

How far do tribunals have a duty to investigate corruption? The Kenyan High Court has its word

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It has been 12 years since an ICSID tribunal dismissed World Duty Free's claim against the Republic of Kenya for breach of a lease agreement signed in 1989. As is well known, the claimant obtained the contract with a US\$2 million bribe to former President Moi, and the tribunal held, inter alia, that it could not uphold a claim based on a contract obtained through corruption, deeming it contrary to international public policy (*World Duty Free Company Limited v Republic of Kenya* (ICSID Case No. ARB/00/7), para. 188).

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