

writers are to be found who define the term in the same way or who classify the same situations under it."³¹

Nonintervention is a precept of the legal order of the OAS, but, as indicated above, it has not actually become a rule of conduct for many of the American states. Here we have a gap between theory and practice, or between an ideal norm and the living law habits of the countries involved. The situation is still more complicated because nonintervention is a principle of regional or American international law that does not oblige us in other areas. Intervention is permissible, for example, when authorized by treaty, or at the invitation of a government of another country, as in the recent case of Lebanon. Under the terms of the OAS Charter, it is very doubtful whether the United States can intervene in Latin America even at the invitation of a legitimate government. The American public and the press, in general, do not seem to be informed of these circumstances and further complicate the situation by irresponsible statements and demands. The answer to all this, of course, is education of the public and of the journalists, and this should by all means be attempted. The misunderstanding exists also in Latin America. Many non-Communist Latin American newspapers and private citizens criticize our sending marines to Lebanon, because they consider this an intervention, having in mind the Latin American interpretation of the doctrine of nonintervention.

The United States is under treaty obligation—the charter of the OAS—to observe the doctrine of nonintervention as defined in Bogotá in 1948. Legally and politically there is no other course to take. We recommend that the United States carefully abide by the doctrine of nonintervention, even if conditions that are not agreeable have to be tolerated temporarily. In the long run, this country will gain by observing this policy, and we will be more respected, especially by the countries that have carefully practiced this principle themselves. This long-range objective will undoubtedly produce better results.

5. *Breadth of territorial sea*

The problem of the breadth of the territorial sea has been the subject of detailed study for many years without arriving at any definite solution. One authority on this matter, Gilbert Gidel, in his treatise, "*Le Droit International Publique de la Mer*" (1934), rejects the proposition that the breadth of the territorial sea is fixed by international law at 3 miles. According to him, the legal status of the territorial sea does not actually depend upon any universal understanding. In fact, the 3-mile limit has not been universally accepted. Efforts to secure agreement have failed. Our recommendation, therefore, is to attempt to reach an agreement in a future conference on codification of international law, or if this is not possible, at least among the members of the OAS.

Conversely, we believe that the problem of the Continental Shelf should be carefully studied either in the U.N. or on a regional basis, first starting in the Inter-American Juridical Committee of the Inter-American Council of Jurists of the OAS. The Latin American countries have always shown great interest in the development of sound principles of regional international law. A strong U.S. leadership

³¹ Charles G. Fenwick, "Intervention: Individual and Collective," *American Journal of International Law*, vol. 39, No. 4, 1945, p. 645.