

Controversy Concerning the Korean Armistice Agreement: “A State of War Still Remains in Effect”

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The New York Times ([3/8/13](#)), writing about Korean tensions, reported:

The North said this week that it considered the 1953 armistice agreement that halted the Korean War to be null and void as of Monday because of the joint military exercises. The North has threatened to terminate that agreement before, but American and South Korean military officials pointed out that legally, no party [to an] armistice can unilaterally terminate or alter its terms.

“Nonsense,” says Francis Boyle, professor of international law at the University of Illinois (Institute for Public Accuracy, [3/13/13](#)):

An armistice agreement is governed by the laws of war and the state of war still remains in effect despite the armistice agreement, even if the armistice text itself says additions have to be mutually agreed upon by the parties. Termination is not an addition.

Boyle pointed to both U.S. military regulations and international law as evidence that the Times’ claim was wrong:

Under the U.S. Army Field Manual 27-10 and the Hague Regulations, the only requirement for termination of the Korean War Armistice Agreement is suitable notice so as to avoid the charge of “perfidy.” North Korea has given that notice. The armistice is dead.

The [Army Field Manual](#) states, “In case it [the armistice] is indefinite, a belligerent may resume operations at any time after notice.” [Article 36](#) of the Hague Regulations says:

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

The New York Times should let its readers know that it allowed anonymous officials to mislead them.

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