The shadow of the Hague – ballistic problems past and present.

The Hague declaration of 1899 has a special place in wound ballistics as well as international humanitarian law. It was introduced to prevent what we now call “Superfluous Injury and unnecessary suffering” and has stood the test of time, having only been violated sporadically and never as part of a national policy. The wording has been discussed, the legal and medical interpretation not always being in line. It says that “The Contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions”. Many interpret this to mean that bullets of soft point or hollow point type are outlawed due to their design, while in fact it is the behaviour of the bullet that is outlawed. In fact the wording “…such as …” signifies that this is an example of the bullet design that could cause the said behaviour, but other designs might do likewise. It has been used to stop not only the bullets that it was aimed at in the first place, the British Mk. 4 bullet made in the Dum-dum Arsenal, it also forced the Danish Defence to replace its standard rifle bullet in 1994, since the previous bullet could not be cleared from suspicion of violating the spirit, and perhaps the letter of the Declaration. It had been known for some years that some M/75 7.62 x 51 mm NATO bullets fragmented, the first report from 1980 (1) and later Fackler mentioned it in 1989 (2). After a triple homicide in 1989 I realised that the Danish bullet also fragmented (3-4), and after the attention had been drawn to this fact, the Danish minister of Defence ordered that the stocks be replaced and a more robust bullet be designed and put into production at the national ammunition factory. This bullet, that is now the standard 7.62 x 51 NATO bullet in the Danish Defence is still in use as M/94, and has been proved to fulfil the requirements. Since this calibre was even then being phased out in many countries and replaced by the 5.56 x 45 mm NATO bullet, the present standard version being the SS109 by Fabrique National (BEL), one might voice similar concerns over this bullet. It had been shown to fragment (2,5,6) and one may question the consistence of countries such as Denmark, who discarded the M/75 bullet due to fragmentation, but kept the M/85 (5.56 x 45 mm NATO) bullet in service. The NATO 5.56 x 45 mm SS109 bullet fragments, similarly to the Danish M/75 bullet, but it is defensible in that no non-fragmenting bullet has been produced, that will pass NATO qualification tests. But one day there will be such a bullet, and what do we do then?