



**2008-2009
Estimates**

Report on Plans and Priorities

**The Honourable David Emerson
Minister of International Trade**

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SECTION 1: OVERVIEW

1.1 Message of the Minister

As a trading nation, Canada's continued prosperity depends on the secure, predictable and enhanced market access provided by trade agreements such as the North American Free Trade Agreement (NAFTA). The NAFTA has made all three partners more competitive. It allows good producers and service providers to better realize their potential by operating a larger and more integrated market. The enhanced economic activity generated by the NAFTA has contributed to the creation of more jobs for Canadians. Since 1993, Canada's trade in merchandise with its NAFTA partners has more than doubled to reach \$597.4 billion in 2006.

However, it is important not to take all this success for granted. A strong, modern and flexible NAFTA is essential for the continent to maintain its competitive edge in an increasingly complex, fast-paced and connected global marketplace. Therefore, we must continue building on NAFTA's remarkable success and ensure that the Agreement remains relevant to today's economic reality. As such, we are committed to working with the U.S. and Mexico to continue building on this record of success through finding ways to further increase North American trade and investment to foster competitiveness and prosperity in all three economies so that North America is well positioned to compete in the new trading environment.

The Canadian Section of the NAFTA Secretariat, through its services of increasing quality in the management of international trade dispute settlement processes, also has a role to play in strengthening Canada's international trade performance. Exporters and investors are far more likely to engage in international commerce when they have access to impartial dispute settlement mechanism and services, should disagreements arise.

In 2008-2009, the NAFTA Secretariat, Canadian Section, will continue to improve administrative support to panels and committees, foster better collaboration with delivery partners and fully implement the Policy on Information Management. As well, it will continue with its human resources management undertakings to ensure the development and retention of a professional workforce. Further, the review of sustainability of the infrastructure to meet information technology and physical assets needs will be carried out. Additionally, the NAFTA Secretariat, Canadian Section will develop a strategic plan and an integrated business and human resources plan to strengthen its management accountability. These steps will allow it to continue to offer services of the highest quality in the management of international trade dispute settlement mechanisms for years to come.

The Honourable David Emerson
Minister of International Trade

1.2 Management Representation Statement

I submit for tabling in Parliament the 2008–2009 Report on Plans and Priorities for the NAFTA Secretariat, Canadian Section.

This document has been prepared based on the reporting principles contained in the *Guide to the Preparation of Part III of the 2008–2009 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- It is based on the department's strategic outcome(s) and program activities that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced, and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board of Canada Secretariat.

Daniel Plourde
Deputy Secretary
NAFTA Secretariat, Canadian Section

Date

1.3 Departmental Overview

1.3.1 Raison d'être

The NAFTA Secretariat's corporate purpose is to maintain a high level, impartial and independent service in the administration of the dispute settlement provisions of the North American Free Trade Agreement, in order to help preserve the benefits of free trade for all stakeholders.

The NAFTA Secretariat, Canadian Section, is an independent federal agency created in 1994 by an Act of Parliament (*the North American Free Trade Agreement Implementation Act*) (see Annex A for the mandate of the NAFTA Secretariat).

The Canadian Section reports to Parliament, for financial accountability purposes, through the Minister of International Trade (see Section 4.2 – Responsibility Chart).

The NAFTA Secretariat is a unique organization established by the Free Trade Commission, pursuant to Article 2002 of the NAFTA. It comprises the Canadian, the United States and the Mexican national sections.

The national sections, which are "mirror-images" of each other, are located in Ottawa, Washington, D.C. and Mexico City, and each is headed by a Secretary appointed by her/his respective government.

Additional information on the background and operations of the NAFTA Secretariat may be found at the Secretariat's Internet site: www.nafta-sec-alena.org and www.nafta-sec-alena.org/canada/index_e.aspx.

1.3.2 Financial and Human Resources

The two tables below show information on planned utilization of financial and human resources for the coming three-year period (see Section 2 for details):

Financial Resources:

2008-2009	2009-2010	2010-2011
\$3,004,000	\$3,004,000	\$3,004,000

Human Resources:

2008-2009	2009-2010	2010-2011
13 FTEs	13 FTEs	13 FTEs

1.4 Departmental Plans and Priorities

The NAFTA Secretariat, Canadian Section is committed to administer the dispute settlement processes in a timely, fairly and effective manner. In this regard, six priorities have been identified for 2008-2009.

Table 1 summarizes the departmental priorities and planned spending for 2008-2009. This is further described in detail in Section 2.

Table 1: Departmental Priorities

Departmental Priorities	Type
1. Improved administrative support to panels and committees to ensure the just, speedy and inexpensive dispute settlement processes	Ongoing
2. Foster better collaboration with delivery partners in the administration of trade disputes	Ongoing
3. Continuous improvement of information management	Ongoing
4. Increased human resources management to ensure the development and retention of a professional workforce	Ongoing
5. Review of sustainability of the infrastructure to meet information technology and physical assets needs	New
6. Strategic plan and an integrated Business and human resources plan	New

Table 2 summarizes the departmental priorities by strategic outcome for 2008-2009 and the planned spending associated with it.

Table 2: Departmental Program Activity by Strategic Outcome

(\$ thousands)	Expected Results	Planned Spending			Contributes to the following Priorities
		2008-2009	2009-2010	2010-2011	
Strategic Outcome: A highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada.					Priorities 1 – 6
Program Activity: Administration of International Trade Dispute Settlement Mechanisms	<ul style="list-style-type: none"> • improved support to panels and committees • unbiased and equitable administrative processes • increased national and international collaborations • improved management practices • knowledgeable and adaptive workforce 	3,004	3,004	3,004	Priorities 1 – 6

SECTION 2: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

2.1 Strategic Outcome

The NAFTA Secretariat, Canadian Section, has one strategic outcome: a highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada. Our strategic outcome is directly aligned with one of the Government of Canada’s outcomes, which is “**A Strong and Mutually Beneficial North American Partnership**” (see Section 3.2 for Organization Link to Government of Canada’s Outcome Areas).

2.2 Program Activity

The NAFTA Secretariat, Canadian Section, has one program activity: administration of international trade dispute settlement mechanisms.

Table 1 shows priorities by our key program activity. In accordance with Treasury Board Secretariat requirements, the NAFTA Secretariat, like other Government of Canada departments, agencies and Crown corporations, has an Internal Services as an additional Program Activity Architecture (see Section 4.1 for details).

Table 1: Priorities by Program Activity

Program Activity	Planned Activities	Planned Spending
Administration of International Trade Dispute Settlement Mechanisms	<ul style="list-style-type: none"> • Provide procedural advice • Provide administrative support • Apply fair and equitable administrative process • Provide timely access to case documents • Continue collaborative undertakings with delivery partners • Continuous improvement of information management • Continuous learning and organizational learning • Provide corporate reporting to central agencies • Review of agency’s policies • Improvement of the Registry Information System and website 	3,004,000

The two tables below show information on planned spending on financial and human resources over the coming three-year period.

Financial Resources:

2008-2009	2009-2010	2010-2011
\$3,004,000	\$3,004,000	\$3,004,000

Human Resources:

2008-2009	2009-2010	2010-2011
13 FTEs	13 FTEs	13 FTEs

To achieve its strategic outcome through proper administration of its key program activity, the NAFTA Secretariat, Canadian Section has established the following priorities:

2.2.1 Improved administrative support to panels and committees to ensure the just, speedy and inexpensive dispute settlement processes

Fundamental to the effectiveness of the NAFTA Secretariat is its arms length relationship with the three national governments that are Parties to the Agreement. This independence allows it to offer impartial guidance, accurate information and timely administrative support to the panels of experts who hear and decide on cases brought before them. The major tasks include case management, administrative, technical and logistical support to panels and committees, including the administration of a court-like registry at a level comparable to other registries of superior courts of record in Canada.

2.2.2 Foster better collaboration with delivery partners in the administration of trade disputes

Collaboration with the other national sections in joint administration of panels as well as in joint development of policies and programs aimed at facilitating the operations of the dispute resolution processes is of paramount importance in fulfilling the mandate of the NAFTA Secretariat. To this end, the Canadian Section will continue its coordination and collaborative endeavour with the other national sections in joint policy and systems development as well as in the joint administration of dispute settlement panels.

2.2.3 Continuous improvement of information management

This year the NAFTA Secretariat, Canadian Section will fully implement the Policy on Information Management. To achieve this objective, the Secretariat must ensure that all essential information management components are in place for the implementation of the information management framework. Initially, we will continue our efforts to improve the file classification plans. Then we will implement an electronic document and records management system for our corporate records.

2.2.4 Increased human resources management to ensure the retention and development of a professional workforce

As a specialized small agency, the Secretariat constantly faces the risk of losing key employees as few lateral career opportunities exist and as a range of tasks are to be performed by a small number of people. Therefore, constant interaction and leadership is required to make certain that the Secretariat employees acquire new skills while at the same time ensuring that all employees maintain a strong sense of commitment and support to the Secretariat. We strongly believe that NAFTA Secretariat's credibility and success are based largely on its capacity to build and maintain a professional workforce to ensure continuity in its operations. In 2007 we developed a new policy entitled Talent Management in order to address human resources issues facing the organization. The Secretariat will continue to implement its talent management program that encompasses leadership development as well as recruitment, continuous learning, retention and succession planning.

2.2.5 Review of sustainability of the infrastructure to meet information technology and physical assets needs

To maintain our capacity to fulfill our mandate and meet future challenges, this year, we will carry out a detailed analysis of all the assets (furniture, computer equipment, software). The purpose of the exercise will be to develop a strategic asset management framework and introduce a capital plan based on the lifecycle of our assets that takes into account the direct and indirect cost of the assets, as well as affordability. This will be incorporated into the business plan. Additionally, we will improve and modernize the Registry Information System and the website in order to better serve our clients.

2.2.6 Strategic plan and integrated business and human resources plan

To ensure its future business goals and human resources needs are met effectively, the NAFTA Secretariat, Canadian Section will develop a multi-year strategic plan as well as an integrated business and human resources planning process. This will form the basis for meeting our operational goals, for making sound decisions on

employee recruitment and development and for developing capability related to its workforce renewal in order to identify emerging gaps, issues and trends.

2.3 What the priorities mean for Canadians

As one of the world's most active trading nations, Canada benefits immensely from the existence of agreements to govern trade and especially, the resolution of trade disputes. Since the establishment of the Canada-United States Free Trade Agreement and its successor the North American Free Trade Agreement, Canada has experienced dramatic economic growth that has created hundreds of thousands of jobs for Canadians and contributed to strengthening our national economy. The federal government recognizes that trade policy and trade relations are crucially important to the achievement of Canada's economic and social goals. Rules-based international trade dispute settlement system is therefore a crucial part of the "international affairs" framework of the Government of Canada.

2.4 Performance Measurement Strategy

In 1994, in conjunction with the Treasury Board Secretariat, the Canadian Section completed a comprehensive benchmark survey of its services and stakeholders satisfaction. At the completion of each panel review, the Canadian Section has been monitoring the satisfaction with its services by requesting that stakeholders complete a monitoring questionnaire. The most important service qualities that clients are asked to rate include:

- satisfaction with accuracy, relevance and quality of information;
- the impartiality of the information provided;
- provision of guidance by senior staff on the dispute settlement;
- processes, rules of procedures and code of conduct;
- accessibility to documents and staff;
- independence of the Secretariat; and
- scheduling of panel hearings/panel meetings/conference calls.

This ongoing feedback enables the Section to evaluate its services on an ongoing basis and to maintain its high service standards as well as abide by its guiding principles (see Annex B).

As part of the Management, Resources and Results Structure Policy, we have started the process of reassessing our performance information required for the Program Activity Architecture. Once approved, this will form the basis for evaluating our performances.

On an annual basis, the facilities and processes associated with our quality management system are objectively evaluated by the Canadian General Standards Board to obtain audit evidence and to determine whether the quality activities and related results comply with ISO 9001:2000 requirements. Such audit exercises determines whether or not the NAFTA Secretariat maintains the certification of ISO 9001:2000.

Additionally, the NAFTA Secretariat, Canadian Section assesses its management strength and weaknesses by using performance indicators associated with the Management Accountability Framework. Further, it obtains feedbacks on its program and activities from its employees at regular management meetings and other key strategic planning meetings.

2.5 Key Program

As indicated in Sections 1 and 2 above, the NAFTA Secretariat, Canadian Section, has a single strategic outcome to achieve and one key program activity to administer. The Secretariat principally provides independent professional support to the expert panels that adjudicate countervailing and antidumping duty disputes involving the NAFTA parties. Since its establishment, the Secretariat has become a centre of expertise on the management of the dispute settlement process. It has developed effective and efficient procedures, attracted rosters of highly qualified trade law experts from which panelists are chosen to hear cases, and ensured the smooth administration of the NAFTA's dispute settlement machinery.

During the 2008-2009 fiscal year, the NAFTA Secretariat will continue to administer all panel proceedings that were filed in prior years and that were still active at the time of writing this report. As well, additional panel reviews could be filed during the planning period. The Registry will process and preserve panel review documents, organize panel hearings, issue panel decisions and orders, while ensuring confidentiality of business proprietary information. Research activities, speedy service and timely communication throughout the life of panel proceedings will also be carried out.

SECTION 3: SUPPLEMENTARY INFORMATION

3.1 Financial Tables

The following tables 1 – 5 provide a summary of the financial resources required by the NAFTA Secretariat, Canadian Section to operate. The total planned spending for the 2008-2009 fiscal year will be \$3,004,000. Over the coming three years, the funding level is expected to remain stable.

Table 1: Departmental Planned Spending and Full Time Equivalentts

(\$ thousands)	Forecast Spending 2007-2008	Planned Spending 2008-2009	Planned Spending 2009-2010	Planned Spending 2010-2011
Administration of International Trade Dispute Settlement Mechanisms	3,001	3,004	3,004	3,004
Budgetary Main Estimates (gross)	3,001	3,004	3,004	3,004
Non-Budgetary Main Estimates (gross)	0	0	0	0
Less: Respendable revenue	0	0	0	0
Total Main Estimates	3,001	3,004	3,004	3,004
<i>Adjustment:</i>				
<i>Treasury Board Vote 15</i>	3	0	0	0
<i>Total Adjustment</i>	3	0	0	0
Total Planned Spending	3,004	3,004	3,004	3,004
Total Planned Spending	3,004	3,004	3,004	3,004
Less: Non-Respendable revenue	0	0	0	0
Plus: Cost of services received without charge	248	248	248	248
Total Departmental Spending	3,252	3,252	3,252	3,252
Full Time Equivalentts	13	13	13	13

Table 2: Voted and Statutory Items Listed in Main Estimates

2008-2009 (\$ thousands)			
Vote or Statutory Item	Truncated Vote or Statutory Wording	2008-2009 Main Estimates	2007-2008 Main Estimates
45	Program Expenditures	2,814	2,802
(S)	Contributions to employee benefit plans	190	199
	Total	3,004	3,001

Table 3: Services Received Without Charge

(\$ thousands)	Administration of International Trade Dispute Settlement Mechanisms	Total
Accommodation provided by Public Works and Government Services Canada (PWGSC)	161	161
Contributions covering employers' share of employees' insurance premiums and expenditures paid by Treasury Board of Canada Secretariat (excluding revolving funds)	87	87
Total 2008-2009 Services received without charge	248	248

Table 4: Summary of Spending by Program Activity

(\$ thousands)	Forecast Spending 2007-2008	Planned Spending 2008-2009	Planned Spending 2009-2010	Planned Spending 2010-2011
Administration of International Trade Dispute Settlement Mechanisms	3,001	3,004	3,004	3,004
Total	3,001	3,004	3,004	3,004

Table 5: Resource Requirement by Branch or Sector

(\$ thousands)	Administration of International Trade Dispute Settlement Mechanisms Full-time equivalent	Total Planned Spending
Corporate	5	1,224
Financial Services	1	120
Information Technology	1	210
Registry Services	6	1,450
Total	13	3,004

3.2 Departmental Link to the Government of Canada Outcomes

One of the fundamental features of the NAFTA is its efficient trade dispute settlement processes. These processes provide critical stability and transparency for Canadian business and investors as they continue to seek new opportunities and secure market access abroad. Canadian businesses can export their products with the knowledge that rules exist to ensure traded products are treated fairly and that procedures are in place to settle disputes impartially on the rare occasions when they occur. Hence, the program activity and strategic outcome of the NAFTA Secretariat contributes to the achievement of the Government of Canada’s “A Strong and Mutually Beneficial North American Partnership” outcome area.

The following table shows NAFTA Secretariat’s alignment of program activity and strategic outcome to Government of Canada’s outcome area as well as information on planned spending on financial and human resources over the coming three-year period.

NAFTA Secretariat's alignment of program activity and strategic outcome to Government of Canada area

Strategic Outcome: A highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada				
	Planned Spending (\$ thousands)			Alignment to Government of Canada Outcome Area
	2008-2009	2009-2010	2010-2011	
Program Activity: Administration of International Trade Dispute Settlement Mechanisms	3,004	3,004	3,004	A Strong and Mutually Beneficial North American Partnership

SECTION 4: OTHER ITEMS OF INTEREST

4.1 Internal Services

As indicated in Sections 1 and 2, the NAFTA Secretariat has a Program Activity Architecture that is approved by Treasury Board and sets out the key strategic outcome and its key program activity. Additionally, like other Government of Canada departments, agencies and Crown corporations, we have the second program activity known as Internal Services. The following are the sub-activities associated with our Internal Services:

- Management and Oversight Services;
- Financial Management Services;
- Human Resources Management Services;
- Information Management Services;
- Information Technology Services; and
- Other Support Delivery Services.

The Internal Services contributes to our key program activity (the administration of international trade dispute resolution mechanisms) through the provision of sound corporate planning, financial, human resources, information management, information technology, administrative and materiel management services. It also contributes by promoting modern management practices and ensuring that the NAFTA Secretariat, Canadian Section implements new government initiatives and that it complies with all government policies and directives.

The two tables below show information on planned spending on financial and human resources over the coming three-year period with respect to the Internal Services.

Financial Resources:

2008-2009	2009-2010	2010-2011
\$1,554,000	\$1,554,000	\$1,554,000

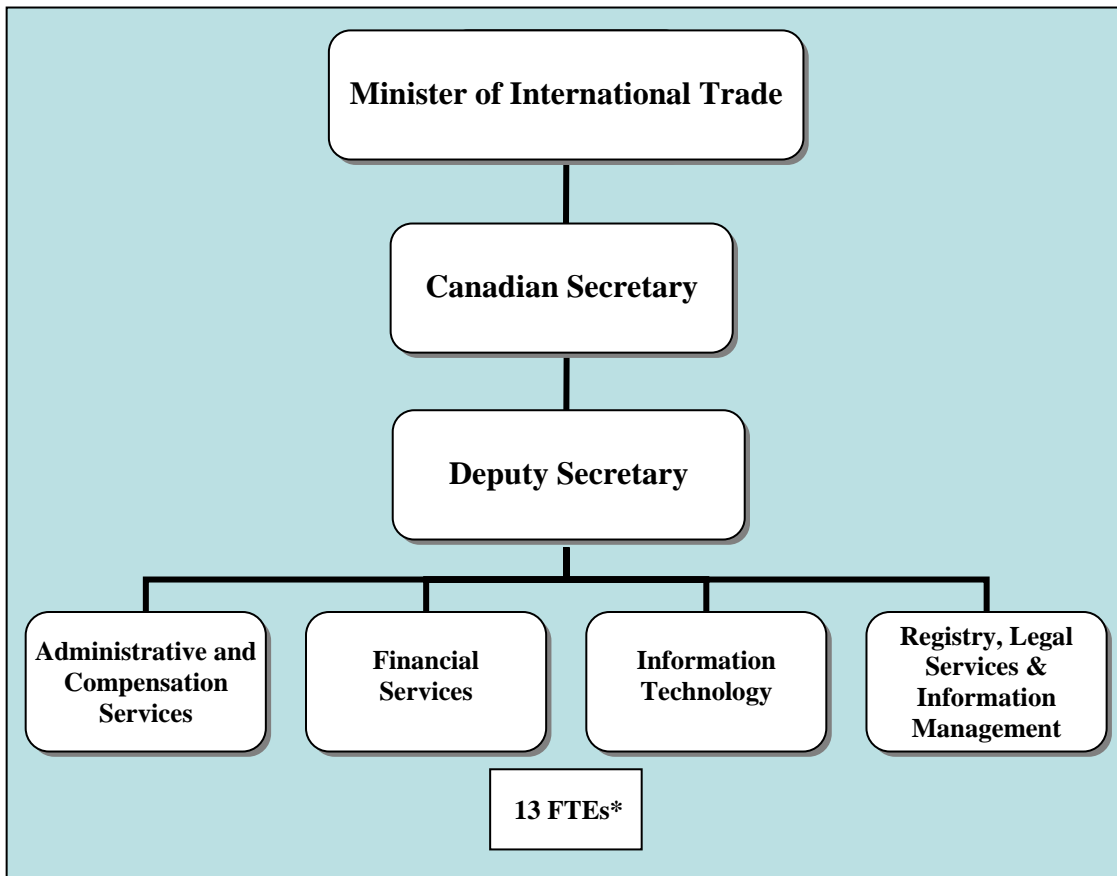
Human Resources:

2008-2009	2009-2010	2010-2011
7 FTEs	7 FTEs	7 FTEs

4.2 Responsibility Chart

The NAFTA Secretariat, Canadian Section, has one program and one business line. For financial accountability purposes, the reporting structure is to Parliament through the Minister of International Trade (see figure 1).

Figure: 1 The NAFTA Secretariat, Canadian Section's Organizational Structure



* Full Time Equivalent (FTE): A full time equivalent is the unit of measurement for personnel resources and refers to the employment of one person for one full year or the equivalent thereof. FTEs are not subject to Treasury Board control but are disclosed in Part III of the Estimates in support of personnel expenditure requirements.

4.3 Governance

The following committees are crucial to the operations of the NAFTA Secretariat, Canadian Section in terms of governance, accountability, corporate decision making and priority setting:

Executive Committee

Chaired by the Secretary, and consisting of the Deputy Secretary and the Registrar, the executive committee establishes strategic plans, set priorities, monitors financial and human resources activities.

The Secretary is the chief executive officer of the Canadian Section and has supervision over and direction of the work and staff, including responsibility for all administrative matters.

The Deputy Secretary is the senior financial officer accountable for planning and managing a wide variety of financial, human resources, information technology/information management, administrative, security and outreach/promotion, policies, systems, procedures and services for the Secretariat.

The Registrar is accountable for the provision of expert and authoritative advice on the application and interpretation of the rules of procedure, code of conduct, and operational procedures with respect to international trade disputes.

Management Review Committee (ISO)

Chaired by the Secretary, and consisting of the Deputy Secretary, the Registrar and the Deputy Registrar, the Management Review Committee assesses proposed changes to the ISO 9001:2000 quality policies and quality objectives and any element reported by the ISO Quality Steering Committee.

Contract Review Committee (CRC)

The CRC is chaired by the Deputy Secretary, and consisting of the Registrar and Financial Analyst. Its mandate is to ensure that the selection process used for request for proposals (RFPs) was based on the established criteria and that it was fair and transparent.

MANDATE

The mandate of the Secretariat is set out in Article 2002.3 of the NAFTA and reads:

The Secretariat shall:

- (a) *provide assistance to the Commission;*
- (b) *provide administrative assistance to:*
 - (i) *panels and committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), in accordance with the procedures established pursuant to Article 1908; and*
 - (ii) *panels established under this Chapter, in accordance with procedures established pursuant to Article 2012; and*
- (c) *as the Commission may direct:*
 - (i) *support the work of other committees and groups established under this Agreement; and*
 - (ii) *otherwise facilitate the operation of this Agreement.*

In 1997 and then again in 2002, the Canadian Section's mandate was expanded to include the administration of the dispute settlement processes under the following trade agreements:

- the Canada-Israel Free Trade Agreement (CIFTA),
- the Canada-Chile Free Trade Agreement (CCFTA), and
- the Canada-Costa Rica Free Trade Agreement (CCRFTA).

Legislation governing the work of the Canadian Section is as follows:

- the *North American Free Trade Agreement Implementation Act*,
- the *Special Imports Measures Act*,
- the *Canada-Israel Free Trade Agreement Implementation Act*,
- the *Canada-Chile Free Trade Agreement Implementation Act*, and
- the *Canada-Costa Rica Free Trade Agreement Implementation Act*.

GUIDING PRINCIPLES

<p><i>Commitment to an Unbiased and Equitable Administrative Process</i></p>	<p>The NAFTA Secretariat, Canadian Section, is committed to administering the dispute settlement provisions of the relevant Free Trade Agreements and other Bilateral Agreements as directed by the Parties in a manner which ensures unbiased administrative processes, equity, security and fairness.</p>
<p><i>Commitment to Service Quality</i></p>	<p>The NAFTA Secretariat, Canadian Section, is committed to maintaining the highest quality of administration to all dispute settlement proceedings and to investing in technologies that will sustain future operations.</p>
<p><i>Support to Stakeholders</i></p>	<p>The NAFTA Secretariat, Canadian Section, is committed to supporting and providing services to its stakeholders in dispute resolution in a manner that is impartial, responsive, accessible and timely.</p>
<p><i>Openness and Accountability</i></p>	<p>The NAFTA Secretariat, Canadian Section, is committed to the promotion of a corporate culture that implements transparent management processes and accountability to both the NAFTA Free Trade Commission and to the public.</p>
<p><i>Operational Efficiency</i></p>	<p>The NAFTA Secretariat, Canadian Section, is committed to pursuing alternative service delivery in order to enhance information access and sharing and to improve operating practices.</p>
<p><i>Continuous Learning</i></p>	<p>The NAFTA Secretariat, Canadian Section, is committed in having in place professional and motivated employees and to offer them the opportunity to advance their careers through continuous learning.</p>

HOW TO CONTACT US

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