



POLICY BRIEF

Building A Legal-Institutional Framework For India-Egypt Maritime Cooperation: Securing The Red Sea-Indian Ocean Nexus Through Global South Legal Diplomacy

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(Getty Images, Indian and Egyptian flags,
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Keywords: India-Egypt Maritime Cooperation, Legal-Institutional Framework, Red Sea–Indian Ocean Nexus, Global South Legal Diplomacy, Blue Economy Governance

Executive Summary

The maritime arteries between the Red Sea and Indian Ocean are more than just shipping routes—they are the commercial lifeblood of the world, with about 30% of global containerized commerce passing through waterways as narrow as a river in certain areas (Vidas & Schei, 2011). This policy brief recommends an inclusive legal-institutional framework for India-Egypt maritime cooperation to thread together disparate security strands into a tapestry of regional prosperity and stability. The framework is built upon three pillars: a Bilateral Maritime Treaty, a Joint Maritime Commission (JMC), and blue economy initiatives integrated under harmonized legal frameworks.

As two lighthouse keepers who watch over overlapping coastal areas, India and Egypt are maritime guardians over vital sea lanes that are both economic highways and possible weak-point corridors. The envisaged framework aims to convert reactive bilateral interaction into proactive institutional collaboration, tackling multi-dimensional challenges ranging from piracy and trafficking through environmental degradation and jurisdictional uncertainty. By creating formal legal frameworks based on South-South solidarity, this move places both countries as normative leaders in the promotion of an alternative to hegemony-driven maritime arrangements.

The proposals combine global maritime law principles with regional cooperation arrangements, learning lessons from the best practices of those like the ASEAN Maritime Security Framework and the EU Integrated Maritime Policy while tailoring these practices to the special geopolitical and developmental circumstances of the Red Sea-Indian Ocean nexus (Bhattacharyya, 2010).

Introduction and Rationale

The strategic geography of Indian Egyptian maritime cooperation is like an hourglass, with the Suez Canal and Bab el-Mandeb being the narrowed middle from which the huge oceanic spaces of the Mediterranean, Red Sea, and Indian Ocean are linked. The metaphor stretches beyond the literal topography—it embodies the condensed vulnerability and opportunity that characterizes modern-day maritime security issues.

Egypt's dominance of the Suez Canal, which processes about 12% of world trade and 30% of world container volumes, puts it in position to be the gatekeeper between Europe and

Asia (Suez Canal Authority, 2023). At the same time, India's rise as a blue water maritime power with increasing capabilities and its place astride major Indian Ocean shipping lanes makes it a natural ally in guarding this vital nexus. Their naval interests convergence is set against the backdrop of changing security challenges, environmental strain, and economic opportunities that go beyond conventional bilateral diplomatic forums.

The argument for institutionalized cooperation goes beyond sheer convenience to strategic imperatives. Maritime insecurity appears as a hydra-headed challenge: when one threat is neutralized through ad hoc means, others appear elsewhere along the long maritime frontier. The 2021 Ever Given obstruction of the Suez Canal for six days and disruption of global supply chains of \$9.6 billion per day served as an example of how single-point failures in this maritime system cascade into global economic disruption (Lloyd's List, 2021).

In addition, the growing militarization of sea disputes, reflected in South China Sea tensions and recent Houthi attacks against commercial shipping in the Red Sea, illustrates how regional disputes can turn tranquil sea routes into disputed waterways. A legal-institutional approach based on South-South cooperation provides an alternative model—one focused on cooperative management rather than adversarial posturing.

Situating the Problem

Security Vulnerabilities and Threat Landscapes

The seaborne domain between the Red Sea and Indian Ocean is a sophisticated system where non-traditional and traditional threats converge like colliding storm systems. Piracy, though statistically down since its high in 2011, is still a persistent menace with attacks changing geo-temporal and tactical orientation. The International Maritime Bureau documented 115 piracy and armed robbery incidents in 2022, of which the Gulf of Aden and western Indian Ocean were responsible for a large number (ICC International Maritime Bureau, 2023).

The Bab el-Mandeb chokepoint vulnerability is a very sharp pressure point. It is a mere 29 kilometres wide in its most constricted section, and it transports about 6.2 million barrels of oil per day—about 9% of international petroleum liquids trade (U.S. Energy Information Administration, 2022). The recent upsurge in Houthi attacks on trade ships passing through this corridor, with a reported 50 and above incidents between October 2023 and March 2024,

has compelled large shipping lines to divert cargo around the Cape of Good Hope, taking 10-14 days longer and adding 15-20% to costs (project44, 2024).

Governance Fragmentation and Legal Gaps

Today's legal design for this maritime area is more akin to a patchwork quilt—discrete pieces for discrete tasks without overall harmony. The United Nations Convention on the Law of the Sea (UNCLOS) establishes the general framework, but its general principles must be fleshed out by regional compacts and bilateral accords to meet particular operational needs (Churchill & Lowe, 2021).

Current regional mechanisms, including the Djibouti Code of Conduct and its amendments, have realized significant accomplishments in harmonizing anti-piracy initiatives. However, these guidelines mostly revolve around reactive security arrangements and not proactive governance institutions that are able to tackle emerging issues such as illegal, unreported, and unregulated (IUU) fishing, marine pollution, and climate-driven migration patterns.

The jurisdictional intricacy is then augmented by overlapping exclusive economic zones (EEZs), diverging national maritime laws, and lack of standardized enforcement mechanisms. For example, although India and Egypt are signatories to UNCLOS, their national maritime legislation varies considerably in terms of port state control measures, environmental protection standards, and foreign investment policy in maritime sectors.

The Legal Landscape

International Framework Analysis

The current international legal framework functions akin to a constitutional system needing implementing legislation to attain practical implementation. UNCLOS, ratified by both India (1995) and Egypt (1983), sets basic principles such as freedom of navigation, exclusive economic zones, and environmental protection commitments. Yet, its implementation calls for advanced domestic legislation and bilateral treaties to cover unique operational issues.

Regional architectures add further layers of legal architecture. The Djibouti Code of Conduct, revised in 2017 to deal with maritime crime in an integrated manner, has proved the

worth of regional partnerships in taking forward common maritime challenges. The efforts on marine and coastal environmental protection by the Indian Ocean Commission and the coordination arrangements by the Red Sea and Gulf of Aden Facilitation Unit provide institutional cooperation models that might be replicated and enlarged.

Domestic Legal Systems

India's marine legal regime has also come a long way, with the 2021 Merchant Shipping Act streamlining regulatory frameworks and the Maritime Zones Act establishing jurisdictional borders. The creation of the National Maritime Domain Awareness Centre and merging of coastal security into unified command structures is evidence of institutional ability for international collaboration (Peri D., 2024).

Egyptian maritime law, rooted in the Maritime Law No. 8 of 1990 and subsequent amendments, offers broad coverage of commercial maritime activities, whereas the Suez Canal Law confers particular authorities for running the operations of the canal. Nevertheless, the fields of marine environmental protection and coordination mechanisms of international maritime security cooperation are areas of lacunae.

Towards a Bilateral Legal Framework

Treaty Architecture and Design Principles

The envisaged Bilateral Maritime Treaty ought to be a constitutional document for maritime cooperation between India and Egypt, setting out basic principles with operational flexibility. Taking cues from proven blueprints like the India-Japan Maritime Cooperation Agreement and the Philippines-Vietnam bilateral frameworks in the South China Sea, the treaty ought to represent four elementary principles: reciprocity, complementarity, scalability, and legal clarity.

Reciprocity guarantees that each contributes proportionately to combined maritime security and reaps proportional rewards. This principle must be applied not only to burden-sharing but also to the sharing of knowledge, building capacity, and technological partnership. The treaty must have clearcut measures of measuring reciprocal contribution, preventing the asymmetrical deals that have been discrediting other bilateral arrangements.

Complementarity acknowledges that India and Egypt have varying but complementary capabilities. Egypt's geography and management of the canal complement India's blue water naval capacity and technological base. The treaty must establish procedures for synergistically combining these resources instead of duplicating efforts.

Operational Provisions and Implementation Mechanisms

Operational provisions of the treaty ought to tackle five key areas: joint naval patrols, information exchange and maritime domain awareness, jurisdiction over transnational offences, environmental cooperation, and uniform training and certification.

Joint naval patrols are the most publicized expression of cooperation between the two countries. Taking a cue from the India-Japan Maritime Security Cooperation, the patrols must be guided by strictly laid-down rules of engagement, with standardized communication mechanisms and command hierarchies. The patrols would aim to start with busy shipping routes and move towards covering wider maritime areas as operational coordination increases.

Mechanisms for sharing information must create safe communication networks between national maritime coordination centers. The envisioned Maritime Information Fusion Centre must combine real-time information on ship movements, weather patterns, security risks, and environmental dangers. The system should be run on the principles of the European Maritime Security Centre, with necessary protection for sensitive national security data.

Jurisdictional cooperation provisions would have to capture the sophisticated challenge of prosecuting transnational maritime crimes. The treaty would have to provide clear procedures for establishing jurisdiction in situations involving third country vessels, international waters crimes, and crimes that traverse national jurisdictions. The provisions would have to look to successful models like the Western and Central Pacific Fisheries Convention's compliance and enforcement frameworks.

Blue Economy Integration Framework

The blue economy strand of the bilateral arrangement should function as an economic driver for sustainable development while enhancing naval cooperation. It needs to be structured carefully in terms of law so that economic activity reinforces instead of supplants security aims.

Marine biotechnology collaboration ought to center on cooperative research efforts, intellectual property sharing agreements, and harmonized use of marine genetic resources. The legal framework ought to conform to the Nagoya Protocol on Access and Benefit-sharing in setting up bilateral mechanisms for technology transfer and commercialization. The Marine Biotechnology Cooperation Agreement proposed here should establish cooperative research laboratories and common databases while safeguarding proprietary information and guaranteeing equitable benefit sharing.

Effective sustainable fisheries management entails coordinated regulatory strategies that will simultaneously address economic efficiency and environmental sustainability. The bilateral system ought to provide joint fisheries management areas, coordinated quota regimes, and mutual enforcement practices. Learning from efficient regional fisheries management organizations like the Indian Ocean Tuna Commission, the system should design adaptive management systems that will be able to react to changing environmental circumstances and stock estimates.

Clean port development programs should concentrate on harmonizing environmental policies, green technology exchange, and infrastructure investment coordination. The system should get Egypt's Suez Canal Economic Zone developments coordinated with India's Sagarmala programme, producing complementary and not conflicting networks of infrastructure. Legal provisions should cover public-private partnership arrangements, the procedures for assessing environmental impacts, and mechanisms for technology transfer.

Institutional Mechanisms: The Joint Maritime Commission

Structural Design and Governance Architecture

The envisioned Joint Maritime Commission must act as the institutional pillar of bilateral maritime collaboration, both implementing agency and adaptive management tool. Building on successful precedents like the ASEAN Maritime Security Expert Working Group and the Integrated Maritime Policy coordination mechanisms of the EU, the JMC must synchronize strategic direction with operational agility.

The Commission's institutional architecture must uphold the principle of sovereign equality while facilitating effective decision-making. The system of a rotating chairmanship,

between Indian and Egyptian representatives on a yearly basis, must provide balanced leadership without compromising institutional continuity. Three professionalized sub-committees, namely Legal Compliance and Enforcement, Strategic Coordination and Planning, and Blue Economy Development, should manage the JMC's operations.

The Legal Compliance and Enforcement Sub-Committee must oversee the implementation of treaties, settle questions of jurisdiction, and arrange for enforcement activity. The Sub-Committee must have quasi-judicial powers to issue binding interpretations of treaty articles and settle conflicts on operational matters between agencies of the nation. The Sub-Committee must be represented by ministries, coast guards, and judicial members.

Operational Modalities and Functional Mechanisms

The effective operation of the JMC hinges on setting well-defined processes for information exchange, decision-making, and conflict resolution. Quarterly operational meetings should be held regularly, with emergency consultation procedures in place for exceptional situations. There should be permanent secretariat offices in both nations, with periodic rotation of staff assignment for knowledge transfer in institutions.

Decision-making processes must reconcile consensus-building with day-to-day operational efficiency. Ordinary routine matters of operation should go through majority decision-making, but strategic policy issues must demand consensus. The structure must provide for explicit criteria for distinguishing operational from strategic decisions, so as not to let procedural conflict derail substantive cooperation.

Comparative Analysis: Global Models and Lessons Learned

Successful Bilateral Maritime Frameworks

The maritime component of the India-Japan Special Strategic and Global Partnership provides relevant lessons for constructing India-Egypt cooperation. The India-Japan Maritime Security Cooperation framework of 2018 has been able to merge strategic dialogue with operational cooperation through joint exercises, information exchange, and capacity building programmes (Ministry of External Affairs, India, 2018). The stress on "free and open Indo-Pacific" principles in the framework presents a template for situating bilateral cooperation within larger regional security arrangements.

The Philippines-Vietnam bilateral arrangements for de-escalating South China Sea tensions show that legal frameworks can de-escalate conflict potential while upholding sovereign positions. The Joint Statement on Maritime Cooperation (2017) set protocol for preventing incidents, fisheries management, and joint exploration activities in spite of underlying territorial disputes (Department of Foreign Affairs, Philippines, 2017). This example implies that bilateral maritime cooperation can continue even in the midst of greater regional tensions.

Regional Integration Models

The Integrated Maritime Policy of the European Union offers the best example of multi-level governance for the sea, combining sectoral policies from maritime transport, fisheries, environment, research, and regional development. The policy's "Blue Growth" strategy shows how economic and environmental goals can be combined using harmonized legal frameworks and institutional arrangements (European Commission, 2020).

The ASEAN Maritime Security Expert Working Group provides perspectives on regional maritime cooperation among developing nations. Created in 2016, the Working Group has been able to synchronize maritime security policies in different political systems and levels of development. Its focus on non-interference principles and consensus decision-making offers lessons for South-South maritime cooperation frameworks.

Strategic and Normative Implications

Positioning within Global South Leadership

The envisaged India-Egypt maritime cooperation framework needs to be articulated as a demonstration of Global South capability for building alternative models of governance. In contrast to hegemony-oriented structures such as AUKUS or Belt and Road Initiative's maritime elements, the bilateral structure foregrounds sovereign equality, mutual gain, and cooperative governance.

This positioning has significant normative implications for wider maritime governance discourses. Through successful South-South maritime cooperation, India and Egypt can shape global debates regarding maritime security, the development of the blue economy, and the protection of the environment. The framework must have clear linkages with wider initiatives

such as the Indian Ocean Rim Association (IORA) and BRICS+ maritime cooperation frameworks.

Alternative to Hegemonic Maritime Arrangements

The architecture provides a "third way" between institutional fragmentation and great power rivalry. India and Egypt do not have to take sides in US-China maritime competition or play subaltern roles in hegemonic orders. Instead, they can show independent capability for regional leadership. Such a strategy is consistent with wider Non-Aligned Movement values while confronting modern maritime problems.

The demonstration effect is not limited to bilateral relations but also impacts larger regional dynamics. Effective India-Egypt maritime cooperation would serve as an example for other Global South maritime countries to follow suit, developing networks of bilateral cooperation that then aggregate into alternative regional architectures.

Recommendations

Immediate Implementation Steps

The framework of bilateral maritime cooperation needs sequential implementation starting with diplomatic consensus-building and institutional preparation. The very first steps need to emphasize political commitment through high-level summit statements and ministerial declarations. Both governments need to appoint lead agencies for the development of the framework and establish joint working groups to prepare treaty provisions.

Technical preparation must start forthwith with joint threat analyses, capability assessments, and legal harmonization research. These preparation efforts must include stakeholders such as naval forces, coast guards, port authorities, shipping companies, and environmental protection agencies. Civil society groups and academic institutions must engage in consultative initiatives to ensure inclusive stakeholder engagement.

Medium-term Institutional Development

The official treaty negotiation process must start within 12-18 months of the initial political consensus and have completion targets in three years. Simultaneous institutional growth needs

to put in place interim arrangements for coordination to develop into the full Joint Maritime Commission form. Pilot cooperation schemes in subject areas like joint exercises and the exchange of information must prove framework gains while establishing operational ties.

Blue economy cooperation must start with low-risk, high-profile projects like marine research cooperation and clean port technology transfer. These projects must set examples of intellectual property sharing, technology transfer, and benefits distribution that will inform more complicated future projects.

Integration with Multilateral Frameworks

The bilateral structure must be crafted for compatibility with current multilateral frameworks and with continued autonomous decision-making authority. Compatibility with IORA maritime security initiatives must be achieved through observer status and project coordination without formal subordination. In the same vein, BRICS+ maritime cooperation should be approached with complementarity rather than competition with bilateral frameworks.

The structure should also clearly facilitate wider UN maritime governance efforts, especially the implementation of Sustainable Development Goal 14 (Life Below Water) and climate change adaptation. The accommodation of such alignment is to ensure international legitimacy while exercising strategic autonomy.

Conclusion

The legal-institutional architecture proposed for India-Egypt maritime cooperation is not just bilateral agreement—it is a model for Global South maritime governance in an age of escalating strategic competition and ecological challenge. As capable navigators plotting new routes through known seas, India and Egypt have the chance to show alternative models of maritime cooperation that make mutual accommodation possible ahead of adversarial competition.

The success of the framework relies on political will, institutional ingenuity, and adaptive implementation that is sensitive to changing challenges without wavering from strategic direction. By building upon formal legal frameworks based on mutual advantage and sovereign equality, the suggested arrangement can be a building block of wider regional maritime

cooperation that deepens security, fosters sustainable development, and enhances Global South capacity for self-directed governance.

The liquid character of the maritime sector calls for regulation systems equally adaptable and resilient. The India-Egypt maritime cooperation system, effectively applied, can be a source of greater security and prosperity for both nations while pushing international maritime law toward greater equity and efficiency in governance models.

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