



Insights

Adriana Riviere-Badell on Push to Eliminate ISDS Provisions from U.S. Trade Agreements in Law360

May 30, 2023

Publication: *Law360*

With over 30 U.S. lawmakers in May urging the Biden administration to intervene in an investor-state arbitration involving Honduras and calling for the elimination of investor-state dispute settlement (ISDS) provisions in existing trade agreements involving the hemisphere, should international investors be concerned? Kobre & Kim's Adriana Riviere-Badell, who focuses on enforcement of international judgments and arbitral awards with a nexus to Latin America, sat down with *Law360* to discuss.

The arbitration involving Honduras started after the country's newly elected government repealed a law creating special economic zones. U.S.-based developer Honduras Próspera Inc. accused Honduras of violating the Dominican Republic-Central America-United States Free Trade Agreement by canceling the zones. The lawmakers' letter requested the administration to intervene, as well as "investigate any and all options at your disposal to eliminate ISDS liability from existing trade and investment agreements."

Despite the letter, it appears unlikely the administration will accede to the requests, or that the issue will rise above other matters the administration is focused on as part of its re-election bid. "I would be surprised if this is something they want to take on," Ms. Riviere-Badell told *Law360*. "I don't see the American voters seeing this as a crucial issue."

[Click here to read the full article \(subscription required\).](#)