Predicting developments and even reflecting on the future of a field of law is not something lawyers are usually very keen to do. The simple reason for this reluctance is perhaps a combination of the lack of legal security and the interference of too many extra-legal factors. Or, to say it in other words: too many technological, economic, political and other factors from outside the ‘normative science’ have a decisive impact on the development of a legal field. Also in the case of international criminal law, it is not so easy to choose an elegant way around this kind of problem. For instance, the continuous developments in arms technology (robots, cyber war aspects, missile technology, etc.) and their potential impact on the conduct of armed conflict will, firstly influence the state of international humanitarian law and then, inescapably also have its impact on the development of international criminal law. Moreover, the presence in armed conflict of extremist groups like Al Qaida or the Islamic State will have an important impact on the application and non-application of international criminal law with respect to those conflicts.

I have tried to diminish as much as I can the ‘external’ problems just mentioned by taking the recent history of international criminal law as my starting point and focus on the ‘logistical’ development of the field rather than on the material development. That focus will make it somewhat less hazardous to look into the future although still risky enough in particular because some daring comments on external inferences,
notably in respect to the state of international humanitarian law cannot be completely avoided.

There can be no doubt that the surprisingly dynamic development of international criminal law of the last decades could only have taken place because a quite well-developed, international humanitarian law was available to be applied in international and national criminal procedures. It needed an institutional mechanism to be applied including a proper procedural law, in particular to make it effectively applicable as international criminal law. That was provided, firstly by the foundation and more importantly the functioning of the UN Tribunals, and, secondly, by a more stabilized embedding of the field in a permanent International Criminal Court and its Statute. The ‘complementary’ nature of the ICC meant that not only this permanent criminal court was created but also that a great impetus was given to the role of domestic courts in the administration of international justice. The increased jurisprudence of domestic courts on the administration of international justice provides, besides the foundation of the *ad hoc* tribunals and the resulting case-law, and the creation and foundation of the ICC itself, a third important factor in the development of international criminal law. I will argue here that this domestic jurisprudence on the longer run is likely to be the most promising force strengthening international criminal law, which anyway seemed to have acquired its remarkable surge in success in particular due to the case-law that was produced during the last two decades. This jurisprudence interpreted and explained the available international humanitarian law and identified the rules, including on the level of international customary law, the violation of which incurred individual criminal responsibility.

The ICC was from the start a rather surprising success: its Statute entered into force after 4 years and it has in the meantime reached a membership of over 120. The ICC Statute seemed soon enough to function as a ‘basic law’ for international criminal law, and the ICC Prosecutor became a remarkable and weighty figure in the international theatre. However, less fortunate aspects also began to emerge rather soon. Important states like China, Russia and the United States for various reasons explicitly refused to become a member of the Court. Moreover, the number of cases effectively decided upon remained rather low, were all African and their progress was often marred with difficulties. A major reason for these problems seems to be that Prosecution and Court are so dependent on the faithful co-operation of states and that co-operation