and  $1 - \alpha^*$  until democratic consolidation occurs. Subsequently, the opposition takes the whole pie in every period.*

In the baseline case, control of the executive entailed full control of policy and economic rents, so that the opposition could make a take-it-or-leave-it offer to the former autocrats, pricing them down to their coup value. Here the old elite retains direct control of important sources of political and economic rents, implying that the opposition cannot seize these simply by passing a law. They would have to trigger the use of force, which they don't want to do because this is too risky and costly when the parameter conditions for a peaceful transition obtain.

Condition (2) says that if transition weakens  $M$  too much ( $p_1$  too small), there is no deal  $\alpha$  large enough that  $M$  wants to transition but small enough that  $O$  would be willing to abide rather than trigger a fight after democratization. Condition (3) says that if  $M$ 's post-transition military capability declines too fast ( $\rho$  too small),  $M$  will not be assured enough rents to make transition worthwhile, even if  $O$  granted maximal control of rents.<sup>27</sup>

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<sup>27</sup>Case of  $\alpha^* = 1 \dots$

Top-down democratization now can occur despite the opposition commitment problem. Comparative statics are straightforward. Transition is more likely to be feasible, first, the greater the likelihood of popular coordination on rebellion under autocracy (smaller  $S$ ). This may be related to strength of civil society and correlates of this, like income level, urbanization, and education (e.g., Lipset, 1959; Glaeser, Ponzetto and Shleifer, 2007). Note that stronger civil society (smaller  $S$ ) has two effects. On the one hand, it makes autocracy worse for the autocrats, but on the other, it also increases the minimum deal  $1 - \alpha$  that  $O$  needs for it to comply with power-sharing.

Second, transition is more likely the more destructive revolution would be (smaller  $\beta$ ). This is not because the elite fear revolution (here) but because more destruction makes  $O$  less inclined to renege on a power-sharing deal, in turn making more favorable deals for the autocrats feasible. Third, transition is more likely the less it undermines the elite's ability to retake power by force (larger  $p_1$ , larger  $\rho$ ). This may be related to how "institutionalized" is the form of autocracy – more below.

As noted, Appendix 2 analyzes the model for  $p_t$  weakly decreasing with a limit of zero. We show that the transition path has a time  $T_h \geq 1$  when democracy will begin to consolidate in the sense that the military begins to transfer (or allow to be taken) rents from the  $\alpha$  that it controls, because the opposition's threat to try seize full control has become credible ( $p_t$  has become small enough).<sup>28</sup> Before  $T_h$  arrives, the opposition may have to transfer some of its rents to keep  $M$  from couping; this is because the military's continuation payoff for democracy is decreasing as  $T_h$  approaches. For some  $p_t$  paths, it can even happen that the military will coup in equilibrium at some time after a transition, because even the opposition's total rent's  $1 - \alpha^*$  are not enough to compensate the military for subsequent declines. So the model can also generate democratic reversals after a period of powersharing.

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<sup>28</sup>At this point in the game, the military would be indifferent between ad hoc transfers or policy concessions, and changes to the constitution that formalize a different distribution of rents.

## 5 The international community

With the NLD's participation and victories in the by-elections of 2012, the international community saw a democratic transition in the making in Myanmar. Economic sanctions began to be relaxed, aid began to flow, and foreign direct investment accelerated rapidly. The Tatmadaw clearly expected and sought the opening. They wanted to catch up economically with other countries in the region, and they wanted better bargaining leverage for dealing with growing economic and geopolitical pressure from China. Further, they knew that the taps would turn on only if "Saint" Aung San Suu Kyi were to bless their transition program by participating.

In this and some other cases (such as South Africa), sanctions and related policies of isolation were an important source of autocratic inefficiency. Because of rich country foreign policies intended to favor democratization, opening up the political system could greatly increase the size of the "pie" available to the Tatmadaw, the NLD, and the country as a whole.

How do international incentives for democratization interact with the opposition commitment problem? In brief, if the old elite expect that the opposition would capture all the international benefits following a transition, then the larger "pie" coming from opening up does not affect their incentives *at all*. With power-sharing via a top-down transition, however, the old elite can capture some of the gains, increasing their motivation to risk it.

Suppose that if a transition occurs, the per-period flow of benefits increases to  $\gamma > 1$  for as long as democracy (or partial democracy) remains in place.  $\gamma - 1$  are the additional benefits that come with greater aid, trade, and investment. The IC provides these whenever democracy obtains and however it arises – via bottom-up rebellion, top-down transition, or democratic consolidation after a failed coup. Reversion to autocracy restores sanctions.

**Proposition 3.** *In the baseline model where transition means that the opposition takes full control of allocating post-transition rents, adding international benefits  $\gamma - 1$  under democracy has no effect on the military's incentive to democratize; it remains the case that in the unique subgame*

perfect equilibrium, the military chooses to stick with autocracy. By contrast, in the model with the possibility of power-sharing, the conditions under which transition occurs on the equilibrium path become

$$p_1 \geq \frac{V^M}{\gamma S(\Pi - \delta V^O)} \text{ and } \rho \geq \gamma - (\gamma - S)/\delta S,$$

which are less restrictive than the conditions in Proposition 2.

Without an enforceable power-sharing deal, the opposition captures all the additional benefits provided by the *IC* by pushing the military down to its coup-based reservation value, which is not affected by  $\gamma$  since the benefits will be withdrawn if they retake power. Anticipating this, the military would have no incentive to undertake a transition in the first place.

But if a top-down transition with power-sharing is feasible, then the *IC* can make stable democratization possible when it would not otherwise happen, for two linked reasons. First, some autocracies will be willing to democratize if the payoff is  $\gamma\alpha^*/(1 - \delta\rho)$ , but not at  $\alpha^*/(1 - \delta\rho)$ . Second, a bigger pie after transition also means that it is easier to meet *O*'s constraint under constitutions that would have prompted walk out without the *IC*'s subsidy.

To better convey the intuition, let's distinguish between an institutionally "strong autocracy" and an institutionally "weak autocracy." For autocrats in the latter type, the benefits of increased foreign aid, trade, or military support following democratization offer little attraction if they will be completely captured by the newly elected government because the post-transition military threat is not credible enough to support a decent-enough interval of power sharing.<sup>29</sup> For a strong autocracy, by contrast, the benefits available from the *IC* increase the payoff from transition relative to continued dictatorship, as they will be shared via the  $\alpha^*$  division of rents and policies.

Note that with sufficient extra resources from the *IC*, an autocratic regime may seek top-down transition even if they face *zero* threat of bottom-up revolution if they continue the dictatorship. That is, with  $\gamma > 1$  per-period total benefits following a transition, autocrats may favor this even

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<sup>29</sup>Or worse, imprisonment or execution.

when  $S = 1$  under autocracy. As noted above, the risk of successful revolution in Myanmar in the late 2000s and early 2010s is usually seen as very low, even if not quite zero.

## 6 Intra-elite politics: Why are personalists more averse to top-down transitions?

Now suppose that the autocratic ruling group – which we have called “the military” so far – is composed of a leader  $L$  and a follower  $E$  ( $E$  for “elite”). With more notation we could have any finite number of elite supporters and the same core arguments and results.

In each period the leader decides on a share  $\theta$  of the rents available to give to the follower. The follower then decides whether to “putsch” or not, which is a coup against the leader. Keep in mind that this is a different action from a military/autocratic coup against democracy (the opposition) after a democratic transition. A putsch succeeds with probability  $h \in (0, 1)$ . A successful putsch installs the follower as the new leader within the autocratic group; the old leader gets a payoff of zero from then on. A failed putsch leaves the old leader in place, while the failed putschists are purged and get zero from then on. The leader replaces them with a new elite supporter.

A putsch affects the autocratic elites’ ability to maintain their power relative to the opposition and/or “the street.” That is, trying to unseat the leader can be risky for the putschists not only because they may fail and then be purged by the leader. In addition, under autocracy their actions may occasion mass protests and collective action, and, under both autocracy and post-transition, deposing the leader creates a bevy of difficult coordination problems within their own group. Most of all, *who will be the next boss?* After deposing the old boss, will the autocratic group “hang together” or “hang separately”?

Our key assumption is that these problems are on average worse the more personalist and the less institutionalized the autocratic regime is. If a professionalized military ruling group replaces

the current top general, this has little effect on their ability to cohere to repress possible uprisings or to counter legislative and other power grabs by a civilian opposition. By contrast, in a highly personalist autocratic regime, a follower who coups against the boss will have less assurance of unified support and clear chains of command with other elite factions that had been part of the previous leader’s selectorate.<sup>30</sup>

We introduce a parameter  $\mu \in (0, 1]$  to capture how institutionalized the autocratic group is in this sense. Lower  $\mu$  means more personalist.  $\mu = 1$  is a highly institutionalized military or single-party dictatorship that can depose their leader without any increase to their hazard rate for rebellion.

In the model, under autocracy a putsch that deposes the leader causes a one-period reduction in the autocratic group’s probability of surviving to the next. That is, for one period, the probability of successful “bottom up” revolution is  $1 - \mu S$ .

Likewise, after a transition with an autocratic constitution  $\alpha$ , a successful putsch will lower the autocratic group’s prospects in a coup – and increase the opposition’s prospects if they walk out (i.e., dump the autocratic constitution) – for one period. We will assume that after a successful putsch, the new autocratic leader’s chances of reimposing dictatorship decrease for one period from  $p_1 S$  to  $\mu p_1 S$ . This also means that after a putsch within the autocratic group after a transition, the opposition’s ability to consolidate power by “walking out” increases for one period, from  $1 - p_1 S$  to  $1 - \mu p_1 S$ .

**Proposition 4.** *In the subgame-perfect equilibrium of the game with intra-elite politics, more institutionalized regimes (higher  $\mu$ ) are weakly more likely to satisfy the condition for the leader to want to try a democratic transition via an autocratic constitution.*

Intra-elite politics introduces a new consideration for the leader of the autocratic regime concerning whether to try a top-down democratic transition: *How will transition affect rent-sharing*

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<sup>30</sup>This is endogenous, since the ruler chooses to some degree whether to permit institutions within the dictatorship or govern via networks of personal ties. In work in progress we endogenize this choice by the autocrat.



*with his own followers?* The logic behind the result is somewhat subtle and depends on whether we think that the initial autocratic constitution,  $\alpha^*$ , pushes the opposition to their threshold for trying to forcibly consolidate power after transition. If it doesn't, then the autocratic constitution essentially increases the bargaining power of the followers more for a personalist regime than an institutionalist regime, because after transition they can putsch without concern about “après moi le déluge.” If it does, then an institutionalist ruler finds democratic transition more attractive because after transition the weakening of the autocratic group's capabilities makes a putsch less attractive for followers.

What the followers get from the leader depends on their value for a putsch, which is lower the less institutionalized the autocratic group is due to the après-moi-le-déluge effect. Under autocracy, the “wedge” that the leader can exploit is  $h\mu S$ , the probability that putschists survive to replace the current leader. Less institutionalized, lower  $\mu$ , means that followers are more reluctant upset the apple cart during dictatorship, which means also that personalist rulers get a larger share of the rents.

After a democratic transition, the followers' payoff for a putsch depends on whether it would lead the opposition, now the formal government, to try to consolidate democracy by “walk out” (tearing up the autocrats' constitution to fight for full control). If they would not want to, then the only risk associated with a putsch is the  $h$  probability that it will fail, which in turn implies that after transition, the old autocrat has less bargaining power with his followers, and has to share more of the  $\alpha$  rents. This makes attempting a top-down democratic transition less attractive for a personalist, since it comes with a smaller share of the pie relative to continued dictatorship.

As we show in the proof, if we think of the autocratic constitution  $\alpha$  as a take-it-or-leave-it offer to the opposition, then the autocrat chooses  $\alpha^*$  such that after transition, the opposition/government is just indifferent between getting  $1 - \alpha^*$  while power-sharing lasts, and walking out. As a result, a putsch by the followers would *definitely* occasion a walkout and a violent

contest over full control. However it is still the case that less institutionalized autocracies are less likely to want to try a top-down transition. The reason is that a more institutionalized autocrat can actually extract *more* from the followers following a top-down transition, since a putsch after transition leads to a fight for full control which brings success with probability  $h\mu p_1 S$ . This is less than their odds under autocracy ( $h\mu S$ ), so the autocrat can actually gain rent share by transition when a post-transition putsch would occasion a fight. The size of this gain is larger the more institutionalized the autocracy (since  $h\mu S - h\mu p_1 S$  is increasing in  $\mu$ ).

This remains true for the autocratic group after a transition, when the autocratic group is getting total rents  $\alpha$  each period. Here, if followers try a putsch, their success probability is  $h$  if a putsch does not weaken them so much that the opposition (now the government) would seize the opportunity to consolidate democracy by tearing up the autocratic constitution.

## 7 Conclusion

[...]

## 8 Appendix 1

*Proof of Proposition 2* (sketch). Suppose that after a transition,  $p_t$  falls to zero in period  $T$ .  $M$  cannot coup, so either  $O$  forces consolidation by walking out, or from this period on  $M$  transfers all of its share of rents to  $O$  in every subsequent period. Either way,  $O$ 's continuation payoff is  $\Pi$  and  $M$ 's is zero. Thus in any period after a transition when it is still the case that  $p_t = p_1$ ,  $M$ 's continuation payoff is  $\alpha/(1 - \delta\rho)$ , while  $O$ 's is ( $ps =$  "powersharing")

$$V_{ps}^O = 1 - \alpha + \delta\rho V_{ps}^O + \delta(1 - \rho)\Pi = \frac{1 - \alpha + \delta(1 - \rho)\Pi}{1 - \delta\rho}.$$

$O$  prefers not to walk out, causing a fight, when  $V_{ps}^O \geq p_1 S \delta V^O + (1 - p_1 S) \Pi$ , which reduces to  $\alpha \leq p_1 S (1 - \delta \rho) (\Pi - \delta V^O)$ .

For  $M$  to want to transition to begin with, it must be that  $\alpha / (1 - \delta \rho) \geq V^M = S / (1 - \delta S)$ . The requirement that  $\alpha \leq 1$  then implies condition (3) in the proposition. To satisfy  $O$ 's constraint  $\alpha$  must be less than or equal to the smaller of the term above and 1, leading to condition (2) in the proposition. Finally, note that if  $M$  prefers to transition, it strictly prefers not to coup on the equilibrium path post-transition, since its coup value has declined ( $p_1 < 1$ ).

Since the military chooses  $\alpha$  in  $t = 0$  and prefers higher  $\alpha$ 's, if it wants to transition it selects the largest  $\alpha$  that satisfies the above conditions, thus  $\alpha^* = \min\{p_1 S (1 - \delta \rho) (\Pi - V^O), 1\}$ .

Deviations to voluntarily transfer positive amounts of own rents,  $m_t > 0$  or  $o_t > 0$ , are clearly not optimal, as neither player needs to do this to forestall a coup or walk-out by the other when the above conditions for a transition are satisfied.

*Proof of Proposition 3 (sketch)* These are the same conditions as for Proposition 2 except with the expected payoffs written with the total pie as  $\gamma > 1$  in post-transition periods and after any form of democratic consolidation.

*Proof of Proposition 4* [needs some rewriting]

## 8.1 Sharing of elite rents under autocracy

Again,  $\theta$  is the share of rents the leader gives to the followers. Thus leader and follower payoffs under autocracy if there is no putsch are

$$V^L = \frac{S(1 - \theta)}{1 - \delta S} \text{ and } V^F = \frac{S\theta}{1 - \delta S}.$$

Follower payoffs if they attempt a putsch are

$$\begin{aligned} V^{F,p} &= (1-h)0 + h[(1-\mu S)0 + \mu S(1-\theta + \delta V^L)] \\ &= h\mu S(1-\theta + \delta V^L). \end{aligned}$$

To elaborate, the putsch fails with probability  $1-h$ , yielding zero. If it doesn't, the new would-be autocratic leader is overthrown or fails to consolidate power with probability  $1-\mu S$ . With the complementary probability, he consumes  $1-\theta$  (assuming no IC role here), since he has to pay  $\theta$  to a new supporter group. Then in the next period he has consolidated power and goes back to getting  $V^L$ .

The “putsch constraint” under autocracy is satisfied if the follower prefers not to try to unseat the leader:

$$\frac{S\theta}{1-\delta S} \geq h\mu S(1-\theta + \delta V^L) \text{ leading to } \theta^* = \frac{h\mu}{1+h\mu}.$$

Notice that the bigger the “chaos” effect of a putsch – smaller  $\mu$  – the smaller the share of the rents the dictator needs to give supporters to remain in power under autocracy.<sup>31</sup> *Après moi le déluge* is good for dictators.

The leader’s equilibrium path payoff under autocracy (with intra-elite politics) is thus

$$V^L = \frac{S(1-\theta^*)}{1-\delta S} = \frac{S}{(1-\delta S)(1+h\mu)}$$

which is decreasing in the degree of autocratic institutionalization.

## 8.2 Sharing of elite rents after a democratizing transition

Now suppose that the leader allowed a transition to democracy under an autocratic constitution with terms  $\alpha$ . The leader and his followers still control offices or fiefs of some sort that generate

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<sup>31</sup>Cf. Padró i Miquel (2007) and Besley and Kudamatsu (2008)

total rents worth  $\alpha$  each period. We continue to assume that the leader may need to share a portion of these rents to prevent collective action by elite followers deposing him from the position of authority within the elite group, even after transition. Let this share be called  $\theta_D$ .

Now the leader and follower payoffs after transition and if there is no putsch are

$$V_D^L = \frac{\alpha(1 - \theta_D)}{1 - \delta\rho} \text{ and } V_D^F = \frac{\alpha\theta_D}{1 - \delta\rho}.$$

If the followers try a putsch to change their boss within the elite group, if the putsch succeeds there is a one-period reduction in their coup success probability, from  $p_1S$  (if no putsch) to  $\mu p_1S$  after the putsch. If this reduction is not so large that the opposition's "walk out" constraint fails, then the new elite boss *continues to receive*  $\alpha$ , just as before, due to the power-sharing codified in the autocratic constitution. We will check the walk-out constraint below, but for now, assuming that it continues to hold, the "no putsch after transition" constraint becomes

$$\frac{\alpha\theta_D}{1 - \delta\rho} \geq h \frac{\alpha(1 - \theta_D)}{1 - \delta\rho} \text{ leading to } \theta_D^* = \frac{h}{1 + h}.$$

Obviously,  $\theta_D^* > \theta^*$  for any  $\mu < 1$ , indicating that a personalist dictator needs to share relatively more of the rents after a top-down autocratic transition to maintain power within the elite group than he did under autocracy. In effect, *an autocratic constitution is a source of institutional strength for elite followers relative to the elite boss*. This will tend to make top-down, constitutionalized transitions less attractive for more personalist dictators.

In particular, the equilibrium path payoff of an autocrat who transitions (with intra-elite politics) is therefore

$$V_D^L = \frac{\alpha(1 - \theta_D^*)}{1 - \delta\rho} = \frac{\alpha}{(1 - \delta\rho)(1 + h)},$$

which is greater than  $V^L$ , the payoff for continued autocracy above, when

$$\frac{\alpha}{1 - \delta\rho} > \frac{S}{1 - \delta S} \frac{1 + h}{1 + h\mu}. \quad (4)$$

The right hand side is decreasing in  $\mu$ , so that the condition is more likely to be satisfied for more institutionalized autocracies. In this case, then, *more institutionalized autocracies (higher  $\mu$ ) find top-down democratizing transitions more attractive*, on average.

The above assumed that a putsch after transition does not make the opposition want to seize the opportunity to walk out, attempting to grab full control of the rents. What if this is not the case?

Suppose a putsch has occurred in period  $t$ , so that now either the old elite boss or a new elite boss is temporarily weakened with respect to the opposition. The opposition may be tempted to walk out, risking the  $\mu p_1 S$  probability of a return to autocracy for the  $1 - \mu p_1 S$  chance of democratic consolidation. Since this is worse or no better for the autocratic group than before, they certainly do not want to coup. In fact, they may be willing to transfer a one-time  $m_t$  large enough to forestall opposition walk out. This would be the smallest  $m_t \geq 0$  such that

$$1 - \alpha + m_t + \delta \frac{1 - \alpha + \delta(1 - \rho)\Pi}{1 - \delta\rho} \geq \mu p_1 S \frac{\delta(1 - S)}{1 - \delta S} \beta \Pi + (1 - \mu p_1 S)\Pi. \quad (5)$$

With algebra we can show that there are now three cases. First, the “walk out constraint” (5) can be satisfied with no transfer ( $m_t = 0$ ) when

$$\mu p_1 S \geq \frac{\alpha(1 - \delta)}{1 - \delta\rho} \frac{1 - \delta S}{1 - \delta + \delta(1 - S)(1 - \beta)}. \quad (6)$$

This case is the one assumed above, where a putsch after democratization has no effect on the putschists’ subsequent income stream if they are successful, since they just continue to enjoy  $\alpha$

rents each period until democracy (randomly) consolidates. In this case it is unambiguous that personalist dictators do worse by a top-down transition than more institutionalized autocrats, because they will have to pay more to supporters to prevent disloyalty after the transition.

In the second case, there exists a one-time, positive  $m_t \in (0, \alpha]$  that is enough to buy off opposition walk out. In the third case,  $m_t = \alpha$  is still too small to prevent walk out. The second case obtains if (6) fails but

$$\mu p_1 S \geq \frac{\delta \alpha (1 - \delta)}{1 - \delta \rho} \frac{1 - \delta S}{1 - \delta + \delta(1 - S)(1 - \beta)},$$

and case 3 obtains if this condition fails.

What happens in these two cases? In case 2, the value of a putsch is slightly reduced for elite followers, which would make democratic transition slightly more attractive for a personalist dictator, although still less attractive relative to a fully institutionalized autocrat. In case 3, a putsch yields a walk out. Let's consider the walk out case.

The putsch constraint when walk out will follow is

$$\begin{aligned} \frac{\alpha \theta_D}{1 - \delta \rho} &\geq h \left[ (1 - \mu p_1 S) 0 + \mu p_1 S \left( 1 - \theta^* + \delta \frac{S(1 - \theta^*)}{1 - \delta S} \right) \right] \text{ or} \\ \frac{\alpha \theta_D}{1 - \delta \rho} &\geq h \mu p_1 \frac{S(1 - \theta^*)}{1 - \delta S} = h \mu p_1 \frac{S}{(1 - \delta S)(1 + h\mu)} \end{aligned}$$

The left-hand side is the follower's payoff for no putsch. The right-hand side is the expected payoff of a putsch attempt. Notice that if the putsch succeeds *and* the putschists manage to restore autocracy in the face of opposition walk out, they go back to  $V^L$  having to share  $\theta^* = h\mu/(1 + h\mu)$  with their supporter factions.

So to forestall a putsch in this case, the transitioning autocrat needs to share fraction

$$\theta_D^* = \frac{h\mu}{1 + h\mu} \frac{p_1 S}{1 - \delta S} \frac{1 - \delta \rho}{\alpha}$$

with his followers each period. More algebra shows that in  $t = 0$  the leader prefers democratic transition to continued autocracy in this case when

$$\frac{\alpha(1 - \theta_D^*)}{1 - \delta\rho} > V^L = \frac{S}{(1 + h\mu)(1 - \delta S)} \text{ which reduces to}$$

$$\frac{\alpha}{1 - \delta\rho} > \frac{S}{1 - \delta S} \frac{1 + h\mu p_1}{1 + h\mu}.$$

The right-hand side is decreasing in institutionalization  $\mu$ , so that once again, it is more likely that more institutionalized autocracies will prefer to transition, other things equal. Put differently, suppose the conditions for transition are satisfied in this case for a personalist, then it must be that they are satisfied for more institutionalized (higher  $\mu$ ) autocracy. By contrast, for given parameters a  $\mu = 1$  regime may want to transition when a  $\mu < 1$  regime does not.



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