Convention Respecting the Free Navigation of the Suez Maritime Canal, Constantinople, October 29, 1888[7]

Convention Between Great Britain, Austria-Hungary, France, Germany, Italy, the Netherlands, Russia, Spain, and Turkey, Respecting the Free Navigation of the Suez Maritime Canal

In the name of Almighty God,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of Spain, and in His Name the Queen Regent of the Kingdom; the President of the French Republic; His Majesty the King of Italy; His Majesty the King of the Netherlands, Grand Duke of Luxemburg, etc.; His Majesty the Emperor of all the Russias; and His Majesty the Emperor of the Ottomans, being desirous of establishing, by a Conventional Act, a definitive system intended to guarantee, at all times and to all the Powers, the free use of the Suez Maritime Canal, and thus to complete the system under which the navigation of this canal has been placed by the Firman of His Imperial Majesty the Sultan, dated February 22, 1866 (2 Zilkadé, 1282), and sanctioning the Concessions of His Highness the Khedive, have appointed as their plenipotentiaries, to wit:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honorable Sir William Arthur White, Her Ambassador Extraordinary and Plenipotentiary;

His Majesty the German Emperor, King of Prussia, His Excellency Joseph de Radowitz, His Ambassador Extraordinary and Plenipotentiary;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, His Excellency Baron Henri de Calice, His Ambassador Extraordinary and Plenipotentiary;

[7] Translation by the Department of State from the French text in *British and Foreign State Papers, 1887–1888*, vol. 79, pp. 18–22.

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His Majesty the King of Spain and in His Name the Queen Regent of the Kingdom, Mr. Miguel Florez y Garcia, His Chargé d'Affaires;

The President of the French Republic, His Excellency Gustave Louis Lannes, Count de Montebello, Ambassador Extraordinary and Plenipotentiary of France;

His Majesty the King of Italy, His Excellency Baron Albert Blanc, His Ambassador Extraordinary and Plenipotentiary;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, etc., Mr. Gustave Keun, His Chargé d'Affaires;

His Majesty the Emperor of all the Russias, His Excellency Alexandre de Nélidow, His Ambassador Extraordinary and Plenipotentiary;

His Majesty the Emperor of the Ottomans, Mehemmed Saïd Pasha, His Minister of Foreign Affairs;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:—

ART. I. The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

The Canal shall never be subject to the exercise of the right of blockade.

ART. II. The High Contracting Parties, recognizing that the Fresh-Water Canal is indispensable to the Maritime Canal, take cognizance of the engagements of His Highness the Khedive towards the Universal Suez Canal Company as regards the Fresh-Water Canal; which engagements are stipulated in a Convention dated March 18, 1863, containing a preamble and four Articles.

They undertake not to interfere in any way with security of that Canal and its branches, the working of which shall not be the object of any attempt at obstruction.

ART. III. The High Contracting Parties likewise undertake to respect the equipment, establishments, buildings and work of the Maritime Canal and of the Fresh-Water Canal.

ART. IV. The Maritime Canal remaining open in time of war as a free passage, even to ships of war of the belligerents, under the terms of Article I of the present Treaty, the High Contracting Parties agree that no right of war, act of hostility or act having for its purpose to interfere with the free navigation of the Canal, shall be committed in the Canal and its ports of access, or within a radius of 3 nautical miles from those ports, even though the Ottoman Empire should be one of the belligerent Powers.

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Warships of belligerents shall not take on fresh supplies or lay in stores in the Canal and its ports of access, except in so far as may be strictly necessary. The transit of the said vessels through the Canal shall be effected as quickly as possible, in accordance with the regulations in force, and without stopping except for the necessities of the service.

Their stay at Port Saïd and the roadstead of Suez shall not exceed 24 hours, except in case of putting in through stress of weather. In such case, they shall be bound to depart as soon as possible. A period of 24 hours shall always elapse between the sailing of a belligerent ship from a port of access and the departure of a ship belonging to the enemy Power.

ART. V. In time of war, belligerent powers shall not discharge or take on troops, munitions, or war materiel in the Canal and its ports of access. In case of an accidental hindrance in the Canal, however, troops broken up into groups not exceeding 1000 men, with a corresponding amount of equipment, may be embarked or disembarked at the ports of access.

ART. VI. Prizes shall in all respects be subject to the same rules and regulations as the warships of belligerents.

ART. VII. The Powers shall not keep any warship in the waters of the Canal (including Lake Timsah and the Bitter Lakes).

They may, however, have warships, the number of which shall not exceed two for each Power, stationed in the ports of access of Port Saïd and Suez.

This right shall not be exercised by belligerents.

ART. VIII. The Agents in Egypt of the Signatory Powers of the present Treaty shall be charged to see that it is carried out. In any circumstance threatening the security and free passage of the Canal, they shall meet at the summons of three of them and under the presidency of their Doyen, to make the necessary verifications. They shall inform the Khedivial Government of the danger perceived, in order that it may take proper steps to assure the protection and the free use of the Canal. In any case, they shall meet once a year to take note of the due execution of the Treaty.

These latter meetings shall be presided over by a Special Commissioner appointed for that purpose by the Imperial Ottoman Government. A Khedivial Commissioner may also take part in the meeting, and may preside over it in case of the absence of the Ottoman Commissioner.

They shall demand, in particular, the removal of any work or the dispersion of any assemblage on either bank of the Canal, the purpose or effect of which might be to interfere with the freedom and complete safety of navigation.

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ART. IX. The Egyptian Government shall, within the limits of its powers based on the Firmans, and under the conditions provided for in the present Treaty, take the necessary measures for enforcing the execution of the said Treaty.

In case the Egyptian Government should not have sufficient means at its disposal, it shall appeal to the Imperial Ottoman Government, which shall take the necessary measures for responding to such appeal, give notice thereof to the other Signatory Powers of the Declaration of London of March 17, 1885, and, if necessary, consult with them on the matter.

The provisions of Articles IV, V, VI, and VII shall not stand in the way of the measures taken by virtue of the present Article.

ART. X. Likewise, the provisions of Articles IV, V, VII, and VIII shall not stand in the way of any measures which His Majesty the Sultan and His Highness the Khedive in the name of His Imperial Majesty, and within the limits of the Firmans granted, might find it necessary to take to assure by their own forces the defense of Egypt and the maintenance of public order.

In case His Imperial Majesty the Sultan or His Highness the Khedive should find it necessary to avail himself of the exceptions provided for in the present Article, the Signatory Powers of the Declaration of London would be notified thereof by the Imperial Ottoman Government.

It is also understood that the provisions of the four Articles in question shall in no case stand in the way of measures which the Imperial Ottoman Government considers it necessary to take to assure by its own forces the defense of its other possessions situated on the eastern coast of the Red Sea.

ART. XI. The measures taken in the cases provided for by Articles IX and X of the present Treaty shall not interfere with the free use of the Canal. In the same cases, the erection of permanent fortifications contrary to the provisions of Article VIII is prohibited.

ART. XII. The High Contracting Parties, by application of the principle of equality as regards free use of the Canal, a principle which forms one of the bases of the present Treaty, agree that none of them shall seek, with respect to the Canal, territorial or commercial advantages or privileges in any international arrangements that may be concluded. Furthermore, the rights of Turkey as the territorial Power are reserved.

ART. XIII. Aside from the obligations expressly provided for by the clauses of the present Treaty, the sovereign rights of His Imperial Majesty the Sultan and the rights and immunities of His Highness the Khedive based on the Firmans are in no way affected.

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ART. XIV. The High Contracting Parties agree that the engagements resulting from the present Treaty shall not be limited by the duration of the Acts of Concession of the Universal Suez Canal Company.

ART. XV. The stipulations of the present Treaty shall not interfere with the sanitary measures in force in Egypt.

ART. XVI. The High Contracting Parties undertake to bring the present Treaty to the knowledge of those States which have not signed it, inviting them to accede thereto.

ART. XVII. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Constantinople within one month or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto the seal of their arms.

Done at Constantinople, on the 29th day of the month of October, of the year 1888.

For Great Britain	(L.S.)	W. A. White
Germany	(L.S.)	Radowitz
Austria-Hungary	(L.S.)	Calice
Spain	(L.S.)	Miguel Florez y Garcia
France	(L.S.)	G. de Montebello
Italy	(L.S.)	A. Blanc
Netherlands	(L.S.)	Gus. Keun
Russia	(L.S.)	Nélidow
Turkey	(L.S.)	M. Saïd

Exchanges of Notes, and agreed minute not printed here.

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