1. Introduction

International criminal law is one of the youngest specialized branches of the international legal discipline. Its roots are said to date back to the unsuccessful attempts at Versailles in 1919 or even earlier to the trial of Peter Hagenbach in 1474. But it is only since its renaissance in the 1990s that international criminal law became recognized as a specialized field of law, or perhaps even a self-contained regime. From the time of its revitalization, societal and scholarly appreciation of international criminal law’s usefulness and effectiveness has followed the ebb and tide of the broader attitude towards the role of international law in international affairs. While the spirit of the 1990s was marked by enthusiasm and high hopes for a New World Order with strong enforcement mechanisms, the first decade of the 21st century has been characterised by a shift towards greater moderation and critical inquiry relating to the role of international law and international institutions to effectively address global challenges and play a meaningful...
role in international relations. The establishment of the ad hoc Tribunals in the 1990s was heralded as the new promise of actual international law enforcement. The creation of the International Criminal Court in 2002 has received a more reserved welcome in the international community. It was at the juncture of these two decades that the fragmentation debate flourished.5

The emergence of international criminal law as a new specialist regime has reinvigorated concerns relating to ‘fragmentation’.6 Over past decades, interna-

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