Book Review Symposium I of Economic Sanctions from Havana to Baghdad: Africa as the Most Heavily Sanctioned Region of the World - A Critical Overview

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July 28, 2026

Introduction

The book *Economic Sanctions from Havana to Baghdad: Legitimacy, Accountability, and Humanitarian Consequences* raises concerns of social justice, an important ethical issue about the legitimacy of sanctions, and concerns about the humanitarian crises that economic sanctions are bound to cause. Filipenko et al. define economic sanctions as mechanisms that involve restrictive economic measures applied by a country or group of countries to another country or group of countries to coerce the governments of those countries to change their policies. These measures are not only taken by countries against countries but also by international bodies against individuals and entities within countries. These sanctions at the international level are often used to exert political and economic leverage and secure a specific form of capitulation or change from the sanctioned country, entity, or individual. Despite the challenges associated with economic sanctions, Yakoviyk and Novikov argue that they remain popular as a means of demonstrating power or influencing the behavior of a sanctioned government, entity, or individual without resorting to military conflict. The United Nations (UN) is a global body that has, over the years, maintained this sanctions regime globally, imposed by the Security Council. Not only the UN but also regional bodies such as the European Union (EU) and national actors such as the United States Office of Foreign Assets Control (OFAC) have, through their strong global political standing, issued sanctions with international overreach.

A Covert Disproportion

In all of these sanction regimes, one region has suffered the most: Africa, and this has gone largely unnoticed or under-recognized, to say the least. A quick internet search for the term “global economic sanctions” would yield results on economic sanctions, with rare immediate mention of sanctions in Africa as an example of places where they are in place. In fact, on the global sanctions dashboard, these words, which do not reflect the African reality, are boldly displayed: “The Atlantic Council Economic Statecraft Initiative’s Global Sanctions Dashboard uses advanced data-visualization techniques to break down and analyze complex trends, developments, and typologies across various sanctions regimes—including Russia, Iran, and counterterrorism.” Apparently, this statement is correct, but on closer look, it reveals what is hidden and what this article exposes: the under-representation and under-recognition of the most sanctioned region of the world—Africa. Herein, a stark and disturbing truth is disclosed: Africa is being intentionally or unintentionally subjected to sanctions on a wildly disproportionate scale. About 38% of African countries are under some form of sanction by the European Union alone, in addition to other international bodies and agencies, even though the continent accounts for only 19% of the world’s population. That is not merely disproportionate; it is indefensible.

The EU and UN Sanctions

On a deep reflection on the EU sanctions map, a number of countries and regime categories have been sanctioned. In general, there are 34 countries whose governments, nationals, agents, or entities were sanctioned by the European Union. 13 out of this number are entities from the African region, precisely from these countries: Zimbabwe, Tunisia, Sudan, South Sudan, Somalia, Niger, Mali, Libya, Guinea-Bissau, Guinea, Democratic Republic of the Congo, Central African Republic, and Burundi. This accounts for about 38 percent of the total number of the countries whose governments and nationals are sanctioned by the EU worldwide. These sanctions include travel bans, arms embargoes, financial sanctions, asset freezing or forfeiture, prohibitions, and other restrictive measures.

The reasons for these sanctions include restrictive measures against those allegedly undermining democracy or obstructing the search for a political solution within a democratic set-up, as well as those involved in planning, directing, or committing acts of terrorism, or in violating international human rights law or international humanitarian law. This is the case, for example, with sanctions against entities in Burundi. Since the beginning of the crisis in Burundi, the EU has held that only dialogue leading to consensus, in compliance with the Arusha Agreement for Peace and Reconciliation, is acceptable. In Burundi, as in most low-income countries in Africa facing significant economic challenges, sanctions are most often imposed on financial institutions, such as banks, with broad impacts on their customers and businesses engaged in financial transactions. Notwithstanding the potential economic setback and attendant humanitarian catastrophe these sanctions carry, the United Nations seems unfazed in sanctioning multiple African countries.

Of the 24 countries currently sanctioned by the United Nations Security Council, 16 of these are in Africa. Since 1966, the Security Council has established 31 sanctions regimes, in Southern Rhodesia, South Africa, the Former Yugoslavia (2), Haiti (2), Angola, Liberia (3), Eritrea/Ethiopia, Rwanda, Sierra Leone, Côte d’Ivoire, Iran, Somalia/Eritrea, ISIL (Da’esh) and Al-Qaida, Iraq (2), Democratic Republic of the Congo, Sudan, Lebanon, Democratic People’s Republic of Korea, Libya (2), the Taliban, Guinea-Bissau, Central African Republic, Yemen, South Sudan and Mali.

When the Security Council imposes sanctions under Chapter VII of the UN Charter, this, in turn, requires member states to do the same. Thus, the EU, among others, has also broadly sanctioned African nations. For example, on 31 March 1992, the UN Security Council decided on a selective embargo on trade with Libya. On 14 April 1992, the Council introduced legislation to prevent the supply of certain goods and services to Libya. As a consequence of the embargo against Libya, the Council of the EU identified the risk that economic operators in the Union could be exposed to claims by Libya. On 29 November 1993, the Council of the EU introduced legislation to permanently protect operators against such claims and to prevent Libya from obtaining compensation for the negative effects of the embargo. In accordance with the UN Charter, measures imposed at the UN level since UN Security Council Resolution 733 (1992) of 23 January 1992 and subsequent Resolutions are transposed into EU sanctions law. The Security Council also imposed a ban on the import of basic goods, such as charcoal, from Somalia, with broad economic impacts that affect employment and economic security for many people in Somalia. Other African countries whose economies have been most badly impacted by UN Security Council sanctions include Guinea-Bissau and Sudan.

The Sanctions by the US

Apart from the European Union and the United Nations sanctions bodies, the Office of Foreign Assets Control (OFAC), a division of the U.S. Department of the Treasury, is also a major player n the sanctions arena. It regularly publishes a list of sanctioned entities, individuals, and companies owned or controlled by, or acting for or on behalf of, targeted countries or groups. In the Specially Designated Nationals (SDN) list, African countries are prominent. Notably, entities with a significant societal impact, such as those involved in food, crop production, agriculture, and wholesale and retail trade, are affected. Among these, for example, in Zimbabwe are Fossil AGRO and Suzan General Trading Pvt Ltd., as well as shipping companies in Tunisia like Ste Sokomar Shipping Agency. About twenty investment entities sanctioned exclusively in Sudan include some banks. One such example is the Alkhaleej Bank Co. Ltd. Eight entities were sanctioned in Nigeria, including financial institutions, as well as four entities from Rwanda. Countries such as DR Congo and Sudan account for the greater number of sanctioned entities that have a significant societal consequence. Over thirty-five entities sanctioned within DR Congo are either financial firms or industrial companies whose functioning has been paralyzed, and the attendant benefits to the people have been denied them.

Sudan, arguably the country with the most devastating humanitarian crises in the world, has more than twenty entities under sanctions. Apart from a few entities accused of sponsoring terrorism, like the Muslim Brotherhood, the rest are development companies, industries, and banks that contribute to the well-being of society. The financial institutions (banks) that manage the fiscal economies of states and individual entities have been crippled by these sweeping sanctions. One can go on and on along this trajectory, in which entities with social significance and economic importance are sanctioned, often indiscriminately affecting the population. Nigeria, Kenya, and many others have more than 7 entities sanctioned by OFAC. The economic catastrophe caused by most of these sanctions cannot be overemphasized.

Sanctions and the Question of Justification

The justification for these sanctions remains both a moral and a legal issue. The reasons behind the sanctions, ranging from accusations of terrorism, illegal resource mining or extraction, to merely being closely associated with a sanctioned person, entity, or country, whether proven or not, must be weighed against the severe humanitarian catastrophe caused by such sanctions. It is a deeply moral question to determine whether the humanitarian suffering—where people live in poverty, suffer from lack of food, and die from diseases due to inoperative banking systems and industrial hubs under heavy sanctions—outweighs the legal legitimacy of these measures. Even at the legal level, there is still a need for a clear, comprehensive judicial process and justification for these sanctions. In most cases, the situation amounts to a determination made through an entirely *ex parte* procedure. Ideally, those sanctioned should have a fair hearing and the chance to litigate their case. Erich Ferrari elaborately espoused this critical point in these words: “The due process requirements are minimal, and easily sidestepped…. It is difficult to even determine whether the designation (sanction) was carried out in accordance with the law.” There is no denying that this basic legal requirement is often non-existent, given that what these sanctioning bodies generally present to the public and perhaps to the sanctioned entities may be limited to nothing more than press releases.

Furthermore, apart from the United Nations, which has an international locus standi to sanction countries that are member states, it is shocking to learn how regional bodies like the European Union and countries acting unilaterally, including the United States, United Kingdom and Canada, could place devastating sanctions on sovereign states, often in violation of international law, as Alena Douhan describes in her chapter "Unilateral Sanctions and Emerging Issues of International Human Rights Law." She argued that, beyond lacking humanitarian assessment mechanisms, unilateral sanctions violate civil, economic, social, and cultural rights, as well as the right to development, and hinder progress toward the Sustainable Development Goals. About the African continent, one wonders whether an African regional body like the African Union has, or could have, grounds to reciprocate similar sanctions, or whether only Africans and their entities are deserving of such sweeping sanctions, while non-African and Western entities are immune from sanctions of such a devastating nature.

Conclusion

Economic sanctions, in all their complexity, have become a tool of economic and political control used by one entity to impose sanctions on victims. Countries, entities, and individuals worldwide have experienced sanctions to varying degrees. These sanctions are not applied proportionately worldwide. Despite a lack of clarity about their moral and legal legitimacy, one region remains overwhelmingly and disproportionately sanctioned: Africa. From financial institutions facing sanctions within the region to challenges with transactions, and ultimately the collapse of economies, the impact of sanctions in Africa is more extensive than anywhere else. Yet, these situations remain less recognized, if not completely overlooked, compared to other regions.

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