

# THE INTERNATIONAL STATUS OF THE SUEZ CANAL

by

JOSEPH A. OBIETA, S. J.  
S. J. D. (Harvard)

*Professor of International Law  
University of Deusto (Bilbao)*

WITH A FOREWORD BY

RICHARD R. BAXTER

*Professor of International Law  
Harvard Law School*

Second edition



THE HAGUE  
MARTINUS NIJHOFF  
1970

## TABLE OF CONTENTS

Foreword . . . . .	v
List of Abbreviations . . . . .	xi
Introduction . . . . .	1
<b>CHAPTER I. Historical Background . . . . .</b>	<b>4</b>
Section I: The Construction of the Canal . . . . .	5
Section II: The First Years of the Canal . . . . .	8
Section III: The Canal under British Occupation . . . . .	10
Section IV: The Canal under Egyptian Control . . . . .	18
<b>CHAPTER II. International Canals . . . . .</b>	<b>22</b>
Section I: Definition . . . . .	22
Section II: The Establishment of the International Regime . . . . .	26
Problems raised when full consent is given . . . . .	27
Problems raised when consent is given in a Treaty of Peace . . . . .	36
Problems raised when no consent is given . . . . .	37
Section III: Legal Nature . . . . .	39
Section IV: Legal Consequences . . . . .	43
<b>CHAPTER III. The Suez Canal from 1854 to 1888: The International Canal . . . . .</b>	<b>48</b>
Section I: The Intention of the Sovereign . . . . .	49
Section II: The Regime of Internationality . . . . .	57
Section III: The Other Regimes . . . . .	61

CHAPTER iv. The Suez Canal from 1888 to 1956: The Neutralized Canal . . . . .	66
Section I: The New Regime . . . . .	66
Section II: Legal Effects of the Convention . . . . .	70
Section III: The Convention in the Practice of States. . . . .	78
Section IV: Legal Consequences . . . . .	87
CHAPTER v. The Suez Canal since 1956: The Nationalized Canal. . . . .	90
Section I: Legal Character of the Canal Company . . . . .	91
Section II: Effects of Nationalization on the Legal Regime of the Canal . . . . .	103
Section III: Legal Guarantees Concerning the International Regime . . . . .	107
CHAPTER vi. The Application of the Egyptian Declaration: April 24, 1957 – November 17, 1969 . . . . .	111
APPENDIX A : The Concession of 1856 . . . . .	141
APPENDIX B : The Constantinople Convention of 1888 . . . . .	146
APPENDIX C : Security Council's Resolution of October 13, 1956 . . . . .	150
APPENDIX D : Egyptian Declaration of April 24, 1957 . . . . .	151
Bibliography . . . . .	155
Index . . . . .	159