

**Statement by the representative of Guyana on behalf of the Group of 77 and China, before the Fifth Committee on the issue of Gratis Personnel at the first resumed 53<sup>rd</sup> session of the United Nations General Assembly**

**New York, 19 March 1999**

Mr. Chairman,

1. I have the honour to speak on behalf of the Group of 77 and China on the issue of gratis personnel provided by Governments and other entities.
2. The Group of 77 and China would like to thank the Chairman of the ACABQ for introducing the report of the Advisory Committee (A/53/417/Add.1) on gratis personnel provided by Governments and other entities. The Group would also like to thank the Director of the Operational Services Division, Office of Human Resources Management for the introduction of Secretary-General's reports A/53/715, A/C.5/53/54 and A/53/847.
3. We deeply regret the late submission of the Secretary-General's report A/53/715 which should have been considered in the main part of the fifty-third session of the General Assembly. Due to the delay on the part of the Secretariat, the report of the Advisory Committee could also not be submitted in time. As a result, we have resumed consideration of this issue after a considerable delay.
4. We note that the Secretary-General's report and the report of the ACABQ don't comply with the provisions of resolutions 52/214 B and 53/208 B regarding format of reports. The Group would like to seek clarification for non-compliance with the General Assembly resolutions. We emphasize that in future all reports submitted to legislative bodies for consideration and action should comply with the relevant provisions of resolutions 52/214 and 53/208.
5. We would like to reiterate the position of the Group that the Secretariat of the United Nations should comprise personnel in accordance with the provisions of Articles 97, 100 and 101 of the Charter. In this regard, the decisions of the General Assembly in its resolutions 51/243, 52/234, 52/248 and 53/11 for bringing an end to the extraordinary practice of using gratis personnel should be fully implemented in their letter and spirit.
6. The Group of 77 and China would like to reiterate that the Organisation should not resort to the use of gratis personnel as a result of poor personnel planning, and that gratis personnel should and shall not be a substitute for staff to be recruited against authorized positions for the implementation of mandated programmes and activities. Moreover, gratis personnel should not be sought and accepted for positions kept vacant solely for financial reasons.
7. The Group of 77 and China notes with deep concern the information provided in paras 9 and 10 of Secretary-General's report A/53/715 that 17 gratis personnel were offered appointments as UN staff in the International Tribunal of the Former Yugoslavia. This is a clear violation of the employment procedures of such personnel as UN staff, as enumerated in para 26 of resolution 51/226, section III B. Since this is a violation of the General Assembly decision, we are of the view that this issue should be considered in the context of agenda item 119 on Human Resources Management. However, at this stage, we would like to seek clarification from the Advisory Committee on the rationale for its observation about prior concurrence of the General Assembly or the ACABQ before the Secretary-General could take a decision which contravened the General Assembly resolution. The Advisory Committee's guidance on relevant regulations and rules and/or resolutions, if any, in this regard would be greatly appreciated.

