

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

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**RECUEIL DES SENTENCES  
ARBITRALES**

**Paquet Case (expulsion)**

1903

VOLUME IX pp. 323-325



NATIONS UNIES - UNITED NATIONS  
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PERSONNEL OF BELGIAN-VENEZUELAN COMMISSION

- Umpire.* — J. Ph. F. Filtz.
- Belgian Commissioner.* — F. Goffart.
- Venezuelan Commissioner.* — Pedro Vicente Azpurúa, until July, 1903, when he was followed by — Carlos F. Grisanti.
- Venezuelan Agent.* — F. Arroyo-Parejo.
- Belgian Secretary.* — Charles Piton.
- Venezuelan Secretary.* — Emilio de Las Casas.

OPINIONS IN THE BELGIAN-VENEZUELAN COMMISSION

PAQUET CASE (Expulsion)

(By the Umpire):

The right of nations to expel foreigners from, or prohibit their entrance into the national territory is generally recognized, if they are prejudicial to public order; but when these measures are resorted to, the Government of such foreigners is entitled to know the reasons therefor, and if such explanations are refused, the act of expulsion is to be considered as arbitrary and indemnity must be paid to those expelled or prevented from entering. <sup>1</sup>

GOFFART, *Commissioner* (claim referred to umpire):

The claim presented by Mr. Paquet, because of his expulsion, contains five counts.

	<i>Francs</i>
Direct damages, traveling and hotel expenses . . . . .	50,000
Indirect damages, divided into three counts . . . . .	230,000
Total . . . . .	280,000

The Venezuelan Commissioner contends that the entire claim of 280,000 francs should be rejected because, in his judgment, Venezuela had the right to expel Mr. Paquet and therefore owes him no indemnity.

The Belgian Commissioner has renounced the indirect damages of 230,000 francs; he does not demand anything except direct damages, traveling and hotel expenses, etc., and these even he reduces from 50,000 to 4,500 francs.

The Belgian Commissioner does not dispute the right of expulsion invoked by Venezuela, so long as this right is a consequence of the right to protect the State; but by reason of this very fact it is important that it be employed to this end and to no other. The constant practice among European governments has been never to refuse to give to the representative of a nation of the party expelled the reasons which have moved the Government expelling him to exercise this right. The demand, therefore, that this be done in this case does not seem unreasonable.

The Government of Venezuela employed a measure of severity against the claimant. There is no proof that it took this course in order to protect itself in accordance with the line of conduct adopted by all the countries represented

<sup>1</sup> See the Italian - Venezuelan Mixed Claims Commission (Boffolo Case and Oliva Case) in Volume X of these *Reports*.

in Venezuela — Germany, England, the United States, Spain, Italy, France, the Netherlands, and Belgium.

The Belgian Commissioner must therefore consider it as unwarranted, and maintain the liability of the Government.

This principle having been established, the Belgian Commissioner invokes it very moderately, demanding in lieu of the 280,000 francs claimed, the sum of 4,500 francs for the expenses of various kinds to which the claimant had been put by reason of his temporary expulsion.

GRISANTI, *Commissioner* (claim referred to umpire):

Mr. Noberto Paquet claims an indemnity from the Government of Venezuela because it prevented his wife in the first place (in August, 1902) and afterwards himself and wife (last June) from disembarking in the port of La Guaira. Mr. Paquet says literally:

The act of preventing my wife in the first place and afterwards myself from entering Venezuela, after having allowed us to depart more or less freely, constitutes an unwarranted expulsion. This expulsion was carried out without formalities and without explanation of any sort.

And Mr. Paquet demands reimbursement for his expenses of travel, hotel, and maintenance in Trinidad of a family composed of six persons from the end of August and beginning of September, 1902, until the end of May and beginning June, 1903; the expenses of moving, etc.

In the last session I expressed the opinion that said claim should be disallowed, because there is no convincing proof in the record of the facts which he alleges as the foundation of the claim, and because even if such proof did exist, since the Paquets are foreigners and are domiciled at Port of Spain, the Government of Venezuela exercised a perfect right in prohibiting them from entering the national territory, a right which publicists acknowledge and which governments assert and exercise.

The Belgian Commissioner accepted the claim for 4,500 bolivars. The Venezuelan Commissioner rejected it absolutely, alleging that, so far as he is concerned the question is not one of amount but of principle, and he expresses his regret that it was not possible for him to consent to a matter of that nature.

A foreigner may be expelled from French territory by a simple administrative act, provided his presence appears dangerous to public order. (Law of Dec. 3-11, 1849, arts. 7-8.)

If hospitality imposes duties, he who offers it also imposes greater ones on him receiving it. He who accepts hospitality in order to more surely take advantage of and deceive his trusting benefactor loses his right to hospitality.

The right of expulsion with which the Government is armed against the resident foreigner who inhabits the French soil transiently or permanently is explained, therefore, by the violation of his duties as a guest whereby he has made himself culpable; but even if he had respected them, the measure of expulsion taken against him will, nevertheless, be found to be justified for high political reasons because of the rights of public policy with which the authorities are vested, for the public interest and for the national safety, which they alone are able to determine. (André Weiss, *Elementary Treatise on Public International Law*, p. 34; see also Pradier-Fodéré, *Public International Law*, vol. 3, No. 1857, p. 1078.)

Because of the reasons expressed it is the opinion of the Venezuelan Commissioner that the aforesaid claim should be absolutely disallowed.

FILTZ, *Umpire*.<sup>1</sup>

The umpire having examined and studied the record, and considering —

That Mr. N. A. Paquet, a Belgian subject, domiciled in Caracas, claims the sum of 280,000 bolivars for damages, direct and indirect, traveling expenses and hotel expenses, because the Government of Venezuela prevented him from landing at La Guaira;

That the claim has been reduced by the Belgian Commissioner by the sum of 250,000 bolivars for indirect damages, and insisted upon only for direct damages, estimated at 4,500 bolivars;

That the right to expel foreigners from or prohibit their entry into the national territory is generally recognized; that each State reserves to itself the exercise of this right with respect to the person of a foreigner if it considers him dangerous to public order, or for considerations of a high political character, but that its application can not be invoked except to that end;

That, on the other hand, the general practice among governments is to give explanations to the government of the person expelled if it asks them, and when such explanations are refused, as in the case under consideration, the expulsion can be considered as an arbitrary act of such a nature as to entail reparation, which is aggravated in the present case by the fact that the attributes of the executive power, according to the Constitution of Venezuela, do not extend to the power to prohibit the entry into the national territory, or expelling therefrom the domiciled foreigners whom the Government suspects of being prejudicial to the public order;

That, besides, the sum demanded does not appear to be exaggerated —  
Decides that this claim of N. A. Paquet is allowed for 4,500 francs.

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#### PAQUET CASE (Concession)

(By the Umpire:)

If a person by reason of a permit from the Government is induced to spend time and money, he is equitably entitled to an indemnity, if the permit is revoked without sufficient reason.

GOFFART, *Commissioner* (claim referred to umpire):

In deciding to refuse all indemnity for the arbitrary taking away from the claimant of the waste waters of the Asylum of the Feeble Minded, the Commissioner of Venezuela stands upon two facts:

1. There was no concession.
2. If there were a concession, it was not made forever, as the claimant alleges, but for an undefined time only.

The Commissioner of Belgium maintains that Mr. Paquet has a right to an indemnity of 50,000 francs, which he claims, and he bases his opinion upon the following:

The document conceded by the municipal council is a document in proper form, engrossed upon sealed paper, which was executed in accordance with all the formalities required by law to guarantee the claimant against future eviction.

The municipal council employs in it the term itself *conceder* to express the right which it created in favor of Mr. Paquet.

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<sup>1</sup> For a French translation see: Descamps - Renault, *Recueil international des traités du XX<sup>e</sup> siècle*, année 1903, p. 882.