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**Collective Management of Copyright in Sudan: Post-Conflict Institutional Discontinuity, Media Governance, and the Digital Implementation Gap**

**Dr. Amar Bashir Nour Edaim Mohamed**

(PhD), LL.B College of Humanities  
University of Bahri  
[Amarbashir73@gmail.com](mailto:Amarbashir73@gmail.com)

## المستخلص

تتناول هذه الدراسة الضعف البنوي لنظام الإدارة الجماعية لحقوق المؤلف في السودان، مع تركيز خاص على قطاع البث والسياقات المؤسسية التي تؤثر في حوكمة حقوق المؤلف داخل البيئات المتأثرة بالنزاعات السياسية وعدم الاستقرار الإداري. واعتمدت الدراسة منهجية التثليث النوعي من خلال الجمع بين تحليل النصوص القانونية، والتتبع المؤسسي التاريخي، والمقابلات المتخصصة مع خبراء في مجالات الملكية الفكرية والإعلام.

وتوصلت الدراسة إلى وجود فجوة تنفيذية مستمرة تعود إلى ما تصفه الدراسة بـ "النموذج السوداني للفجوات الثلاث"، والمتمثل في: الغموض القانوني، والقصور التقني، والانقطاع المؤسسي. كما تقدم الورقة مفهوم "الانقطاع المؤسسي في مرحلة ما بعد الصراع" لتفسير الكيفية التي تؤدي بها التحولات السياسية المتكررة إلى إضعاف الذاكرة التنظيمية وتعطيل استمرارية الحوكمة وتقويض الثقة داخل مؤسسات الإدارة الجماعية.

وتجادل الدراسة بأن إصلاح نظام الإدارة الجماعية لا يمكن أن يتحقق من خلال التعديلات التشريعية وحدها، بل يتطلب بناء مؤسسات مستقرة ومدعومة تقنيًا وقادرة على الاستمرار بعيدًا عن تأثير التقلبات السياسية. وتخلص الورقة إلى أن حماية الملكية الفكرية ينبغي أن تُفهم بوصفها جزءًا من حماية الكرامة الثقافية والاستدامة الاقتصادية وصون الإرث الإبداعي الوطني.

**الكلمات المفتاحية:** الإدارة الجماعية، حقوق المؤلف، السودان، الحوكمة الإعلامية، المؤسسات ما بعد الصراع، الحوكمة الرقمية لحقوق المؤلف.

## Abstract

This study examines the structural underdevelopment of collective copyright management in Sudan, with particular emphasis on the broadcasting sector and the institutional conditions shaping copyright governance in post-conflict environments. Using a qualitative triangulation approach that combines legislative analysis, historical institutional tracing, and elite interviews, the study identifies a persistent implementation gap rooted in what this paper conceptualizes as the "Sudanese Triple-Gap Model": legal ambiguity, technological insufficiency, and institutional discontinuity.

The paper further introduces the concept of "Post-Conflict Institutional Discontinuity" to explain how repeated political transitions weaken organizational memory, interrupt administrative continuity, and undermine public trust in collective management institutions. Unlike many developing copyright systems where the challenge is primarily legislative, the Sudanese case reflects a broader governance crisis in which legal provisions exist but remain institutionally fragile and operationally ineffective.

The study argues that sustainable reform requires more than statutory amendments alone. It demands the creation of technologically supported, politically insulated, and socially trusted institutions capable of surviving political instability. The paper concludes that intellectual property protection should be understood not merely as a legal mechanism of private ownership, but as a component of cultural dignity, economic sustainability, and national creative preservation.

**Keywords:** Collective Management, Copyright, Sudan, Media Governance, Post-Conflict Institutions, Digital Copyright Governance.

## 1. Introduction

Collective management systems represent one of the foundational mechanisms of modern copyright governance. In media environments characterized by extensive broadcasting, continuous reproduction, and digital circulation of creative content, individual licensing becomes practically unmanageable. For this reason, Collective Management Organizations (CMOs) emerged internationally as institutional intermediaries responsible for licensing copyrighted works, monitoring usage, collecting royalties, and distributing remuneration to creators.

In Sudan, however, the institutional transition toward an effective collective management framework remains incomplete. Despite the expansion of broadcasting platforms, digital media services, and online content circulation, the operational infrastructure necessary for copyright enforcement remains weak and fragmented. Copyrighted works are frequently used without formal licensing arrangements, transparent monitoring systems, or stable royalty distribution mechanisms.

The central argument of this paper is that the Sudanese copyright crisis is not simply a consequence of inadequate legislation. Rather, it reflects a deeper structural inability to operationalize legal provisions within a stable technological and institutional environment. Political instability, administrative discontinuity, and weak digital infrastructure have collectively limited the emergence of a functioning collective management ecosystem.

This study contributes to the literature in three principal ways. First, it introduces the “Sudanese Triple-Gap Model” as a localized framework for understanding collective management failure in Sudan. Second, it conceptualizes “Post-Conflict Institutional Discontinuity” as an explanatory concept linking political instability to weakened copyright governance. Third, it bridges media governance studies and intellectual property scholarship in a Sudanese context that remains significantly underexplored within African copyright literature.

## 2. Literature Review and Digital Context

Previous scholarship on copyright governance in Sudan has largely concentrated on legislative interpretation and formal legal protection, with comparatively limited attention to institutional implementation and media-sector enforcement. Early Sudanese contributions emphasized the absence of effective collective administration mechanisms as a major obstacle facing authors, musicians, and media creators.

Ghaleb (2003) observed that individual enforcement of copyright protection in Sudan was both economically burdensome and institutionally unrealistic, particularly in broadcasting environments involving repeated and large-scale content usage. Similarly, Ibrahim (2007) highlighted the structural weakness of royalty collection systems within the Sudanese music industry and noted the absence of stable collective licensing institutions.

More recent international literature demonstrates that collective management systems are increasingly shaped by digital transformation. Contemporary copyright governance models now rely heavily on automated monitoring systems, metadata infrastructures, and digital content identification technologies to improve transparency and revenue distribution. International organizations such as World Intellectual Property Organization and CISAC have emphasized the growing importance of digital interoperability and real-time monitoring systems in modern collective administration frameworks.

Regional experiences within Africa also reveal uneven patterns of institutional development. Countries such as Kenya and Nigeria have demonstrated relatively stronger progress in integrating digital monitoring systems and reciprocal licensing arrangements, while Sudan continues to experience institutional fragmentation and technological limitations. This disparity reflects broader developmental and governance challenges affecting post-conflict regulatory institutions.

At the same time, emerging scholarship on governance in post-conflict societies suggests that institutional instability often disrupts administrative continuity and weakens public trust in regulatory systems. However, little research has examined how these dynamics specifically affect collective copyright management structures in fragile political environments. This paper attempts to address that gap.

### 3. Methodology

#### 3.1 Research Design

The study employs a qualitative triangulation methodology combining three principal sources of evidence:

1. Legislative and policy analysis;
2. Historical institutional tracing;
3. Semi-structured elite interviews.

This design was selected to allow a deeper understanding of institutional dynamics that cannot be adequately captured through quantitative measurement alone.

### 3.2 Sampling Strategy

A purposive elite sampling strategy was adopted to identify participants occupying positions directly connected to copyright governance, media administration, and intellectual property regulation in Sudan. The final sample included ten experts consisting of intellectual property administrators, legal scholars, senior broadcasting professionals, and policy specialists.

Although the sample size may appear limited from a statistical perspective, elite interviewing was considered methodologically appropriate due to the institutional specificity of the research topic. The selected participants represented “information-rich cases” with direct professional experience in copyright administration and broadcasting governance.

### 3.3 Methodological Rigor and Limitations

To strengthen validity, interview findings were cross-verified through legislative review and institutional historical analysis. This triangulation process reduced the likelihood that findings merely reflected individual perceptions or isolated experiences.

Nevertheless, the study acknowledges certain limitations. Access to institutional data remained constrained due to administrative instability and limited archival availability. In addition, the rapidly changing political environment in Sudan may influence future institutional developments beyond the temporal scope of this research.

## 4. Analysis: The Sudanese Triple-Gap Model

The findings reveal that the Sudanese collective management system suffers from three interconnected structural gaps:

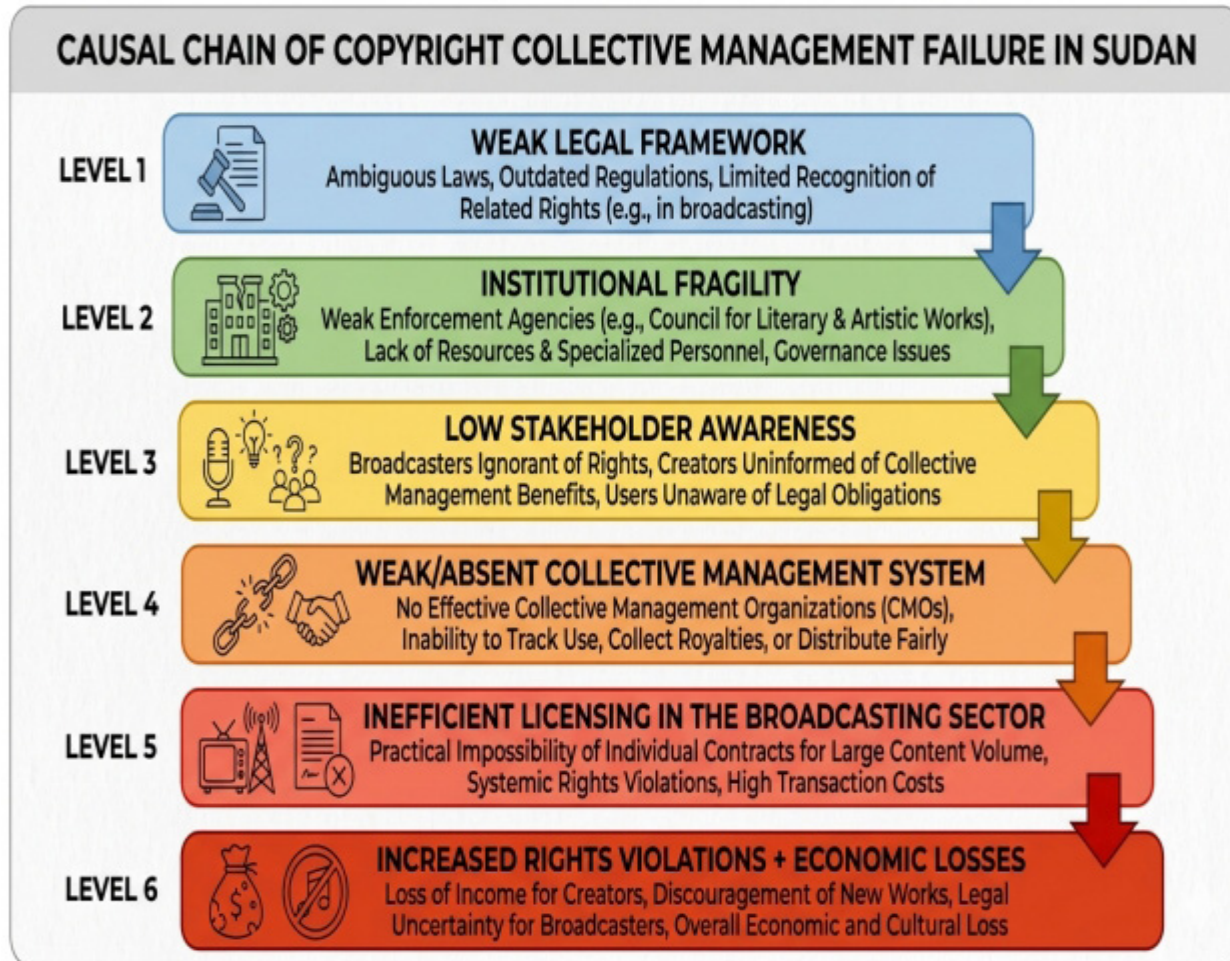
1. Legal ambiguity;
2. Technological insufficiency;
3. Institutional discontinuity.

Together, these dimensions form what this study identifies as the “Sudanese Triple–Gap Model.”

**Table 1: Comparative Analysis of Copyright Governance in Sudan**

Dimension	(Current State (Sudan	International Benchmark
Legal Framework	Ambiguous provisions; limited CMO autonomy	Clear statutory authority and operational independence
Technical Capacity	Manual monitoring systems; fragmented databases	Automated digital fingerprinting and metadata systems
Institutional Stability	Frequent administrative disruption	Stable regulatory continuity
Revenue Distribution	Irregular and non-transparent payments	Automated and transparent royalty systems

**Figure 1: Causal Chain of Collective Management Failure in Sudan**



Note: The model illustrates that the failure of collective management in Sudan is not a single legal issue but a multi-layered systemic problem involving legal, institutional, and awareness-related dimensions.

The analysis demonstrates that collective management failure in Sudan cannot be attributed to legislation alone. Weak technical infrastructure limits monitoring capacity, while political instability repeatedly disrupts institutional continuity. Over time, these disruptions reduce trust among creators, broadcasters, and regulatory actors alike.

This institutional fragmentation also weakens long-term policy accumulation. Administrative expertise is frequently lost during political transitions, forcing institutions to repeatedly restart organizational processes rather than building progressively upon previous reforms.

### 5. Theoretical Contribution: Post-Conflict Institutional Discontinuity

This study extends Multi-Level Governance (MLG) approaches (Hooghe & Marks, 2001) by introducing the concept of “Post-Conflict Institutional Discontinuity.”

In many post-conflict environments, institutional weakness is often discussed in terms of limited resources or governance inefficiency. The Sudanese case demonstrates a more specific phenomenon: repeated political transitions generate institutional interruptions that prevent the accumulation of organizational memory and professional continuity.

As a result, copyright institutions remain structurally fragile even when legal frameworks formally exist. Over time, this recurring disruption weakens social trust, discourages creator participation, and limits the credibility of collective licensing systems.

The study therefore argues that copyright governance in fragile states cannot be analyzed solely through legal doctrine. Institutional continuity itself becomes a central variable affecting enforcement, legitimacy, and administrative sustainability.

### 6. Strategic Roadmap (2026–2030)

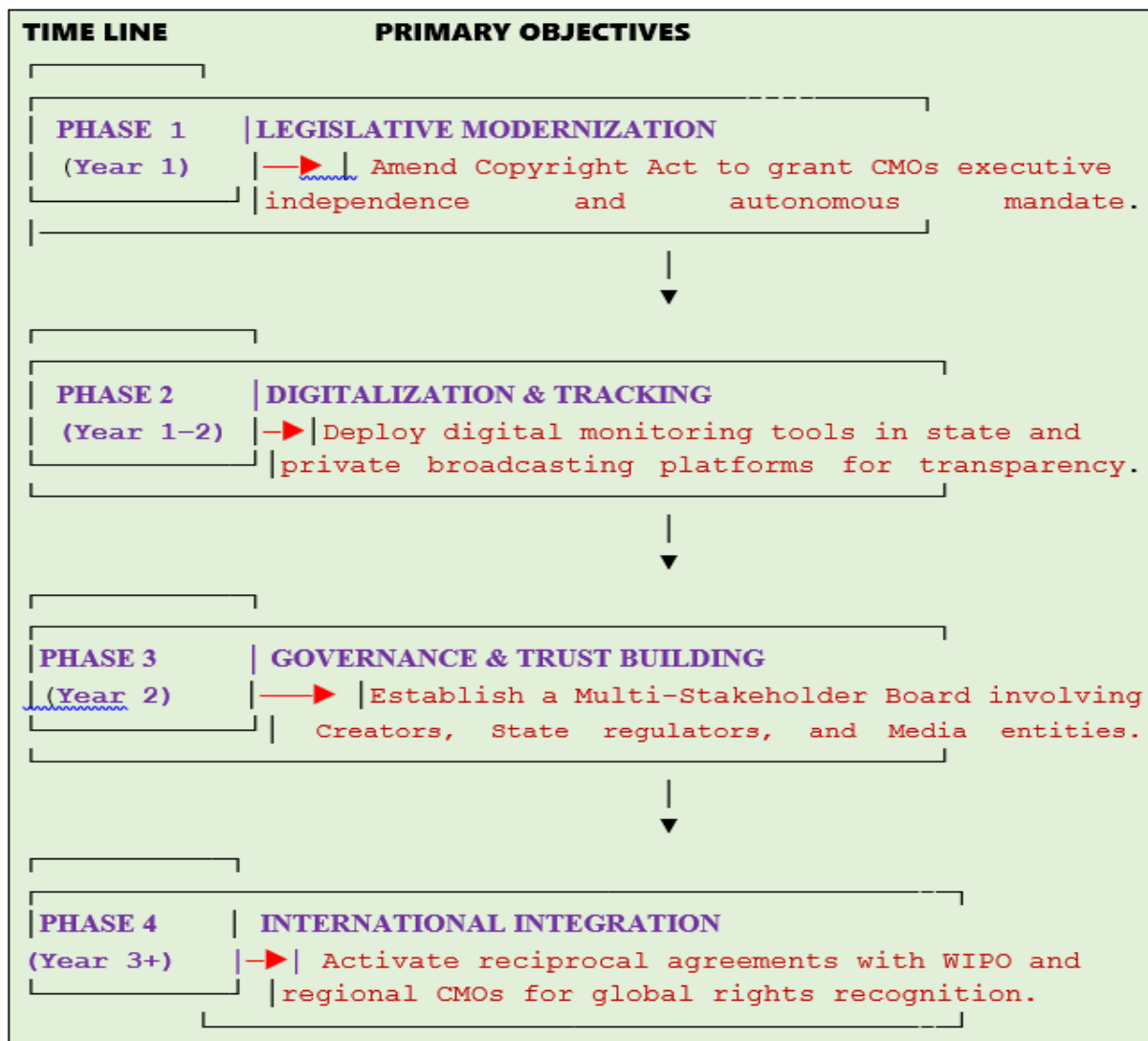
The study proposes a phased reform strategy aimed at gradually establishing a resilient and technologically supported collective management framework.

**Table 2: Proposed Reform Roadmap**

Phase	Timeline	Primary Objective
Phase 1: Legislative Reform	Year 1	Amend copyright legislation to strengthen CMO independence
Phase 2: Digitalization	Year 1–2	Introduce automated monitoring systems
Phase 3: Governance Reform	Year 2	Establish inclusive multi-stakeholder governance
Phase 4: International Integration	Year 3+	Expand reciprocal agreements and regional cooperation

**Figure 2: Strategic Reform Timeline**

It presents each phase as a block aligned with its primary objective, showing the progression systematically:



The proposed model illustrates reform as a sequential institutional process moving from legislative restructuring toward international integration. Each phase supports the next, ensuring that technological modernization and governance reform are built upon a stable legal foundation.

### The roadmap emphasizes four interconnected priorities:

- Legislative modernization;
- Digital transparency;
- Governance credibility;
- International interoperability.

Rather than treating copyright reform as a purely legal exercise, the framework positions collective management as part of a broader institutional reconstruction process necessary for rebuilding Sudan's creative economy.

## 7. Conclusion

The underdevelopment of collective copyright management in Sudan reflects broader patterns of institutional instability affecting governance structures in post-conflict environments. Although Sudan possesses formal copyright legislation, the absence of stable implementation mechanisms has limited the practical effectiveness of collective administration.

This study demonstrates that the core challenge extends beyond legal reform. Sustainable copyright governance requires institutional continuity, technological modernization, and the gradual reconstruction of trust among creators, broadcasters, and regulators.

The Sudanese case further illustrates how political instability can repeatedly interrupt institutional learning and weaken administrative memory. In this sense, copyright governance becomes deeply connected to questions of state capacity, cultural policy, and economic development.

Future reform efforts must therefore prioritize institutional resilience alongside legal modernization. Without stable governance structures capable of surviving political transitions, collective management systems are unlikely to achieve long-term sustainability.

## 8. Recommendations

Based on the findings of the Sudanese Triple-Gap Model, the study proposes the following recommendations:

### 1. Legislative Independence:

Sudanese copyright legislation should be amended to explicitly guarantee the operational and financial autonomy of Collective Management Organizations.

## 2. Digital Transformation:

Broadcasting institutions should gradually transition toward automated content-identification and metadata management systems to improve transparency and royalty tracking.

## 3. Institutional Continuity:

A permanent technical secretariat for intellectual property governance should be established to preserve institutional expertise despite political transitions.

## 4. Public Awareness and Cultural Framing:

National awareness initiatives should present intellectual property protection as part of cultural preservation and economic empowerment rather than merely legal restriction.

## 5. Regional Cooperation:

Sudan should strengthen reciprocal representation agreements with regional CMOs and benefit from shared technological infrastructures and licensing systems.

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#### Appendix: Expert Interview Protocol

1. To what extent does the current Sudanese Copyright Act provide a sufficient mandate for CMOs to operate independently?
2. What technical barriers currently limit accurate monitoring and royalty collection within Sudanese broadcasting institutions?
3. How have political transitions affected institutional continuity and administrative expertise within copyright-related institutions?
4. What governance mechanisms are necessary to improve trust between creators, regulators, and broadcasters?
5. To what extent is Sudan institutionally prepared to adopt automated copyright tracking technologies used in other African markets?