

## **Collaboration within the United Nations system and with other intergovernmental organizations**

### **Report by the Director-General**

1. The WHO Secretariat received a communication dated 21 April 2025 from the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, addressed to the Legal Counsel of WHO (see Annex 1), according to which, on 17 March 2025 the Secretary-General of the United Nations, in his capacity as depositary of the Constitution of the World Health Organization, had received a letter dated 25 February 2025 from H.E. Mr Gerardo Werthein, Minister of Foreign Affairs, International Trade and Worship of the Argentine Republic (see Annex 2), notifying the depositary of Argentina's denunciation of the Constitution of the World Health Organization. According to this communication, in his letter, the Minister of Foreign Affairs informed the depositary that the decision of Argentina to denounce the Constitution of the World Health Organization was made under the terms of the 1969 Vienna Convention on the Law of Treaties, and that the withdrawal from WHO would be effective one year after the receipt of that letter.
2. In her communication, the United Nations Legal Counsel stated that since the Constitution of the World Health Organization does not contain any provision regarding denunciation or withdrawal, and in the absence of any precedent identical to the current situation, the depositary is not in a position to determine whether the notification submitted by Argentina can be accepted in deposit, and that the depositary is prepared to be guided by the action of the World Health Assembly, as the competent organ of WHO, in regard to this matter. The United Nations Legal Counsel also stated that it would be appreciated that the matter be brought to the attention of the World Health Assembly.
3. In light of the above, the Director-General has discussed this communication with the Officers of the Executive Board. This situation presents new, complex, and important issues of international law. Bearing this in mind, and mindful of the short time available between the receipt of the above-mentioned correspondence and the Seventy-eighth World Health Assembly, as well as the many items already on the Health Assembly's agenda, there may not be sufficient time for Member States to adequately prepare for, and consider, this matter at the Seventy-eighth World Health Assembly.

4. It is therefore proposed that this matter be considered by the Executive Board, as appropriate, at its 158th session, and for the Executive Board to submit a report on this subject to the Seventy-ninth World Health Assembly.
5. The Director-General also refers to the 23 January 2025 United Nations Depositary Notification<sup>1</sup> which provides that on 22 January 2025 the United States of America notified its withdrawal from WHO, and states that the action would take effect for the United States of America on 22 January 2026 pursuant to the provisions of the Joint Resolution of the Congress of the United States to which the acceptance of the Constitution of the World Health Organization by the United States of America is subject. Any remaining issues regarding this notification and its implications could also be considered by the Executive Board at its 158th session, with a report to be submitted by the Executive Board, as appropriate, to the Seventy-ninth World Health Assembly.

## **Action by the Health Assembly**

6. The Health Assembly is invited to consider the following draft decision.

The Seventy-eighth World Health Assembly, having considered document A78/33 Add.1,

Decided to request the Executive Board to consider the matters addressed in document A78/33 Add.1 at its 158th session, and to submit a report thereon, as appropriate, to the Seventy-ninth World Health Assembly

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<sup>1</sup> C.N.68.2025.TREATIES-IX.1, <https://treaties.un.org/doc/Publication/CN/2025/CN.68.2025-Eng.pdf>.

## Annex 1



HEADQUARTERS | SIEGE | NEW YORK, NY 10017  
TEL.: +1 212 963 1234

REFERENCE: 2025-TS- LA 41/DN

21 April 2025

Dear Mr. Walton,

Further to our conversations on the matter, I have the honour to inform you that, on 17 March 2025, the Secretary-General of the United Nations, in his capacity as depositary of the Constitution of the World Health Organization, received a letter dated 25 February 2025 from H.E. Mr. Gerardo Werthein, Minister of Foreign Affairs, International Trade, and Worship of the Argentine Republic, notifying the depositary of Argentina's denunciation of the Constitution of the World Health Organization.

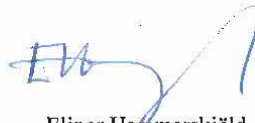
In his letter, the Minister of Foreign Affairs informed the depositary that the decision of Argentina to denounce the Constitution of the World Health Organization was made under the terms of the 1969 Vienna Convention on the Law of Treaties, and that the withdrawal from the World Health Organization would be effective one year after the receipt of that letter.

Since the Constitution of the World Health Organization does not contain any provision regarding denunciation or withdrawal, and in the absence of any precedent identical to the current situation, the depositary is not in a position to determine whether the notification submitted by Argentina can be accepted in deposit. The depositary is prepared to be guided by the action of the World Health Assembly, as the competent organ of the World Health Organization, in regard to this matter. Accordingly, it would be appreciated that the matter be brought to the attention of the World Health Assembly. The Permanent Mission of Argentina to the United Nations in New York will be informed accordingly.

Mr. Derek Walton  
Legal Counsel  
World Health Organization  
Geneva

I am enclosing a copy of the letter of the Minister of Foreign Affairs,  
International Trade, and Worship of the Argentine Republic.

Yours sincerely,



Elinor Hammarhjöld  
Under-Secretary-General for Legal Affairs  
and United Nations Legal Counsel

## Annex 2

ACTION - WHO

COPY DSG/CdC/SDU/OLA/DPPA/RoL/PU

RECEIVED  
March 17th, 2025

Log No. EOSG-2025-01722

EOSG/CENTRAL

*Ministro de Relaciones Exteriores, Comercio Internacional y Culto*  
**UNCLASSIFIED**

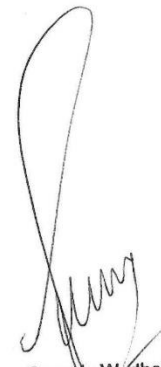
25 de febrero de 2025

Señor Secretario General:

Tengo el agrado de dirigirme a usted con el propósito de referirme a la Constitución de la Organización Mundial de la Salud, celebrada el 22 de julio de 1946, con sus enmiendas.

Sobre ese particular, cumplo en informarle, en su carácter de Depositario, la decisión de la República Argentina de denunciar en los términos de la Convención de Viena sobre el Derecho de los Tratados de 1969, la Constitución de la Organización Mundial de la Salud y retirarse de la Organización, efectiva al año de la recepción de la presente.

Hago propicia la oportunidad para reiterar a usted las seguridades de mi más alta y distinguida consideración.



**Gerardo Werthein**  
Ministro de Relaciones Exteriores,  
Comercio Internacional y Culto

AL SEÑOR SECRETARIO GENERAL DE LA  
ORGANIZACIÓN DE LAS NACIONES UNIDAS  
ANTÓNIO GUTERRES  
NUEVA YORK

POL/04/008



*Permanent Mission  
of the  
Argentine Republic  
to the  
United Nations*

ENAUN - N° 400 /2025

La Misión Permanente de la República Argentina ante las Naciones Unidas presenta sus atentos saludos a la Oficina Ejecutiva del Secretario General de las Naciones Unidas y tiene el honor de dirigirse al Secretario General en su carácter de depositario de la Constitución de la Organización Mundial de la Salud, de fecha 22 de julio de 1946, con sus enmiendas.

Al respecto, esta Misión Permanente cumple en remitir adjunta la nota de fecha 25 de febrero de 2025, dirigida por el señor Ministro de Relaciones Exteriores, Comercio Internacional y Culto de la República Argentina al señor Secretario General de las Naciones Unidas, mediante la cual se informa la decisión de la República Argentina de denunciar la Constitución de la Organización Mundial de la Salud y retirarse de dicha Organización.

La Misión Permanente de la República Argentina ante las Naciones Unidas reitera a la Oficina Ejecutiva del Secretario General de las Naciones Unidas, las seguridades de su consideración más distinguida.



Nueva York, 17 de marzo de 2025

A LA OFICINA EJECUTIVA DEL SECRETARIO GENERAL DE LAS

NACIONES UNIDAS

New York

*One UN Plaza 25° floor, New York, NY 10017- 1 212 688 6300 – enaun@mrecic.gob.ar*

Translated from Spanish

Action: WHO

Copy: DSG/CdC/SDU/OLA/DPPA/RoL/PU

Received: 17.03.2025

Log no. EOSG-2025-01722

EOSG/Central

Minister for Foreign Affairs, International Trade and Worship

Unclassified

25 February 2025

Excellency,

I write with regard to the Constitution of the World Health Organization, signed on 22 July 1946, as subsequently amended.

I hereby inform you, in your capacity as depository, of the decision of the Argentine Republic to denounce the Constitution of the World Health Organization and withdraw from that Organization, under the terms of the Vienna Convention on the Law of Treaties 1969, effective one year following receipt of this communication.

Please accept, Excellency, the assurances of my highest consideration.

(Signed) Gerardo Werthein

Minister for Foreign Affairs, International Trade and Worship

His Excellency Antonio Guterres  
Secretary-General of the United Nations  
New York

Permanent Mission of the Argentine Republic of the United Nations

ENAUN-No.100/2025

The Permanent Mission of the Argentine Republic of the United Nations presents its compliments to the Executive Office of the Secretary-General of the United Nations and has the honour to write to the Secretary-General in his capacity as depository of the Constitution of the World Health Organization, signed on 22 July 1946, as subsequently amended.

The Permanent Mission hereby transmits the note dated 25 February 2025 from the Minister for Foreign Affairs, International Trade and Worship of the Argentine Republic addressed to the Secretary-General of the United Nations, informing him of the decision of the Argentine Republic to denounce the Constitution of the World Health Organization and withdraw from that Organization.

The Permanent Mission of the Argentine Republic to the United Nations avails itself of this opportunity to renew to the Executive Office of the Secretary General of the United Nations the assurances of its highest consideration.

New York, 17 March 2025

Executive Office of the Secretary-General of the United Nations.

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