

ADMINISTRATIVE INSTRUCTION NO. 57

To: Members of the Staff of United Nations

Subject: EX GRATIA PAYMENTS

POLICY

Financial Regulation No. 26 - "The Secretary-General may make such ex gratia payments as he deems to be necessary in the interests of the United Nations, provided that a statement of such payments shall be submitted to the General Assembly with the annual accounts."

INTERPRETATION AND CONDITIONS

Interpretation

To qualify a payment as ex gratia, it is necessary that there be no legal liability on the part of the United Nations, because if legal liability exists, the transaction should be regulated by law. Further, no unauthorized undertaking by an officer of United Nations shall be recognized as creating an obligation covered by ex gratia authority. The good name of United Nations, as distinct from that of its officers, is the material consideration.

Authority

The Assistant Secretary-General for Administrative and Financial Services may authorize ex gratia payments when

- (a) the amount does not exceed \$1,000, and/or
- (b) the recipient is a staff member of the United Nations receiving a salary at the rate of less than \$5,000 per annum.

The Secretary-General may authorize ex gratia payments when

- (a) the amount exceeds \$1,000, or
- (b) the proposal for payment originates in Administrative and Financial Services, or
- (c) the recipient is a staff member of the United Nations receiving a salary of more than \$5,000 per annum.

Payment

Payment shall be made by the Comptroller from allotments provided for the purpose.

/PROCEDURE

PROCEDURE

- (a) Where an ex gratia payment is proposed under Provisional Financial Regulation 26, the departmental certifying officer concerned shall make a detailed report of the circumstances to the Assistant Secretary-General of the Department.
- (b) The Assistant Secretary-General shall obtain the opinion of the Legal Department as to the legal implications if such payment were made.
- (c) The Assistant Secretary-General shall make such recommendations as he sees fit to the Assistant Secretary-General for Administrative and Financial Services, who may, subject to paragraph (d) below, vary, accept or reject the proposal.
- (d) The Assistant Secretary-General for Administrative and Financial Services shall refer to the Secretary-General for approval such proposals as do not come within his authority under the terms of this instruction.

/s/ Byron Price

BYRON PRICE

Assistant Secretary-General for
Administrative and Financial Services