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ARTICLES

A Legal Study on Fatwa regarding Hilla Marriage in Bangladesh

Transnational State Responsibility for Violations of Human Rights

The Economic and Social Council and the Specialized Agencies

The Role of NGO'S in Protection and Promotion of Human Rights of Women in Bangladesh

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Sexual Harassment in Bangladesh: Law and Realities

Land Management in Islam: A Legal Study

The Role of Selected Non-Governmental Organizations (NGOs) in the Protection and Promotion of Human Rights: An Analysis

State of Minimum Wages in Bangladesh –Problems and Perspectives

বাংলাদেশের বিচার ব্যবস্থায় পদ্ধতিগত জটিলতা: শিশু-কিশোর প্রসঙ্গ

নারীদের উপর এসিড-নিষ্ক্ষেপ: গণমাধ্যমের ভূমিকা ও আইন

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Authors' Name	Article	Page
Dr. Begum Asma Siddiqua	A Legal Study on <i>Fatwa</i> regarding <i>Hilla</i> Marriage in Bangladesh	01-14
Dr. M Abdul Hannan	Transnational State Responsibility for Violations of Human Rights	15-54
M. Ehteshamul Bari	The Economic and Social Council and the Specialized Agencies	55-70
Md. Abdul Alim	The Role of NGO'S in Protection and Promotion of Human Rights of Women in Bangladesh	71-84
Md. Abdul Awal Khan	Blasphemy and Criminality: An Islamic perspective; Special Reference to Bangladesh	85-98
Md. Abdur Rahim Mia	Sexual Harassment in Bangladesh: Law and Realities	99-118
Mohammad Azharul Islam	Land Management in Islam: A Legal Study	119-138
Dr. Muhammad Faiz-ud-Din	The Role of selected Non-Governmental Organizations (NGOs) in the Protection and Promotion of Human Rights: An Analysis	139-166
Muhammad Shaheen Chowdhury	State of Minimum Wages in Bangladesh – Problems and Perspectives	167-194
নাহিদ ফেরদৌসী	বাংলাদেশের বিচার ব্যবস্থায় পদ্ধতিগত জটিলতা: শিশু-কিশোর প্রসঙ্গ	195-210
মুসতাক আহমেদ ও মো. সাহাল উদ্দীন	নারীদের উপর এসিড-নিষ্ক্ষেপ: গণমাধ্যমের ভূমিকা ও আইন	211-230

The Economic and Social Council and the Specialized Agencies

M. Ehteshamul Bari*

Introduction

The Economic and Social Council is one of the six principal organs of the United Nations established under the UN Charter, the Charter which is the statute of a World Organization conceived at Yalta, modeled at Dumbarton Oaks and adopted in San Francisco Conference on 26 June 1945. The Charter empowered the Economic and Social Council the tasks for promoting economic and social progress and better standards of human welfare as well as the observance of human rights and fundamental freedoms taking into account that progress in these fields is essential to maintain peaceful and friendly relations between nations. The “unfinished” ceiling above the public gallery, conceived by Swedish architect Sven Markelius, is commonly seen as a symbolic reminder that the economic and social work of the United Nations never finishes; there will always be something more that can be done to improve the living conditions of the world’s people.¹

Article 57 of the UN Charter provides for the establishment of the various specialized agencies by intergovernmental agreement and having wide international responsibilities in economic, social, cultural, educational, health and related fields which should be brought into relationship with the United Nations. Accordingly, under Article 63 of the Charter the Economic and Social Council has been empowered to enter into agreements with any of the specialized agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations subject to the approval by the General Assembly. At present there are 15

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¹ www.un.org/ecosoc

specializes agencies and the United Nations, along with these specialized agencies, is often referred to collectively as the United Nations System.

However, the objectives of this paper are to examine the composition, powers and functions of the Economic and Social Council, and some of the leading/important specialized agencies. The relationship that exists between the Economic and Social Council and specialized agencies shall also be highlighted.

Composition of the Economic and Social Council

The Economic and Social Council, which is aimed at to coordinate the economic, social and related work of the United Nations and the specialized agencies, was originally composed of 18 members. Later on the membership of the Council was increased from 18 to 27 in 1965 and in 1973 it was raised to 54. Each member of the Economic and Social Council shall have one representative.²

Powers and Functions of the Economic and Social Council

Article 62-72 of the UN Charter deal with the powers and functions of the Economic and Social Council. The powers and functions of the Economic and Social Council can be discussed under four heads:

- a) making or initiating studies, submitting recommendations regarding international economic, social, cultural, educational, health and related matters;
- b) promoting respect for, and observance of, human rights and fundamental freedoms;
- c) making suitable arrangements for consultation with non governmental organizations;
- d) coordination of the activities of the specialized agencies;
- e) and others.

² Article 61, The UN Charter.

Making or Initiating Studies, Submitting Recommendations Regarding International Economic, Social, Cultural, Educational, Health and Related Matters:

The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations.³

Promoting Respect for and Observance of, Human Rights and Fundamental Rights:

The Economic and Social Council has been empowered to make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.⁴ It may also prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.⁵

Making Suitable Arrangements for Consultation with Non Governmental Organizations:

Article 71 of the UN Charter has given the Economic and Social Council the authority to "make suitable arrangements for consultation with non governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with Member of the

United Nations concerned." It should be mentioned here that the Economic and Social Council has established three categories of consultative status with the NGO's and by the early 21st century, it had granted consultative status to more than 2500 NGO's.

³ Article 62(1), The UN Charter.

⁴ Article 62(2), *ibid.*

⁵ Article 62(4), *ibid.*

Coordination of the Activities of the Specialized Agencies:

This shall be examined at page 13 in discussing the relationship between the Economic and Social Council and the specialized agencies.

Establishment of 15 Specialized Agencies

Since October 1945, 15 specialized agencies have been established by inter-governmental agreements, having wide responsibilities in economic, social, cultural, educational, health and related fields. Agreements bringing them into relationship with the United Nations are first negotiated with the agencies by a standing committee, called the Committee on Negotiations' with Inter-Governmental Agencies, established for this purpose by the United Nations' Economic and Social Council. They are then submitted for approval to the Economic and Social Council, and by the Council to the General Assembly. Before coming into force, each agreement must also be approved by the appropriate organs of the specialized agencies.⁶

The following specialized agencies, 15 in number, so far have been established as a result of intergovernmental agreements in order to achieve certain lofty goals and ideal objectives:

Name of Specialized	Year of Establishment	Objectives of Establishment Agencies
1) International Labour Organization (ILO)	1946	Chief objectives are to ensure lasting and durable peace by promoting social justice and to improve through international action, labour conditions and living standards and to promote economic and social stability.
2) Food and Agricultural Organization (FAO)	1945	Aimed at to defeat hunger through international efforts.
3) UN Educational, Scientific Cultural Organization (UNESCO)	1946	Principal purpose is to contribute to peace and security by promoting international collaboration through education, science, and culture in order to further universal respect for justice, the rule of law and the human rights and fundamental freedoms proclaimed in the UN Charter.
4) World Health Organization (WHO)	1948	Attainment by all peoples of the highest possible level of health.

⁶ Mahesh Prasad Tandon and Rajesh Tandon : International Law & Human Rights Sixteenth Edition, 2005 at Page 357

Name of Specialized	Year of Establishment	Objectives of Establishment Agencies
5) International Monetary Fund (IMF)	1944	To foster global monetary cooperation, secure financial stability, facilitate int'l trade, promote high employment and sustainable economic growth and reduce poverty.
6) World Bank	1945-1988	To provide finance and advice to countries for the purposes of economic development and elimination of poverty.
7) International Civil Aviation Organization (ICAO)	1944	Its aims & objectives are to develop the principle and techniques of int'l air navigation so as to ensure the safe and orderly growth of int'l civil aviation throughout the world.
8) International Maritime Organization (IMO)	1959	promoting of cooperation among governments & the shipping industry to improve maritime safety and to prevent marine pollution.
9) International Telecommunication Union (ITU)	1947	a) Maintaining and extending international cooperation for the improvement and rational use of telecommunication; b) Promoting the development and most efficient operation of technical facilities in order to increase their usefulness; and c) Harmonizing the actions of nations in the attainment of these common ends.
10) Universal Postal Union (UPU)	1948	Promoting the organization and improvement of postal services and furthering the development of int'l collaboration in this sphere.
11) World Meteorological Organization (WMO)	1951	Coordination, standardization and improvement of world meteorological activities.
12) World Intellectual Property Organization (WIPO)	1974	Promotion and protection of intellectual property throughout the world through cooperation among its 179 member states, and to ensure administrative cooperation among the Unions established to afford protection in the field of intellectual property.
13) International Fund for Agricultural Development (IFAD)	1977	Combating hunger and rural poverty in the developing countries.
14) UN Industrial Development Organization (UNIDO)	1985	Improving the living conditions of people and promoting global prosperity by offering tailor made solutions for the sustainable industrial development of developing countries and countries in transition.
15) World Tourism Organization (WTO)	2003	Aiming at to stimulate economic growth and job creation through tourism, providing incentives for protecting the environment and heritage of tourist destinations, and promote peace and understanding among nations. ⁷

Of the 15 specialized agencies the following 4 (four) are of the most powerful specialized agencies:

- 1) The **International Labour Organization (ILO)**,
- 2) the **Food and Agriculture Organization of the United Nations (FAO)**,
- 3) the **United Nations Educational, Scientific and Cultural Organization (UNESCO)**,
- 4) the **International Monetary Fund (IMF)**. Accordingly the composition, powers and functions of these major specialized agencies are herein below.

The International Labour Organization (ILO)

The International Labour Organization, established on 11 April 1919 as an agency of the League of Nations by the Treaty of Versailles that ended World War I, became the first specialized agency of the United Nations in 1946 (after the demise of the League) and as such, is the sole survivor among the intergovernmental bodies set up after the First World War. Its headquarters are in Geneva, Switzerland. Its secretariat — the people who are employed by it throughout the world — is known as the International Labour Office. The organization was awarded the Nobel Peace Prize in 1969.⁸

ILO formulates international policies and programmes to help improve working and living conditions; creates international labour standards to serve as guidelines for national authorities in putting these policies into action; carries out an extensive programme of technical cooperation to help governments in making these policies effective; and engages in training, education and research to help advance these efforts.⁹

ILO is unique among world organizations in that workers' and employers' representatives have an equal voice with those of governments in formulating its policies. It is composed of three bodies:

⁸ The Nobel Peace Prize 1969. *Nobelprize.org*. Retrieved on 2006-07-05.

⁹ Department of Public Information Basic Facts About the United Nations :New York 2004 at page 50

- The International Labour Conference brings together government, employer and worker delegates from member countries every year. It sets international labour standards and acts as a forum where social and labour questions of importance to the entire world are discussed.
- The Governing Body meets twice a year and directs ILO operations, prepares the programme and budget and examines cases of non-observance of ILO standards.
- The International Labour Office is the permanent secretariat of the Organization.¹⁰

Opportunities for study and training are offered at the International Training Center in Turin, Italy. ILO's International Institute for Labour Studies' means of action include: research networks; social policy forums; courses and seminars; visiting scholar and internship programmes and publications.

1998 Declaration on Fundamental Principles and Rights at Work

In 1998 the 86th International Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work. This declaration identified four issue areas as "core" or fundamental international labour standards, meaning that any ILO member state should have ratified at least the eight key conventions, which concern freedom of association and collective bargaining, discrimination, forced labour, and child labour. These core or fundamental standards have been ratified by the overwhelming majority of ILO member states.¹¹

Criticism of the Establishment of Core or Fundamental Labour Standards

Despite the rapid ratification by many countries of the eight conventions identified as fundamental, a number of academics and activists have criticised the ILO for creating a "false division" between different international labour standards, many of which cover specific and concrete human rights topics but

¹⁰ Ibid

¹¹ Article 7 of the ILO's Constitution

were excluded from the 1998 declaration, such as those on health and safety and working hours. To add further confusion, the new core conventions are often exclusively referred to as being human rights, whereas before all international labour standards were viewed as human rights. Philip Alston, John Norton Pomeroy, Professor of Law at New York University, has written on this "narrowing" of international labour standards in the name of human rights advocacy.

The Food and Agricultural Organization of the United Nations (FAO)

FAO, which was founded on 16 October 1945 in Quebec City, Quebec, Canada, is the first intergovernmental agency established after the Second World War under the UN Charter. In 1951 its headquarters were moved from Washington, D.C., United States, to Rome, Italy.

FAO is a specialized agency of the United Nations that leads international efforts to defeat hunger. Serving both developed and developing countries, FAO acts as a neutral forum where all nations meet as equals to negotiate agreements and debate policy. FAO is also a source of knowledge and information, and helps developing countries and countries in transition, modernize and improve agriculture, forestry and fisheries practices, ensuring good nutrition and food security for all. Its Latin motto, *fiat panis*, translates into English as "let there be bread!"

FAO offers development assistance, provides policy and planning advice to governments, collects, analyses and disseminates information, and acts as an international forum for debate on food and agricultural issues. Special programmes help countries prepare for emergency food crisis and provide relief assistance. On average, FAO has some 2000 field projects operating at any one time. FAO assisted projects spend more than \$300 million per year from funds provided by donor agencies and governments.

FAO is governed by the Conference of member nations, which meets biennially. The Conference elects a 49 member Council that serves as the governing body between sessions of the Conference.¹²

Critical Analysis

The functioning of the FAO was criticized in 1991 thus:

"FAO, set up to develop world agriculture so as to enable the world to feed itself has disastrously failed in its task. It has ignored and even derided traditional agricultural methods and permits no international criticism of its policy of promoting Western-style intensive farming and the export of cash crops. FAO's performance is judged on the amount of money it spends, not on the effectiveness of its projects, it ignores the voices of the people it is supposed to be helping and it has close links with agribusiness internationals, whose products it actively promotes."

In 2007 the report of the Independent External Evaluation observed:

"The Organization has been conservative and slow to adapt", "FAO currently has a heavy and costly bureaucracy" and "The capacity of the Organization is declining and many of its core competencies are now imperiled".

The United Nations Educational, Scientific and Cultural Organization (UNESCO)

United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialized agency of the United Nations established on 16 November 1945. It is the heir of the League of Nations; International Commission on Intellectual Cooperation. Its stated purpose is to contribute to peace and security by promoting international collaboration through education, science, and culture in order to further universal respect for justice, the rule of law, and the human rights and fundamental freedoms proclaimed in the UN Charter. Education,

¹² Department of Public Information Basic Facts About the United Nations :New York 2004 at page 50 & 51.

Social and Natural Science, Culture and Communication are the means to a far more ambitious goal: to build peace in the minds of men.¹³

Objectives of the UNESCO

UNESCO has 193 Member States and 6 Associate Members. The organization is based in Paris, with over 50 field offices and many specialized institutes and centres throughout the world. Most of the field offices are "cluster" offices covering three or more countries; there are also national and regional offices.

Today, UNESCO functions as a laboratory of ideas and a standard-setter to forge universal agreements on emerging ethical issues. The Organization also serves as a clearinghouse – for the dissemination and sharing of information and knowledge – while helping Member States to build their human and institutional capacities in diverse fields. In short, UNESCO promotes international co-operation among its 193* Member States and six Associate Members in the fields of education, science, culture and communication.

UNESCO is working to create the conditions for genuine dialogue based upon respect for shared values and the dignity of each civilization and culture. This role is critical, particularly in the face of terrorism, which constitutes an attack against humanity. The world urgently requires global visions of sustainable development based upon observance of human rights, mutual respect and the alleviation of poverty, all of which lie at the heart of UNESCO's mission and activities.

Through its strategies and activities, UNESCO is actively pursuing the Millennium Development Goals, especially those aiming to:

- halve the proportion of people living in extreme poverty in developing countries by 2015
- achieve universal primary education in all countries by 2015
- eliminate gender disparity in primary and secondary education by 2005

¹³ www.unesco.org

- help countries implement a national strategy for sustainable development by 2005 to reverse current trends in the loss of environmental resources by 2015.

They are the targets of the UNESCO and the United Nations Millennium Goals.¹⁴

Functions of the UNESCO

UNESCO maintains a system of 190 National Commissions and is supported by some 5000 UNESCO Associations, Centres and Clubs. It enjoys official relations with 350 NGOs, and also cooperates with various foundations and international and regional networks.

UNESCO's governing body—the General Conference—is made up of all member states and meets every two year. The Executive board, consisting of 58 members elected by the Conference, is responsible for supervising the programme adopted by the Conference.¹⁵

The International Monetary Fund (IMF)

The International Monetary Fund was formally created in July 1944 during the United Nations Monetary and Financial Conference. The representatives of 45 governments met in the Mount Washington Hotel in the area of Bretton Woods, New Hampshire, United States of America, with the delegates to the conference agreeing on a framework for international economic cooperation. The IMF was formally organized on December 27, 1945, when the first 29 countries signed its Articles of Agreement. The statutory purposes of the IMF today are the same as when they were formulated in 1944.

The goal of the IMF is to stabilize exchange rates and supervise the reconstruction of the world's international payment system. Countries contributed to a pool which could be borrowed from, on a temporary basis, by countries with payment imbalances. (Condon, 2007) The IMF describes itself

¹⁴ Ibid

¹⁵ Department of Public Information Basic Facts About the United Nations : New York 2004 at page 51.

as "an organization of 185 countries (Montenegro being the 185th, as of January 18, 2007), working to foster global monetary cooperation, secure financial stability, facilitate international trade, promote high employment and sustainable economic growth, and reduce poverty". With the exception of North Korea, Cuba, Andorra, Monaco, Liechtenstein, Tuvalu, and Nauru, all UN member states participate directly in the IMF. Most are represented by other member states on a 24-member Executive Board but all member countries belong to the IMF's Board of Governors.¹⁶

Thus the **International Monetary Fund (IMF)** is an international organization that oversees the global financial system by following the macroeconomic policies of its member countries, in particular those with an impact on exchange rates and the balance of payments. It also offers financial and technical assistance to its members, making it an international lender of last resort. Its headquarters are located in Washington, D.C., USA.

Evaluation

The primary mission of the IMF is to provide financial assistance to countries that experience serious financial and economic difficulties using funds deposited with the IMF from the institution's 185 member countries. Member states with balance of payments problems, which often arise from these difficulties, may request loans to help fill gaps between what countries earn and/or are able to borrow from other official lenders and what countries must spend to operate, including covering the cost of importing basic goods and services. In return, countries are usually required to launch certain reforms, which have often been dubbed the "Washington Consensus".

Two criticisms from economists have been levelled that financial aid is always bound to so-called "Conditionalities", including Structural Adjustment Programs. Conditionalities, which are the economic performance targets established as a precondition for IMF loans, it is claimed, retard social stability

¹⁶ IMF Articles of Agreement, Article XII Section 2(a) and Section 3(b).

and hence inhibit the stated goals of the IMF, while Structural Adjustment Programs lead to an increase in poverty in recipient countries.¹⁷

Typically the IMF and its supporters advocate a Keynesian approach. As such, adherents of supply-side economics generally find themselves in open disagreement with the IMF. The IMF frequently advocates currency devaluation, criticized by proponents of supply-side economics as inflationary. Secondly, they link higher taxes under "austerity programmes" with economic contraction.

Currency devaluation is recommended by the IMF to the governments of poor nations with struggling economies. Supply-side economists claim these Keynesian IMF policies are destructive to economic prosperity.

That said, the IMF sometimes advocates "austerity programmes," increasing taxes even when the economy is weak, in order to generate government revenue and balance budget deficits, which is the opposite to the Keynesian policy. These policies were criticized by Joseph E. Stiglitz, former chief economist and Senior Vice President at the World Bank, in his book *Globalization and Its Discontents*.¹⁸ He argued that by converting to a more Monetarist approach, the fund no longer had a valid purpose, as it was designed to provide funds for countries to carry out Keynesian reflations.

Relationship Between the Economic and Social Council and the Specialized Agencies

The UN Charter contains elaborate provisions concerning the relationship between the Economic and Social Council and the specialized agencies which are as follows:

In the first place, the Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United

¹⁷ Noreena Hertz. *The Debt Threat*. New York: Harper Collins Publishers, 2004.

¹⁸ Joseph Stiglitz. *Globalization and its Discontents*. New York: WW Norton & Company, 2002.

Nations. Such agreements shall be subject to approval by the General Assembly.¹⁹

Secondly, it may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.²⁰

Thirdly, the Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.²¹

Fourthly, it may communicate its observations on these reports to the General Assembly.²²

Fifthly, it may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.²³

Sixthly and finally, the Economic and Social Council may make recommendations with respect to any international economic, social, cultural, educational, health, and related matters to the General Assembly, to the Members of the United Nations and to the specialized agencies concerned.²⁴

The Economic and Social Council is entrusted with the task of coordinating the activities of the specialized agencies, through consultation with and recommendations to such agencies and through recommendations to the

¹⁹ Article 63(1), The UN Charter.

²⁰ Article 63(2), *ibid*

²¹ Article 64(1), *ibid*

²² Article 64(2), *ibid*

²³ Article 66(2), *ibid*

²⁴ Article 62(1), *ibid*

General Assembly and to the members of the United Nations. The Council may take appropriate steps to obtain regular reports from the specialized agencies and may communicate its observations on these reports to the General Assembly.²⁵

The specialized agencies do not only report annually to the Economic and Social Council but also often cooperate with each other and with various UN organs. However, they also have their own principles, goals, and rules, which at times may conflict with those of other UN organs and agencies. The specialized agencies are autonomous insofar as they control their own budgets and have their own boards of directors, who appoint agency heads independently of the General Assembly or Secretary-General.²⁶

Conclusion

The foregoing discussion reveals that the Economic and Social Council, which is one of the six organs of the United Nations, established on 26 June 1945, is the main forum for discussing international economic and social issues and put forward policy recommendations. The Economic and Social Council, which is presently composed of 54, members can under Article 63 of the UN Charter enter into agreements with any of the specialized agencies established by intergovernmental agreements with wide international responsibilities in economic, social, cultural, educational, health and related fields. It (the ECOSOC) directs and coordinates the economic, social, humanitarian and cultural activities of the UN and its 15 specialized agencies. 15 autonomous specialized agencies, of which the International Labour Organization, the Food and Agricultural Organization, the United Nations Educational, Scientific and Cultural Organization and the International Monetary Fund are the most powerful specialized agencies, have been working with the UN and each other through the coordinating machinery of the Economic and Social Council at the

²⁵ Mahesh Prasad Tandon and Rajesh Tandon : International Law & Human Rights Sixteenth Edition, 2005 at Page 357

²⁶ www.un.org/ecosoc

intergovernmental level, and through the Chief Executives Board for coordination (CEB) at the inter-secretariat level for the improved international economic, social, cultural, educational, health and related matters. The Economic and Social Council may take appropriate steps to obtain regular reports to the member states. It may make recommendations in respect of any international economic, social, cultural, educational, health and related matters to the General Assembly, to the Members of the United Nations, to the specialized agencies concerned. The ECOSOC plays a key role in fostering international cooperation for development and in setting the priorities for action. It promotes better standards of human welfare as well as the observant of human rights and fundamental freedoms which is essential to maintain peaceful and friendly relations between states. It should be kept in mind that the economic and social work of the United Nations "never finishes as there will always be something more that can be done to improve the living conditions of the mankind."