

Discriminatory coercion: Understanding the biases of EU and US sanctions

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Abstract

This article examines the biases the two most important senders of economic sanctions, the European Union and the United States, frequently introduce into their coercive measures. Distinguishing between sanction incidence and intensity, our study identifies the conditions under which the two senders over- or under-sanctioned their targets during the post-Cold War era. Theoretically, we conceive of the executive branch of the two senders as opportunistic actors that balance the influence of special economic interests against the preference of the average citizen and the lobbying of public interest groups. We expect that senders shy away from harsh measures against allies and former colonies and that private interest groups try to prevent the imposition of strong sanctions that potentially harm their members' business. However, strong diasporas from the target state and violations of core liberal values should increase the chance of forceful measures. Our examination of the post-Cold War era supports our demand- and supply-side analysis of the Western powers' biased coercion. The measures of the two senders are often strikingly similar, reflecting the strong influence of the sanction bureaucracies of the two senders. However, a notable difference is that the EU imposes lighter measures against economically powerful targets. Counterfactual simulations demonstrate that the EU measures against Russia and the US sanctions against China have been repeatedly too weak during the post-Cold War era.

Keywords

Economic sanctions, bias, coercion, USA, EU

Culpa poena par esto
(‘Let the penalty be equal to the crime’) Principle in Roman Law

Introduction

When insurgent forces backed by Russia invaded Crimea in the spring of 2014, the primary question was not whether, but rather how the European Union (EU) and the United States (USA) would sanction the regime of Vladimir Putin. The gradual way the restrictive measures expanded by including a growing

number of individuals and firms partly reflected the insufficiency of the first reaction and the considerable discretion that the executive branches of these senders have in designing their sanctions (Niemeier and Schneider, 2024).

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The academic literature has largely shied away from examining the intensity of economic coercion and the moral problems associated, since at least Roman times, with disproportional punishments of some norm offenders. While Hufbauer et al. (1990) took the scope of economic coercion into account, later studies often focused on the decision to impose sanctions as a simple binary choice. We argue that such a narrow perspective misperceives the extent to which the EU and the USA – the two senders that most frequently rely on coercion – bias the design of their sanction regimes. According to our typology of sanction bias, discriminatory coercion can amount to what we dub over- or under-sanctioning. The former category encompasses measures that are either too excessive or not warranted in light of the target's real or alleged violation of Western values or interests. Under-sanctioning represents cases where norm offenders escape punishment completely or the senders dilute their measures.

This article highlights four forms of discriminatory coercion (impunity, dilution, wrongfulness, and excess). It examines the incidence and strength of sanctions that the EU and the USA levied – or renounced to levy – from 1989 to 2015. Theoretically, we rely on a political economy framework that models the EU and US executive branches as agents who depend on conflicting interests. Our analysis draws on Grossman and Helpman's (1994) model of trade policymaking. We contend that political executives balance the interests of competing interest groups and the median voter against each other. Whereas business associations typically seek to prevent, postpone, or water down costly sanctions, public interest groups and strong diasporas from potentially targeted states advocate for imposing sanctions against regimes whose behaviour challenges fundamental values and interests constitutive for the EU and the USA. The public supports these efforts as the costs of economic coercion are diffuse at the outset, and often only accrue in certain regions of the USA or member states of the EU.

Previous work on sanction onset and bias has focused on the political institutions of the sender and the target (Cox and Drury, 2006; Lektzian and Souva, 2003, 2007), their power and economic dependence (Hafner-Burton and Montgomery, 2008), specific types of sanctions (Von Soest and Wahman, 2015) and international norms enforcement (Erickson, 2020). Our argument is especially close to McLean and Whang's (2014) study on how public opinion and special interest groups shape the onset and design of sanctions. Our theoretical framework, however, suggests that analyses of sanction bias need to take the legitimizing reasons for economic

coercion into account – such as human rights violations or the development of weapons of mass destruction – to understand why certain actors are targeted in a specific way while others are not. We argue that the EU and the USA bias their coercion by the economic or political importance of an offender, expecting that the probability of powerful sanctions grows with the severity of the target's challenge to the liberal order, but declines when the economic or political interests of the sender are more pronounced.

In the USA, the White House dominates the sanction decision making as long as the President's party is sufficiently powerful in Congress (Attia, 2024). The competence to use coercive means is also in the executive domain in the EU, with the Council of the European Union as the key and the European Commission and the European Parliament as secondary players. The unanimity requirement that yields each member state veto power in this intergovernmental setting prevents the organization from levying sanctions when key interests point in different directions (Weber and Schneider, 2020).

In comparing the two senders, we contend that powerful bureaucratic actors together with their executive principals shape sanction decision making in both polities. The Office of Foreign Assets Control (OFAC) in the Treasury Department designs and manages the coercive measures in the USA. In the EU, these tasks are delegated to the General Secretariat of the Council and, more informally, to the European Commission. The considerable discretionary power of these actors creates access opportunities for private and public interest groups in Washington DC (Zarate, 2013) and Brussels (Yildirim et al., 2021). Some empirical studies have shown that EU and US corporate lobbying resemble each other (Bernhagen et al., 2022; Mahoney, 2007). Conversely, we contend that public interest groups face a larger collective action problem than their US counterparts as they need to coordinate their activities across all member states. These complex interactions make it easier to satisfy particular lobbies with weak coercive measures.

Our analysis relies on the EUSANCT dataset (Weber and Schneider, 2022) and covers the post-Cold War era (1989–2015). The empirical tests provide ample support to our expectations that the two senders react to human rights violations and other challenges to their liberal values through the imposition of economic sanctions. However, we also show that domestic interests increase the risk that certain norms violators are not sanctioned and that the EU especially soft-pedals on measures it could not avoid imposing.

| | | Target | | |
|--------|------------------|-------------------------------|--------------------------------|--|
| | | Major violation | Minor violation | No violation |
| Sender | Massive sanction | Justifiable punishment | Indiscriminate sanction | Excessive and wrongful sanction |
| | Light sanction | Diluted sanction | Justifiable punishment | Wrongful sanction |
| | No sanction | Extreme impunity | Impunity | No violation, no sanction |

Figure 1. Forms of discriminatory coercion.

An integrated model of sanction design

Hathaway and Shapiro (2018) argue in *The Internationalists*, a history of the law of war, that economic sanctions have become a popular and effective mechanism through which the liberal community of states can ‘outcast’ rule violators without resorting to military force. The outlawry of war through the Kellogg-Briand pact and other legal innovations have, in their view, established economic coercion as ‘the standard way in which international law is enforced’ since the Second World War (Hathaway and Shapiro, 2018: xvii).

Such reasoning suggests that the principle of proportionality that permeates criminal law and that plays an increasingly important role in international law should also inform sanction decision making. However, some of the worst aggressors, human rights offenders, coup plotters and election fraudsters have escaped sanctions from the international community completely or have only received light punishments also in the most recent decades. The inconsistent reactions toward usurpers of presidential power in Egypt and Côte d’Ivoire in the early 2010s illustrate the arbitrariness of economic sanctions. When the Egyptian military, under the leadership of General Abdel Fatah al-Sisi, instigated a coup against

the regime of Mohamed Morsi in 2013, Western reactions remained muted, with only isolated calls for foreign aid cuts and other similarly moderate measures. However, the international community reacted swiftly with travel bans and an intervention force in the winter of 2010/2011 when Laurent Gbagbo, former President of Côte d’Ivoire, refused to accept defeat in the second round of the country’s presidential elections. Conversely, in some cases, the EU and the USA have targeted relatively innocent bystanders or relied on excessive economic coercion that does not correspond to the alleged misdeeds of the target. This suggests that a biased sanction regime can manifest itself in four ideal types: impunity, dilution, wrongfulness, and excess.

Figure 1 categorizes the possible forms of sanction bias, differentiating between the norm violation and the sanction intensity. Proportional responses to a misdeed can be found on the left–right diagonal. The other six cells represent ideal types of over- and under-sanctioning.

The cells below the left–right diagonal contain instances of under-sanctioning. The treatment of Egypt after the military coup of 2013 is an example of impunity. The light initial sanctions against Russia following the annexation of Crimea are a case of dilution: the EU

and the USA could not avoid imposing coercive measures but did not levy an initial punishment that would adequately reflect Russia's violation of the norm of territorial integrity enshrined in the United Nation (UN) Charter (Niemeier and Schneider, 2024). Over-sanctioning, by contrast, includes cases in which a sender imposes sanctions even though the behaviour of the target does not warrant punishment. The measures the USA implemented in the early 2000s to prevent other states from joining the International Criminal Court arguably belong in this category. The sanctions against Cuba that the USA intensified in the 1990s are instances of massively wrongful coercion where the means no longer match the offences of the target.

The study of sanctions bias and effectiveness can be traced back to Galtung's (1967) examination of the failed coercive measures against Rhodesia. Three decades later, a new wave of examinations started to qualify the pessimism of the initial scholarship. Nooruddin (2002), for instance, demonstrated that sanctioned countries are not a representative sample of all potential targets and that the self-selection of economic coercion needs to be tackled theoretically and empirically.

This revisionist literature has inspired research that explores the issue of sanction onset and bias by focusing on the motives of a sender to sanction a particular target, or to refrain from doing so. Most of these studies compress the incidence and design of sanctions into a binary choice. Notable exceptions to this trend include Cox and Drury (2006), Erickson (2020), Hafner-Burton and Montgomery (2008), Lektzian and Souva (2003), Meissner (2023) and Von Soest and Wahman (2015). Some of these examinations also consider the international community's demand for punishment as an explanatory factor. Meissner (2023) shows, for instance, that EU sanctions respond closely to the severity of an international norm's transgression, but that the coercive efforts of the supranational organization frequently follow in the footsteps of US sanctions. According to Von Soest and Wahman (2015), coups and contested elections are among the frequent triggers of economic sanctions. However, they also note that the vulnerability of the target vis-à-vis the sender and low economic importance increases the chance of coercive measures that 'explicitly aim to improve the level of democracy or human rights protection' (Von Soest and Wahman, 2015: 18). Erickson (2020) examines how the economic and political interests of the senders dilute their attempts to protect human rights and similar values through the 'metanorm' that punishes those who offend liberal norms, noticing, however, that 'the majority of the

violations go without much material punishment' (Erickson, 2020: 116).

Von Soest and Wahman (2015) show that senders are less likely to punish former colonies, while Erickson (2020) and McLean and Whang (2014) account for the influence of alliance commitments. Examining US sanctions between 1950 and 2005, Peksen and Peterson (2016) demonstrate that economic considerations strongly influence decisions to impose coercive measures. McLean and Whang (2014) support their hypothesis that the anticipated ability of the target to substitute trade losses through its connections with major economic powers is a key mediating factor. According to them, this limits the positive effect that a target's high dependence on trade with the USA has on the probability of sanction onset. New data assembled by Meissner (2024) suggests that business interests also try to influence the design of costly EU measures and their lobbying is therefore not limited to the enforcement stage (Giumelli and Onderco, 2021).

Extant studies of sanctions onset suggest that political executives juxtapose the costs and benefits of economic coercion when designing a measure. We turn to Bernheim and Whinston's (1986) common agency approach to understanding this trade-off. This model studies situations where multiple principals try to sway an agent toward their preferred outcome. Grossman and Helpman's (1994: 834) application of this framework to trade policymaking suggests that the policy chosen by the executive reflects the 'weighted sum of aggregate social welfare and total contributions'. Hence, governments balance the interests of the median voter and interest groups and opt for protection only if the contributions of pro-protectionist lobbies are more potent than those of free-trade lobbies.

Sanctions follow a similar logic in the sender economy as barriers to trade. Coercion reduces aggregate welfare and redistributes income from consumers and the export sector to import-competing industries. However, governments can also count, at least in the short term, on some electoral gains if the proposed sanction has enough visibility to boost their popularity. The common agency framework suggests that senders such as the EU and the USA typically need to weigh the electoral gains of potential sanctions against the support they may lose in economic circles that maintain close ties with the target.

In line with emerging literature, we expect voters to call for sanctions after gross human rights violations or other actions contradicting the two senders' core values. Onderco (2017) demonstrates in a survey study across

10 members of the EU that political factors have superseded economic considerations in the individual assessments of the 2014 sanctions against Russia. This can translate to a surge in popular support if political leaders impose sanctions in cases where citizens demand some coercive action. Whang (2011: 799) shows that US 'sanctions are an efficient way of displaying "do something" leadership to the public in the midst of international conflict'. Other scholars provide evidence that sanctions can be used for domestic purposes (Attia, 2024; Drury, 2001; McLean and Whang, 2014).

These results bolster our assumption that the immediate economic costs do not play a major role in the citizens' evaluation of economic sanctions, but rather that they follow the call by public interest groups to punish a government that acts against the key interests and values of the two examined Western powers. Public interest groups frequently resort to 'outside lobbying' and thus appeal to voters. In the EU, such attempts are more successful with increased media attention and effective coalition building (De Bruycker and Beyers, 2019). Democratic leaders respond to this kind of lobbying if their political survival depends upon the support from stakeholders who favour the imposition of economic sanctions following a perceived misdeed by a target.

Kustra (2022) and Urtuzuastigui (2023) demonstrate accordingly that the growing importance of diasporas increases the probability that the USA imposes sanctions. The effect in swing states is particularly pronounced if strong diaspora organizations mobilize voters with family ties in the targeted states (Kustra, 2022). The Cuban American National Foundation has played a crucial role in building support for the design and continuation of economic measures against the Castro regime (Haney and Vanderbush, 1999). Rubenzer (2011) shows that campaign contributions by ethnic minority groups affect the voting behaviour of members of Congress on sanction-related bills.

Empirical evidence of public interest groups calling successfully for EU sanctions is more anecdotal. Ferrari (2019) shows that anti-apartheid movements across member states of the European Community (EC), the EU's predecessor, started to coordinate their calls for tougher sanctions on South Africa from the EC's member states before the EU obtained the formal right to levy coercive measures in 1993. The mass mobilization of the exiled population with calls for sanctions typically manifests most strongly after some triggering events and in countries where the diaspora is relatively strong. This was, for instance, the United Kingdom in the aftermath of the Arab Spring (Moss, 2020) and Germany where

the Syrian diaspora lobbied for measures against the Assad regime (Ragab, 2020: 140).

A potentially targeted government can counteract the international calls for sanctions through counter-lobbying and the organization of protests of the loyal parts of the diaspora. However, such activities are only limitedly effective after gross violations of international norms. Diaspora organizations that urge potential senders to leash sanctions will be powerful if they reach an audience transcending their membership. Peksen et al. (2014) emphasize that the media must pay attention to human rights violations. McLean and Whang (2014) demonstrate that the chance of imposing sanctions grows with increasing voter awareness of a particular foreign policy challenge. Conversely, they also find that growing export interests increase the chances of targeted sanctions compared to aid or trade sanctions. We similarly expect that a sender's economic and political interests in the target country lower the probability of sanctions and reduce their intensity once imposed.

The following hypotheses summarize our argument that the two senders carefully consider the political gains of a sanction against the mainly economic costs it has for some stakeholders. While public interest groups are expected to call for sanctions, economic interest groups should typically lobby against them or, if they cannot stop their imposition, against economically costly measures.

Hypothesis 1: Violations of core liberal values increase the chance of sanctions incidence and powerful coercive measures.

Hypothesis 2: The larger the diaspora community from a potential target is in a sender, the more likely a sender is to impose or renew costly sanctions.

Hypothesis 3: The more important a target is for the EU or the USA, the less probable it is that these senders impose or renew sanctions, or that imposed sanctions are forceful.

The political executive dominates sanction decision making in the EU and the USA. For the Western superpower, the primary actor in the domain of economic sanctions is the President, who can impose sanctions without the approval of Congress. The legislative branch has, however, increased its influence through various legislative initiatives, including the Magnitsky Act of 2012.

The Byzantine way in which the EU decides about economic coercion (Giumelli, 2011) shuns the complexity of

US sanction politics. The Council of the European Union gained formal competence in this domain in 1993 when the Treaty on European Union, also known as the Maastricht Treaty, established the Common Foreign and Security Policy (CFSP). Before, the member states of the EC had organized their sanction activities through the European Political Cooperation, an informal coordination mechanism. Within the CFSP, proposals to levy sanctions need the unanimous support of the Council of the European Union. This grants every member state veto power, preventing the organization frequently from acting swiftly during international crises and limiting its potential to threaten targets effectively. However, imposed sanctions by the EU are more effective than US ones, whereas threats to use coercive measures by the military superpower are more likely to entice concessions from the target (Weber and Schneider, 2020). While the European Parliament can call for sanctions, it mainly wields power indirectly through its potential support for coercion by positive votes on accompanying measures (Norrevik, 2021).

Despite these differences, the sanction regimes of the EU and the USA rely strongly on their responsible agencies, the Council's General Secretariat and OFAC. This is especially the case for coercive measures that do not receive much media attention and are therefore harder to exploit for domestic purposes by the US President (Attia, 2024) and the governments of the EU member states. The division of labour between the principals in the executives of the EU and the USA and their agents in their sanction bureaucracies creates ample access opportunities for interest groups. Bernhagen et al. (2022) have shown that corporate lobbying is similar in the two political systems. The interviews conducted by Mahoney (2007) show that private interest groups consider their lobbying more successful in Washington DC than in Brussels. We also contend that public interest groups are more disadvantaged in the EU as their outside lobbying needs to be coordinated across most member states. The possibility of scaling to satisfy particular interests is consequently more important for the EU than for a sender with fewer veto points.

Hypothesis 4: Strategic interests that explain both the incidence and intensity of sanctions are more likely to differ between these two stages in the sanctioning process of the EU than in the decisions of the USA.

Research design

This article examines the bias of the liberal sanction regimes in the post-Cold War era, focusing particularly

on the political and economic factors that influence the imposition and design of coercive measures. To do so, we employ the dyadic version of the EUSANCT dataset (Weber and Schneider, 2022), which identifies the sender of a threatened and imposed sanction and, if multiple senders contributed to the coercive effort, the primary instigator. The analysis considers sanction and non-sanction cases from 1989 to 2015 by the EU¹ and the USA, containing information for 5,077 dyad-years each.²

The first dependent variable, *sanction incidence*, takes the value of 1 for each dyad-year in which a sanction was in place, 0 otherwise. This dichotomization leads to 1,339 cases, 901 imposed by the USA, and 438 by the EU.³ *Sanction intensity*, the second outcome variable, is ordinal and based on two multiplied proxy variables included in EUSANCT, the 'economic costs' borne by the sender and the 'target costs'.⁴ The six categories of the two constitutive concepts range from visa bans, aid sanctions, arms embargos, targeted financial sanctions and trade sanctions to economic embargoes. If several types of sanctions instruments are in place, the coding reflects the most severe measure. We illustrate the coding with some examples. Visa bans have the lowest intensity score ($1*1 = 1$) since they induce low costs to the sender (1) and the target (1). Major trade sanctions, conversely, affect the sender and the target heavily ($5*5 = 25$). The impact of financial sanctions that include the target's national central bank in the package differs across the sanction dyad ($4*2 = 8$). The costs for the target (4) dwarf the effects on the sender (2) in this case.⁵

The first hypothesis examines the conditions under which the two senders react to the behaviour of the target. As both the EU and the USA were committed to democratic values in the era examined here, we expect them to target democracies less frequently and, if they impose a sanction, to employ relatively light measures. We use the V-Dem Electoral Democracy Score (Coppedge et al., 2017) to measure the extent to which the targets adhered to democratic ideals. Military coups and severe human rights violations are a core justification for the imposition of coercive measures. To examine these possible relationships, we rely on the Global Instance of Coups (Powell and Thyne, 2011) dataset to measure the occurrence of military coups and the Political Terror Scale (Gibney et al., 2016), respectively. The five-point scale evaluates the level of state-perpetrated human rights violations. We also examine whether an armed conflict or one-sided violence in a real or possible target country increases the incidence and intensity of sanctions. These indicators are taken from the UCDP/

PRIO Armed Conflict Dataset (Allansson et al., 2017; Pettersson and Eck, 2018). Finally, a frequent reason for imposing sanctions is a country's intention to acquire or develop nuclear weapons. We employ data on pilot-scale enrichment or reprocessing plants in operation (Fuhrmann and Tkach, 2015) to measure whether a country pursues such a programme.

The second hypothesis expects that the two senders are more likely to impose sanctions and opt for a costly design of coercive measures in the presence of public interest groups. As the presence of these diffuse interests is difficult to measure, we approximate it through the size of the diaspora communities in the EU and the US. Data on the diaspora population of a potential or real target is taken from Platte-Burghardt (2019), who relied on the Global Bilateral Migrant Database of the World Bank (Özden et al., 2011).

The theoretical framework implies that the two senders consider the economic and political importance of the target when deciding on the imposition and design of coercive measures. We include the logged gross domestic product (GDP) per capita and the logged export and import volumes to address these concerns. GDP per capita, measured in constant 2010 US\$, is a World Development (2017) indicator, while the export and import figures were taken from Eurostat (2017) and Barbieri and Keshk (2016). Following Hafner-Burton and Montgomery (2008), we expect that senders 'under-sanction' political allies. We relied on ATOP Data (v4.01) to code with binary variables whether a country is an ally of the USA or at least one EU member state through a defence pact (Leeds et al., 2002). Moreover, we expect that former colonies are treated similarly (Von Soest and Wahman, 2015) and include binary concepts to indicate whether a target was a former colony of an EU member state or the US. Data was obtained through the Quality of Government Standard Dataset (Teorell et al., 2017).

To test for the expected difference between EU and US sanctioning behaviour, we conduct separate analyses for the two senders and employ, as sanctions are rare events, the penalized maximum likelihood fixed effects (PML-FE) estimator (Cook et al., 2020). This approach corrects for the erroneous estimate of the baseline risk of sanctions, which frequently results in inflated estimates for the effects of the covariates. To estimate sanction intensity, we run ordered logit regressions. All independent variables are lagged by one year to account for the fact that it usually takes time to impose and maintain sanctions.

Analysing sanction bias

Although the EU employs sanctions less frequently than the USA, it has become a prominent sender in its own right. As shown by Weber and Schneider (2020), the main difference in the outcome of the sanctions process is that the imposed sanctions by the EU are more effective than those of the USA. However, the superpower achieves its goals more often than the EU with its sanction threats. Among the 4,639 EU dyad-years, only 438 (less than 10%) experienced a sanction by the supranational organization. The equivalent proportion is roughly 22% for the USA (901 out of 4,176 dyad-years). Although these figures do not include the relatively rare UN sanctions, the statistics reveal that many potential targets have escaped economic coercion completely and that the EU grants impunity to human rights offenders and other culprits more frequently than its US counterpart. The situation appears similar when we consider the strength of the imposed measures. On a scale ranging from 1 to 36, the average intensity of the EU's imposed sanctions is 13.5 compared with 14.8 for the USA. As a t-test reveals, this difference is statistically significant at the 1% level. However, the median EU sanction with a value of 9 is one point stronger than the US measures, indicating that the latter sender varies the intensity of the measures more. The Online Appendix reports the full summary statistics.

We analyse the determinants of sanction bias in a stepwise fashion. Table 1 (Table 3) and Table 2 (Table 4) report the effects of the variables that explain the onset and the intensity of EU (US) sanctions. The columns represent the coefficients for the norm violation variables (1), the diaspora population stock (2), the political and economic variables summarizing the senders' interests (3), the full model (4), and finally the odds ratios calculated based on the full model (5).

In line with our expectations, the results from the full model in Table 1 show that both military coups and nuclear enrichment increase the probability of EU sanction incidence. In contrast, higher scores in the democracy index and a colonial history reduce the likelihood of being sanctioned. More specifically, a military coup, political terror, or latent nuclear capability increase the odds of being sanctioned by 2 and 9, respectively. A one-point increase in the five-point scale of the Electoral Democracy Index decreases the odds of being targeted by EU sanctions by 0.01, all other factors being equal. The empirical evidence also supports the expectation that public and private interests have contrasting effects

Table 1. The incidence of economic sanctions by the EU, 1989–2015.

| | (1) | (2) | (3) | (4) | (5) |
|---------------------------------|---------------------|---------------------|---------------------|---------------------|-------------------|
| | <i>Norms</i> | <i>Diaspora</i> | <i>Interests</i> | <i>Full</i> | <i>Odds ratio</i> |
| V-Dem electoral democracy index | -3.646** (0.916) | -4.817** (1.183) | | -4.675** (1.013) | 0.009 |
| Political terror scale | 0.314* (0.125) | 0.404* (0.164) | | 0.283† (0.146) | 1.327 |
| Pilot-scale nuclear latency | 0.939 (0.859) | 1.927** (0.232) | | 2.198** (0.219) | 9.003 |
| Military coup | 0.760** (0.111) | 0.707** (0.152) | | 0.745** (0.154) | 2.106 |
| One-sided violence | 0.245 (0.218) | 0.0853 (0.252) | | -0.0856 (0.252) | 0.918 |
| Military conflict | 0.207 (0.183) | 0.118 (0.275) | | 0.160 (0.268) | 1.174 |
| Diaspora population stock | | 0.0949 (0.0706) | | 0.110† (0.0626) | 0.149 |
| Former EU colony | | | 0.000 (0.006) | -1.902** (0.444) | 0.854 |
| Logged GDP per capita | | | 0.003 (0.004) | -0.158 (0.260) | 0.641 |
| Logged EU export value | | | -0.014 (0.010) | -0.444† (0.230) | 1.071 |
| Logged EU import value | | | 0.010 (0.009) | 0.0687 (0.155) | 1.876 |
| Defence alliance | | | 0.008 (0.016) | 0.629* (0.307) | 1.116 |
| Constant | -5.001** (0.503) | -5.662** (1.053) | -1.326** (0.062) | 5.198* (2.502) | 180.992 |
| Observations | 3,848 | 2,876 | 4,548 | 2,781 | |
| Year dummies | YES | YES | YES | YES | |
| Country dummies | YES | YES | YES | YES | |

Standard errors clustered on target states in parentheses: ** $p < 0.01$, * $p < 0.05$, † $p < 0.1$. Results are obtained using the PML-FE estimator through the biased-reduction generalized linear model. All explanatory variables are lagged for one year. Odds ratios are calculated based on the full model (Column 4).

on EU sanction incidence. While higher export values decrease the probability of being targeted by the EU, larger diaspora communities increase the likelihood of EU sanction incidence (both effects are statistically significant at the 10% level). Surprisingly, being part of the same defence alliance as the EU is positively related to the incidence of economic sanctions. The results show that, overall, the EU responds to violations of international norms and pressure from economic interest groups when deciding to impose or renew coercive measures.

Table 2 demonstrates that nuclear latency, the democracy level and military coups are significant

predictors of the intensity of EU sanctions. A country that has built uranium enrichment and plutonium reprocessing facilities increases its odds of being targeted by stronger sanctions by 17, all else equal. Having a higher democracy score decreases the odds of being targeted intensively by 5.5. Interestingly, while the occurrence of a military coup increases the odds of being punished by EU sanctions, it decreases the intensity of sanctions. Finally, regarding the effect of other political and economic variables, we do not find evidence for the claim that the EU shies away from sanctioning powerful states. Neither the target's GDP per capita nor the import and export values significantly

Table 2. The intensity of economic sanctions by the EU, 1989–2015.

| | (1) | (2) | (3) | (4) | (5) |
|---------------------------------|---------------------|---------------------|---------------------|--------------------|-------------------|
| | <i>Norms</i> | <i>Diaspora</i> | <i>Interests</i> | <i>Full</i> | <i>Odds ratio</i> |
| V-Dem electoral democracy index | -6.205** (1.914) | -5.986** (2.053) | | -5.500* (2.580) | 0.004 |
| Political terror scale | 0.468 (0.356) | 0.469 (0.482) | | 0.0903 (0.418) | 1.094 |
| Pilot-scale nuclear latency | 4.580** (1.222) | 16.98** (1.153) | | 17.09** (1.429) | 2.65e+7 |
| Military coup | -0.700** (0.242) | -0.709* (0.311) | | -0.678† (0.396) | 0.507 |
| One-sided violence | 0.244 (0.505) | 0.501 (0.795) | | 0.924 (0.846) | 2.520 |
| Military conflict | -0.219 (0.823) | -0.236 (0.762) | | 0.247 (0.684) | 1.281 |
| Diaspora population stock | | -0.0615 (0.112) | | 0.0133 (0.134) | 0.455 |
| Former EU colony | | | -0.252 (0.513) | -0.788 (0.798) | 0.690 |
| Logged GDP per capita | | | -0.392 (0.264) | -0.371 (0.336) | 0.650 |
| Logged EU export value | | | -0.0619 (0.378) | -0.431 (0.424) | 1.423 |
| Logged EU import value | | | 0.264 (0.234) | 0.355 (0.286) | 0.442 |
| Defence alliance | | | -2.205** (0.478) | -0.814 (0.899) | 1.013 |
| Observations | 395 | 287 | 385 | 258 | |
| Year dummies | YES | YES | YES | YES | |

Standard errors clustered on target states in parentheses: ** $p < 0.01$, * $p < 0.05$, † $p < 0.1$. Results are obtained using an ordered logit regression. All explanatory variables are lagged for one year. Odds ratios are calculated based on the full model (Column 4).

decrease the likelihood of sanction incidence or intensity. Being part of the same alliance decreases sanction intensity in the partial model (column 2) but loses its statistical significance in the full model. Ultimately, in the case of EU sanctions, we can confirm that norm violations (H1), the presence of a large diaspora community (H2) as well as political and economic factors (H3) affect sanction incidence, while only norm violations (H1) have an impact on sanction intensity.

Regarding the likelihood of sanction incidence by the USA between 1989 and 2015 (Table 3), we find statistically significant coefficients in the full model for nuclear latency, defence alliance, export value, political terror, the democracy level and military coups. Similar to the EU, the USA is more likely to sanction countries that are less democratic, pursuing nuclear enrichment programmes, or experiencing military coups. A one-unit

move in the five-point political terror scale increases the odds of being targeted by US sanctions by 1.4. The occurrence of a military coup is associated with a similar chance of 1.5 that US sanctions are levied. In contrast to the EU, former colonies of the superpower have a higher likelihood of being targeted by US sanctions. Being part of the same defence alliance decreases sanction incidence. Note that the former result is driven by the sanctions against the Marshall Islands from 2000 to 2003. While countries that import a larger value of US goods are less likely to be targeted by US sanctions, larger economies are more likely to be targeted. Surprisingly, the diaspora's size does not affect US sanction incidence in the full model. These results show that, similar to the EU, the USA also targets non-democratic countries and states involved in human rights violations, nuclear programmes and military coups. In contrast to the EU, US

Table 3. The incidence of economic sanctions by the USA, 1989–2015.

| | (1) | (2) | (3) | (4) | (5) |
|---------------------------------|---------------------|---------------------|---------------------|---------------------|-------------------|
| | <i>Norms</i> | <i>Diaspora</i> | <i>Interests</i> | <i>Full</i> | <i>Odds ratio</i> |
| V-Dem electoral democracy index | -2.188** (0.765) | -3.655* (1.648) | | -2.570† (1.323) | 0.076 |
| Political terror scale | 0.287** (0.103) | 0.455** (0.158) | | 0.350* (0.139) | 1.418 |
| Pilot-scale nuclear latency | 0.468 (0.341) | 3.203** (1.149) | | 5.625** (1.374) | 281.688 |
| Military coup | 0.543** (0.110) | 0.409* (0.229) | | 0.430† (0.228) | 1.537 |
| One-sided violence | 0.145 (0.180) | 0.192 (0.316) | | -0.0520 (0.302) | 0.950 |
| Military conflict | -0.0950 (0.200) | -0.0837 (0.376) | | 0.249 (0.321) | 1.284 |
| Diaspora population stock | | 0.266† (0.153) | | 0.300 (0.201) | 273.473 |
| Former US colony | | | -0.110 (0.587) | 5.594** (1.555) | 3.005 |
| Logged GDP per capita | | | 0.294 (0.454) | 1.099† (0.663) | 0.450 |
| Logged US export value | | | -0.357** (0.101) | -0.798** (0.216) | 1.014 |
| Logged US import value | | | -0.090 (0.073) | 0.0149 (0.111) | 0.162 |
| Defence alliance | | | -1.261** (0.216) | -1.820** (0.398) | 1.350 |
| Constant | -4.543** (0.407) | -6.935** (1.824) | -5.697 (3.534) | -12.17* (6.082) | |
| Observations | 3,848 | 1,843 | 4,403 | 1,761 | |
| Year dummies | YES | YES | YES | YES | |
| Country dummies | YES | YES | YES | YES | |

Standard errors clustered on target states in parentheses: ** $p < 0.01$, * $p < 0.05$, † $p < 0.1$. Results are obtained using the PML-FE estimator through the biased-reduction generalized linear model. All explanatory variables are lagged for one year. Odds ratios are calculated based on the full model (Column 4). Former colonies are the Philippines, Marshall Islands, Palau and Micronesia.

sanctions are more likely for former colonies, non-allied states and economically stronger countries.

As shown in the full model in Table 4, US sanction intensity is driven by the levels of democracy, political terror, economic power, and the value of imports and military coups. In line with the findings for the EU, the US intensifies its coercive measures against countries with high political terror values and low democracy scores. The superpower's sanction profile also aligns with that of the EU concerning military coups. While countries experiencing this kind of irregular power transfer are more likely to be targeted, the intensity of measures decreases. Interestingly, two economic factors exert systematic effects. First, the more powerful the

target's economy, as expressed through the GDP per capita, the more likely it is that intensive sanctions will be imposed. Second, the USA sanctions countries with higher import values less strongly. Nuclear latency, exports and defence alliance do not significantly affect the intensity of US sanctions. We also do not find evidence that the size of the diaspora community affects US sanction intensity. The results indicate that the USA calibrates the incidence and intensity of sanctions on norms violations (H1), and political and economic interests (H3).

The results presented in the previous tables partially support our fourth hypothesis that relevant variables for sanction incidence and intensity are more likely to differ

Table 4. The intensity of economic sanctions by the USA, 1989–2015.

| | (1) | (2) | (3) | (4) | (5) |
|---------------------------------|---------------------|---------------------|---------------------|--------------------|-------------------|
| | <i>Norms</i> | <i>Diaspora</i> | <i>Interests</i> | <i>Full</i> | <i>Odds ratio</i> |
| V-Dem electoral democracy index | -5.021** (1.522) | -5.873** (1.553) | | -5.423* (2.355) | 0.004 |
| Political terror scale | 0.0629 (0.270) | -0.0229 (0.397) | | 0.775* (0.384) | 2.171 |
| Pilot-scale nuclear latency | 2.022** (0.639) | 2.132** (0.807) | | 1.144 (0.926) | 3.138 |
| Military coup | -0.691* (0.293) | -0.878 (0.597) | | -1.147† (0.688) | 0.318 |
| One-sided violence | 0.443 (0.451) | 0.545 (0.626) | | 0.682 (0.623) | 1.978 |
| Military conflict | -0.175 (0.489) | 0.549 (0.647) | | 0.573 (0.799) | 1.774 |
| Diaspora population stock | | 0.0953 (0.242) | | 0.390 (0.288) | 3.038 |
| Logged GDP per capita | | | 0.224 (0.194) | 1.111* (0.455) | 0.813 |
| Logged US export value | | | 0.137 (0.203) | -0.206 (0.195) | 0.755 |
| Logged US import value | | | -0.135 (0.153) | -0.281* (0.117) | 0.714 |
| Defence alliance | | | -1.334** (0.430) | -0.337 (1.000) | 1.477 |
| Observations | 844 | 469 | 827 | 427 | |
| Year dummies | YES | YES | YES | YES | |

Standard errors clustered on target states in parentheses: ** $p < 0.01$, * $p < 0.05$, † $p < 0.1$. Results are obtained using an ordered logit regression. All explanatory variables are lagged for one year. The variable US colony is omitted due to perfect collinearity. Odds ratios are calculated based on the full model (Column 4).

between these two stages for the EU than the USA. When deciding about sanction intensity, the EU focuses on the risks deriving from nuclear latency and the oppression of democracy in the receiving country. In the case of sanction incidence, we find six other variables with statistically significant coefficients, which lose or change signs in the intensity analysis. By contrast, the USA considers various political and economic factors in the scaling of sanction intensity that are similar to those of sanction incidence.

We can illustrate the bias in EU and US sanctions and potential differences between the two superpowers by predicting cases of what we call under- and over-sanctioning. To this end, we count the years that a real or potential target country received the wrong treatment from 1989 to 2015. The counterfactual analyses that we conducted are based on point predictions of similar cases and rely on empirical models that only include the measures of norm violations that are typically used for

justifying sanctions. For the PML-FE models, the counterfactual analysis relies on the discrepancy between the predicted probability of being targeted in comparison to similar cases and the decision of the sender to sanction the target or not. The simulations conducted based on the ordered logit models similarly assess the difference between the predicted intensity and the real strength of the imposed measures.

According to the calculations reported in the Online Appendix, Bulgaria, Russia and the former USSR are countries the EU should have sanctioned repeatedly (respectively in 24, 22 and two years). The economic and political importance of these countries for some member states of the supranational organization explains the impunity these rights violators enjoyed. Further, we find that targets lacking political or economic proximity to the EU, such as Equatorial Guinea, North Korea, Myanmar and certain Balkan countries, have faced stronger sanctions than comparable norm violators.

While Afghanistan received lighter sanctions from both the EU and the USA, Cuba was wrongfully sanctioned for 24 years and excessively for 22 years by the US. The EU attempted to counterbalance this behaviour by imposing more diluted sanctions. Norm violations in Egypt, Laos, Montenegro, China, Eritrea and Liberia were under-sanctioned. In contrast, Somalia, Myanmar, Iran and Iraq have, relatively speaking, been exposed to overly intensive sanctions. While the hesitance of sanctioning Egypt may result from the strategic partnership with the ruling autocrats on the Nile, the strong anti-communist positions of the US government most likely explain the reluctance to abandon or weaken the sanctions against the neighbour. The hostility of the Iranian and Iraqi leadership towards the USA and the fear that these autocracies pursue nuclear weapons programmes might explain the prolonged over-sanctioning in these cases.

To ensure the robustness of our findings, we have conducted a battery of tests and additional analyses reported in the Online Appendix. First, we control for possible multicollinearity and do not find excessive correlations between the explanatory concepts. We run reduced models that exclude variables with higher correlation and report the results in the Supplemental Material. The results remain similar for both senders. Second, the results for alternative operationalizations of intensity are consistent with the reported specification. Third, we analyse sanction onset instead of incidence. For the EU, the results are consistent with the main results reported in Table 1 for all variables except democracy, political terror scale, exports which lose significance, and GDP per capita which becomes positive and statistically significant. For the USA, democracy, military coups, being a former colony, and GDP lose significance while exports are, contrary to sanction incidence, positively related to sanction onset. This analysis shows that a larger diaspora community increases the likelihood of US sanction onset. Moreover, we employ an alternative measure of diaspora influence developed by Savatic and Prasad (2023) available after 2007, which estimates diasporic interest groups. Our analyses find the expected positive effect of diaspora on sanction incidence but not on sanction intensity. Together with the increased significance and size of the coefficient in the EU case, we demonstrate that the diaspora population stock is more relevant for sanction onset than incidence. Thus, we can confirm our second hypothesis for the onset of coercion and find some support for the effect on sanction incidence.

Fourth, the EUSANCT dataset allows the matching of targets that could have been sanctioned and those that were sanctioned. Almost half (2,398 out of 5,077) of the observations could have experienced sanctions if a target's behaviour challenged at least one of the liberal norms advanced by the two senders. This coding refers to human rights violations, political violence, military coups and nuclear enrichment as the most common reasons for the imposition of sanctions.⁶ For the EU, reducing the sample only to the potential cases keeps our findings unchanged with improved statistical significance. Only the effect of two economic variables, GDP and imports, changes and becomes positive and statistically significant for sanction incidence, whereas military coups lose significance for sanction intensity. There are 51 (EU) and 228 (US) observations of sanctions in the reduced datasets that have not been considered as potential cases. Except for democracy, political terror scale, former colony (lose significance) and alliance (changes direction), the results on US sanction incidence remain similar. In the additional analysis on sanction intensity using the reduced sample of potential cases, democracy and nuclear latency lose significance while military coup and diaspora gain significance. Because the EU's CFSP entered into force only in 1993, we run the analyses on EU sanctions with the reduced timespan to exclude cases of unclear competency. The results are unchanged.

Fifth, we test whether various imposing authorities might prioritize differently when imposing sanctions. The imposition of the US sanctions was mostly authorized either jointly by Congress and the President (317) or by the President only (650). For the subsample of White House sanctions, three coefficients change compared to the full model: higher imports, a larger diaspora, and being part of the same alliance increase the likelihood of US sanctions. When sanctions are imposed jointly by Congress and the President, democracy, political terror, military conflict, GDP and exports lose significance; higher shares of imports become negatively related to sanction incidence, whereas one-sided violence, military conflict and the size of the diaspora community increase sanction incidence.

Finally, we detail in the Online Appendix how the colonial history of countries with which the EU has formed defensive alliance pacts influences the incidence and intensity of EU sanctions. These allies include four former colonies (Central African Republic, Comoros, Cyprus, Djibouti, Gabon and Senegal) and countries that later joined NATO (such as Ireland, Finland and Sweden). The main findings remain

consistent, revealing that being part of a defensive pact unexpectedly increases the likelihood of the EU imposing economic sanctions, regardless of colonial history. The effect is even more pronounced when focusing solely on allies that were colonies. Additionally, while the defence alliance coefficient is not significantly related to the intensity of economic sanctions in the full model, it becomes negative when considering only defensive pacts with former colonies. This indicates that alliances with former colonies lead to more diluted sanctions. We do not replicate this analysis for the USA since only one of its allies was a former colony (the Philippines).

Discussion and conclusion

‘Little thieves are hanged, but great ones escape’ – defenders of economic coercion often face the accusation that the onset and scaling of the measures follow the logic of this popular proverb. The misdeeds of weak actors are, in this perspective, much more likely to be punished than the wrongdoings of powerful culprits. In addition, less resourceful targets receive harsher punishments than their stronger counterparts.

In this article, we have examined whether the coercive measures of the EU and the USA respect the normative criterion of proportionality that plays an increasingly important role in international law. Our theoretical framework draws on Grossman and Helpman (1994) and conceives of the main sanction actors – the EU member state governments and the US President – as opportunistic executives who seek to remain in power by balancing the support of competing interests. The Council of the European Union and the White House can achieve this by allowing their specialized bureaucracies to design coercive measures that respond to the lobbying and counter-lobbying by public and private interest groups. Such efforts almost necessarily lead to the over- and under-sanctioning of targets.

The article makes several contributions to the literature. First, we offer an encompassing comparison of the sanction bias of the two most prominent senders of coercive measures. While studies on the onset and incidence of US sanctions abound (Attia, 2024; Whang, 2011), systematic research on EU sanction design is still rare despite some notable exceptions (Giumelli, 2011; Hazelzet, 2001; Meissner, 2023). Our analysis shows, as theoretically expected, that the EU has a pronounced tendency to dilute the imposed measures to almost symbolic sanctions. However, the median EU coercive effort is more intense than the corresponding US sanction.

Yet, the Western superpower employs more intensive measures on average and is especially more likely to use harder sanctions against economically powerful states than the supranational organization. Second, our theoretical framework allows us to compare the importance that the behaviour of the international target and the domestic situation of the senders has on the interrelated decision to impose and scale coercive efforts. This contrasts with studies that almost exclusively focus on the domestic sources of coercive efforts (Whang, 2011). Our analysis demonstrates that coercive measures by the EU and the USA respond to real or perceived norm transgressions and, to some extent, the calls by diasporas from the targeted states to implement coercive measures. However, economic interdependence frequently biases US coercive efforts. While the military superpower does not shy away from imposing sanctions on economically powerful states, it tends to target countries that are important export markets less frequently. Countries from which the USA imports many goods are less likely to be sanctioned intensively. Third, we offer a novel taxonomy for sanction bias and identify countries that, in light of their behaviour, were either wrongfully sanctioned, had escaped harsher coercion, or, in some cases, were not punished at all. Under-sanctioned cases typically include permanent members of the UN Security Council, particularly Russia or China. Our findings indicate that less powerful countries would have received harsher punishments for similar offences.

We find only limited support for the public interest group argument according to which the presence of powerful diasporas increases the chance that strong sanctions are imposed (Kustra, 2022; Urtuzuastigui, 2023). The limitation in obtaining stronger results has, in our view, a methodological and a theoretical component. First, the scarcity of data on the lobbying activities of such groups forced us to use the diaspora population stock as the closest proxy. Second, when considering sanction onset instead of incidence, the analyses confirm our expectation suggesting that diasporic pressures play a larger role in the initial decision than in the renewal of sanctions. This article also uncovers certain patterns that merit further investigation. Our checks, for instance, revealed that the sources of bias partly differ between US sanctions initiated by Congress or the President. Future studies might also want to explore how the pressuring of the European Parliament impacts sanction decisions and, more qualitatively, how sanction efforts are coordinated between the main bureaucratic actors on both sides of the Atlantic, the OFAC and the Council’s General Secretariat.

The quantitative analysis that we have conducted does not reveal the extent to which the two senders grant exemptions on humanitarian grounds once sanctions are imposed. In the future, archival research could reveal which agents advocated for either harsh or more lenient coercion in prominent sanction episodes. Yet, most sanctions and their renewals are not in the public limelight. This article has therefore shown how changing domestic and international contexts have affected the imposition and intensity of ‘average’ sanctions in the post-Cold War era.

Replication data

The dataset and do-files for the empirical analysis in this article, as well as the Online Appendix, can be found at <https://www.prio.org/JPR/Datasets/> and <https://www.polver.uni-konstanz.de/gschneider/gschneider/research/replication-data/>.

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Notes

1. EU member states are considered individually as potential targets, but jointly as senders.

2. The EUSANCT dataset allows the researcher to match targets that could have been sanctioned and those that were sanctioned. The Online Appendix replicates our analyses on the subsample of ‘potential cases.’
3. The Online Appendix reports analyses that use sanction onset instead of incidence. This binary variable takes the value of 1 in the dyad-year a sanction was imposed by the USA (133) or EU (72), 0 otherwise. The analysis reported here refers to sanction incidence as most coercive measures have to be renewed after a certain period.
4. The Online Appendix contains alternative specifications of the intensity variables. These alternative concepts are based on a reduction in the number of categories in the constitutive terms.
5. A full list of categories is included in the EUSANCT codebook (Weber and Schneider, 2022).
6. A more detailed description of this variable can be found in the Supplemental Material of Weber and Schneider (2022).

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