ArentFox Schiff LLP
Attorneys

Riyaz Dattu

CANADA LEGAL PRACTICE LEADER

Riyaz assists clients with international trade and investment related matters.



Industries

Nonprofits & Associations
— Higher Education

Practices

Government Contracts
Government Relations
International Arbitration & Dispute Resolution
— Mining
International Trade & Investment
— Customs & Import Compliance
— Export Controls & Economic Sanctions
— International Trade Litigation

International

Canada

Education

Osgoode Hall Law School, LL.M., Taxation, 1984
University of Toronto, JD, 1982

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During his more than 35 years of practice as a senior partner at two of Canada's most prestigious national law firms, Riyaz has developed considerable, sophisticated, and wide-ranging experience in International Trade and Investment Law.

This includes international investment arbitrations, international trade disputes (including before NAFTA panels, the WTO, and domestic courts), trade remedies, international trade regulations (economic sanctions, export controls, customs), trade policy and market access, government procurement, national security, corporate investigations, and anti-corruption.

Since the beginning of his career in International Trade and Investment Law, prominent legal directories in Canada and internationally have recognized Riyaz as a leading practitioner in his field. His global standing is confirmed through his selection by the *International Who's Who of Business Lawyers* early in his practice as one of 30 lawyers worldwide "with proven expertise in international trade law." Beginning with the inaugural issue, *Chambers Global* ranked him at the highest level, while also noting that he is "widely credited for having created one of the most active and international practices out there" and for the "impressive breadth" of his practice. For the past 15 years, the *Canadian Who's Who* has recognized Riyaz for his achievements in the field of International Trade and Investment Law.

The Federal Government of Canada has appointed Riyaz for a ten-year term on the roster of panelists for the NAFTA Chapter 19 binational dispute resolution process now Chapter 10 of the USMCA.

Client Work

Riyaz has been providing advice to clients on investment treaty provisions within NAFTA, the Energy Charter, the recently negotiated CETA and the CPTPP and other free trade agreements, investment contracts, and bilateral investment protection treaties. In addition to advising and counseling clients on implementing structures and negotiating contracts to obtain investment protection, he has appeared as counsel in international arbitrations.

Some examples of the breadth of his experience are as follow:

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Acting for a Canadian mining company in relation to a claim in excess of $500 million against the Government of Mexico pursuant to NAFTA for collecting monies purportedly as taxes in violation of Mexican law and the federal Constitution and in violation of provisions of three avoidance of double-taxation treaties.

- Acting for a Canadian bank in an international arbitration pursuant to a Canadian bilateral investment treaty involving a $600 million claim against the Republic of Argentina
- Acting for a Canadian energy company in an international arbitration pursuant to a Canadian bilateral investment treaty involving an $80 million claim against the Republic of Ecuador
- Acting for a Canadian mining company in relation to a several hundred million dollars claim against a European country pursuant to a Canadian bilateral investment treaty for discriminatory and unlawful cancellation of valuable mining concessions
- Advising a European energy company in relation to several hundred million claim against the Government of Canada pursuant to a Canadian bilateral investment treaty for failure to accord fair and equitable treatment in the issuance of Alberta government approval for production from the Athabasca oil sands region
- Advising a Canadian energy company in relation to a potential international arbitration pursuant to a Canadian bilateral investment treaty for discriminatory measures
- Advising a Canadian energy company in relation to a potential Chapter 11 NAFTA claim against the Government of Mexico including for interference with a long-term energy supply contract
- Advising a Canadian gold company in relation to a potential Chapter 11 NAFTA claim against the Government of Mexico for interference by third parties in mining concessions granted to the company
- Advising a Canadian gold mining company in connection with the potential elimination of Investor-State dispute provisions contained within Chapter 11 of NAFTA, in the instance of the replacement of NAFTA by the recently negotiated USMCA
- Advising a Canadian gold mining company on the restructuring of corporate holdings of investments in Argentina to take advantage of layers of investment treaty protection
- Advising a Canadian energy company on the re-negotiations of electricity rates supplied to an insolvent public utility company in a Caribbean country, including recourse to making an investment treaty claim
- Advising a US owned energy company on a potential Chapter 11 NAFTA proceeding against the Government of Canada for the curtailment of oil production by legislative actions of the Alberta government
- Advising a US waste management company on a potential Chapter 11 NAFTA claim based on the discriminatory application of laws and regulations related to the bulk transportation of waste to US landfill sites
- Advising a Canadian bank on the acquisition of a financial institution in South America with subsidiaries in various Caribbean Islands, and on the optimal structuring of corporate ownership to benefit from investment treaty protection
- Advising several US owned energy companies on NAFTA negotiations and the potential impact on their businesses, including the elimination of investor-state dispute provisions contained within Chapter 11 of NAFTA, once the recently negotiated USMCA is implemented
- Advising a Canadian mining company on treaty protection for assets in Africa including the use of an EU-based holding company in order to benefit from double layered investment treaty protection and optimizing tax benefits
- Advising a Canadian mining company in setting up a corporate structure to benefit from layers of bilateral investment treaties in order to achieve optimal investment protection in Kazakhstan
- Advising a Canadian gold mining company on investment contract negotiations including drafting dispute resolution provisions, and structuring of corporate layers to achieve investment treaty protection in Mongolia along with optimizing tax benefits
- Advising several Canadian mining companies on investment contract negotiations related to mineral production, including drafting of legal and tax stability clauses, waiver of sovereign immunity clauses, and international arbitration provisions
- Advising a Canadian global corporation in connection with its $620 million investment in Egypt, including structuring its corporate holdings in order to take advantage of optimal international investment treaty and tax benefits available to the corporation
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Advising banks, based in Asia and South America, on setting up corporate structures to take optimal advantage of provisions of free trade agreements

Publications, Presentations & Recognitions

Riyaz has authored the following publications:

- Contributor: "Beyond Notification: Enhancing Legitimacy of IIAs When Adjudicating Taxation Measures," *Chapter 10: Tax Matters in International Investment Arbitration: General Questions, Jurisdiction, Merits and Remedies* (2026)
- "Lessons to Be Learned In Canada: Biden Administration Enforcement of the Forced Labor Provisions In the USMCA," *Customs & International Trade Newsletter*, Thomson Reuters, June 2021

Riyaz's presentations include:

- Panelist: "Tax Carve-Outs, Notification Procedures and the Supremacy of Tax Treaties over Investment Treaties: A Sensible and Justified Policy?" *Tax Matters in International Investment Arbitration: North American Book Launch Conference,* June 10, 2026
- Panelist: "Tax-Related Investment Disputes and Jurisdiction of Arbitral Tribunals: Tax Carve-Outs and Notification Procedures," *Tax Matters in International Investment Arbitration: North American Book Launch Conference,* June 10, 2026
- Moderator: "2026 Review of CUSMA: Opportunities and Risks for Canada," *Canadian Council on International Law Annual Conference,* November 8, 2024
- Panelist: "Recycling & Innovation," *OurEnergyPolicy Energy Leaders Webinar Series,* October 23, 2024

Riyaz has been ranked at the highest level in the following legal and professional publications:

- **Canadian Who's Who,** for his reputation and achievements in his profession, and as one of only 700 lawyers and 10,000 prominent Canadians selected exclusively based on merit.
- **Chambers Global, WTO/International Trade, (Band 1),** noting in one of its earliest publications that "Riyaz Dattu is regarded as a 'highly talented lawyer.' His growing involvement in NAFTA and Bilateral Investment Treaty (BIT) disputes, alongside appearances before the Federal Court of Canada, mark Dattu out as a force to be reckoned with."
- **Chambers Canada: Canada's Leading Lawyers for Business, WTO/International Trade, (Band 1),** recognized at the highest level of ranking beginning with the inaugural survey, stating that "Riyaz Dattu wins high praise for his 'extensive background in international trade.' Sources say he is 'well known and well rounded,' citing the impressive breadth of his practice in the field. He is widely regarded as a high-profile figure in the Canadian market."
- **The Best Lawyers in Canada,** consistently recognized from its inaugural peer-based and consensus-driven survey, for his exceptional counsel in the area of international trade and finance law.
- **Acritas Stars, "Star Lawyer,"** selected as a "stand-out" lawyer based on spontaneous nomination during interviews of in-house counsel for responsiveness, quality of work, offering practical solutions, and building strong and long-lasting client relationships.
- **The American Lawyer Leading 500 Lawyers in Canada,** has consistently ranked him as a leading advisor in his practice area every year since the inaugural survey in 1999.
- **International Who's Who of Business Lawyers (2005) (Analysis of Trade and Customs Law practice area)**, selected him as one of the top 30 globally renowned international trade lawyers. He was one of only three Canadian lawyers given this honor and recognition and was described by his internationally-based peers as "superb" and "outstanding."
- **International Who's Who Briefing for International Trade and Customs,** selected him as a leading globally recognized lawyer in his field. Was selected in its inaugural survey as one of five Canadian lawyers and described by his international peers as "outstanding."
- **International Who's Who of Trade and Customs Lawyers**, has consistently ranked him for the past 21 years as a foremost lawyer in his field each year since its inaugural survey in 1998.
- **International Who's Who of Business Lawyers,** has ranked him every year as a leading lawyer

in his practice area since its inaugural survey in 2002.

- **Lexpert-Thomson Guide to the Leading 100 Cross-Border Litigators in Canada,** in its inaugural survey selected him along with only six other leading international trade litigation lawyers, and as one of only two lawyers in his field from Toronto.

Boards, Memberships & Certifications

Certifications

- The Osgoode Certificate in Mining Law

In The News

Riyaz has been quoted by a number of media outlets. This includes:

- Exclusive: FQM to launch formal arbitration versus Panama in July, *Reuters*, June 28, 2024
- Mexican mining sector balks at plan to ban open-pit mines , *Reuters*, February 15, 2024
- Mexican mining industry under threat from sweeping new regulations , *Financial Times*, June 4, 2023
- Riyaz Dattu, one of Canada's top international trade and investment lawyers, joining ArentFox Schiff LLP, *Law Times*, June 2, 2021
- ArentFox Schiff Hires Top Canadian Trade Partner to Head Canada Legal Practice , *Law.com*, May 25, 2021

Bar Admissions

Massachusetts
Ontario Law Society
New York, Foreign Legal Consultant