

The Policy of Japan Concerning Natural Resources of Mengjiang: Legal Aspects

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Abstract

With the beginning of military conformation against China in early 1930s, Japan began to consider its North-Eastern territories as part of the so-called "anti-Communist belt", but in terms of economy as a market for the export of capital, exclusive sale of goods and a source of natural resources such as coal, minerals and animal products, which is an important strategic military resources. Therefore, the aim of this article is to carry out a comprehensive analysis of the main legal acts regulating economic policy Mengjiang during the Japanese occupation of northeast China. The Central part of Inner Mongolia, known later under the name of Mengjiang, was a matter of special interest, which is manifested in the creation in the mid-1930s the independent Mongol state. The region had an extensive pastures and rich sources of livestock production, so Japan, feeling an acute need for strategic military resources, by using local authorities and the system of state regulation as a tool, has pursued a policy of control of the economy, trying to implement its strategy of "War feeds war". In addition, Menssen was a strategically important territory and was considered by the Japanese armed forces as a springboard for attacks on the Soviet Union.

Keywords: Mengjiang, Inner Mongolia, legal regulation, government economic policy, the law of the occupation forces of Japan.

1. Introduction

At the present stage for national science there is a need for large-scale studies in the public, political and legal systems of the leading countries of the world, with which Russia interacts, especially China: economic and military partner, a state with a long history of diplomatic relations, on the border space of which in the XX century there was a rapid processes of state building. Legal regulation of the economic policy of Japan in northeast China and Inner Mongolia is a little-studied topic and is of great interest for researchers. This is particularly important for the understanding of the official Japanese policy in China in the first half of the XX century and for the most complete understanding of contemporary international relations between Japan and China in the XXI century. The period of occupation of Chinese territories by Japan had an impact not only on its relations with China in the past, but continues to play a defining role in the system of international relations in the Far East, with including also the participation of Russia and in Russian foreign policy. The scientific relevance of the topic is also defined by a lack of knowledge of this period in the history of relations between Japan and China.

Materials, dedicated to the study and description of the processes of formation of statehood in Mongolian nation, are enough, but there are almost no works studying the subject of the state economic policy Mengjiang and Inner Mongolia and its legal consolidation. A separate source category consists of the memories of the participants of those events. Foreign printing produces the material, the author of which is Sechin Jagchid (Sechinbatt, Chinese name - Yu Bohan) who has published the material in English, Japanese, and later Chinese (Sechin, Jagchid, 1979; Hyer, P. and Sechin Jagchid 1983; and Sechin Jagchid 1999).

One of the first Russian explorers of Inner Asia was Nicholas Roerich (Roerich, Nicholas, 1936), who was personally acquainted with the leaders of Inner Mongolia of that period. His contemporary is representative of Harbin law school Valentine Ryazanovskiy, whose works (Ryazanovskiy, Valentine, 1931) about the Mongol and Chinese law and the state allow us to trace the evolution of the state and legal institutions available in Mengjiang: administrative divisions of banners of Inner Mongolia, powers and functions of the governing bodies. In the USSR scientific research was presented by a number of publications (Titov 1981; Theological, Moskalev 1984; and Contemporary history of China..., 1984) which affected Mongolian events contextually. In national science the material covering the Mongolian autonomist movement and further events associated with it, is extremely modest. G.F. Zakharova (Zakharova, G.F., 1990) and D.I. Goldberg (Goldberg, D.I., 1959) casually throw light upon some events and do not paying sufficient attention to the details and their further development, being confined to the statement of a number of generally accepted facts. There are no different variety and depth of the study of modern scientific research in the beginning of XXI.

Baoin Chaocat (Baoin, Chaocat, 2001; Din, Syeotze, 2007; Ray, Ciy, 2008; and Chai, Hongyuan, 1999) and other are the authors who consistently and closely to the topic work with the material on Mengjiang with the Chinese side. In addition, there are a few published archival material, including reviews of effecting at that time legislation (Review meetings..., 1940; and Review meetings...; 1941). It is important to note that both then and now this problem was engaged mainly universities of Inner Mongolia or Central institutions of Beijing, Tianjin and other major research centers.

In a series of modern scientists, it is necessary to allocate Sun Cunye, who in his works (Sun, Cunye, 2008; Sun, Cunye 2010; Sun, Cunye, 2010; and Sun, Cunye, 2011), using a considerable amount of archival material, statistical data, resulting in information that is contained in the Mongolian and Chinese press 1930-1940's, in details reveals the questions of law and legal regulation of social relations in Mengjiang, primarily concerning Economics and commerce.

Western literature of this period comes under the heading of the world's leading training centers: Oxford, Cambridge, Tokyo University, where some times ago rushed the flow of immigrants from Inner Mongolia. In their writings, (Beasley, William, 1987; Coble, Parks, 1991; Moise, Edwin 1986; Sarah, Paine, 2012; and Elliott, Marc, 2000) and others (Atwood, 2000; Black, Naby, 1997; and Narangoa, Cribb, 2003) do not learn exactly Mengjiang - in most books it is mentioned in the description of events in the North of China or in Inner Mongolia on the backdrop of the Japanese occupation. However, even this paltry amount of material allows to supplement the available data.

The economic side of the Mongolian events in the course of general study of the opium market in China is studied by Timothy Brook and Bob Tadashi Wakabayashi (Brook, Timothy and Wakabayashi Bob Tadashi, 2000). The materials of Japanese archives are used in the work published in the 1970s and 1980s, where regulatory framework trafficking of opium in the North of the country, created by the occupation forces is affected.

Among the works of the Mongolian authors such works are extremely rare, but here should be allocated the volume work of D. Zorigt "van De" (Zorigt, Dorgin, 2009), reprinted in 2011. Regardless of the increased volume of research material, which covers developments in Inner Mongolia in the first half of the XX century, actually complex works on Mengjiang, its legal system, the development of statehood and attempts to obtain state sovereignty up to the present time do not exist. Presented works have another subject for study, they are fragmented and often opportunistic, which suggest the need for research into this question.

2. Reasons for a Japanese Control Over the Central Regions of Inner Mongolia and the Creation Mengjiang

In order to have access to the rich natural resources of the Central regions of Inner Mongolia, in addition to the military forces, the Japanese military used a very wide range of legal instruments, from a clear and progressive tax policy to legalize drug trafficking and smuggling. Holding domestic and foreign policies of Mengjiang, the Japanese forced the government of this country to publish a series of laws and regulations that clearly define the methods of control of imports and exports, prices and production of goods. Measures of legal control of resources has seriously restricted the development of local manufacturers and merchants, and led to the devastation of rural livestock economy of the region and brought the population to many problems.

The primary task was to provide a guaranteed unlimited access to the rich resources of Mengjiang that could be implemented only through their complete control. First, it was about the need to avoid leakage of vital for Japan resources in areas controlled by the Kuomintang government or in the support areas of resistance to Japanese aggression on the part of the Communists. Around the Inner Mongolia geopolitical situation did not assume stability and uniformity: the Western territory was controlled by general Fu Tsoi, in the South-West was stationed ten thousandth Kuomintang army, the area at the junction of the province of Shanxi - Chahar - Hebei and Dazhinan was the military base of the Eighth field army. That is why without ensuring strict control of the flow of goods, especially for export, resources could be in a combat zone and along special channels go into areas controlled by the Japanese opponents.

Secondly, only by method of control over natural resources, it was possible to obtain the necessary further development of Mongolian resources funds, in connection with what Japan needed as soon as possible to begin their development. The rapid increase of productive forces, held since 1936, including with the participation of neighbouring Manchukuo, also demanded funds for expansion. Therefore, these countries have no excessive or free capital, which they could invest in land development. Moreover, in this period in Manchuria investors begin the process of regaining of the invested capitals. Thus, in conditions of lack of funding and lack of funds within the country, the value of Mengjiang as a platform for investments inevitably weakened. In this situation, the financial resources necessary for the development of natural resources to a greater is needed to find by proper authorities of Mengjiang. However, the economy of these nutritionpolicy areas was closely connected with the business circles of Beijing and Tianjin. According to statistics of the Bank of Mengjiang from 1938, in the structure of trade 93.7% of export shipments and 93.9 per cent import shipments were made by rail, mainly by rail Beijing-Baotou. Therefore, the lack of or poor implementation of control could lead to the

fact that capital could flow out together with the goods outside the sphere of Japanese influence.

Thirdly, only through an effective economic policy you could get necessary for development of the natural resources equipment. Although rich in resources, industry of Mengjiang was underdeveloped. Basically, with the money gained from the sale of raw materials, necessities - food, clothing, building materials, etc. was bought. In this situation, without strict control over material resources, including over imported products, to ensure the availability of production capacity necessary to develop the natural resources of Mengjiang was impossible. This aim served a Japanese policy to establish regulations - laws and regulations, which became the documentary basis, to create a working as a clock system of control over material resources.

3. The Legislative Policy of the Japanese Occupation Forces to Create a Joint Autonomous Government Mengjiang

To meet their own needs for food, wool and other resources in the occupied territory, Japan prevented the arrival of important goods in the occupied areas. Holding in northeast China's measures for the control of goods were transferred in Inner Mongolia. An effective instrument of such a control is right. As the legal system of mandatory rules of law is a powerful tool of not only public administration, but also the basis for the existence of the state, expressing its political nature, and was used by the Japanese military command, implementing legal regulation of economic policies.

In April 1938 in Mengjiang the law "About the general state mobilization of economic" was adopted. The economy, controlled by the Japanese government and military circles of Japan's, increasingly became systematized and managed.

In October 25, 1938, by decision of the Joint Council of the Autonomous provinces of Inner Mongolia was published the Law "On restriction of the export of wool" and the corresponding Decree "On implementation of the Law "On restriction of the export of wool"" (Boing, Chaocat, 2001), which created a system of administrative licensing for export of this product. Therefore, the person intending to engage in the export of wool, was obliged to submit to the Joint Council the application for permission to export, which indicated: the name of the product, the price, the exporter applying for and the buyer, address or legal address, the route of transportation of goods and other necessary information. These measures were the beginning of the system of control over the export of wool.

After the unification of Mengjiang, Chanani and Zigbee in September 1939, this law was abolished. When adopted the Law "On control over trade and the Law On the control of goods", they more tightened the control of the export of wool.

As for the export of cattle, in June 10, 1939 United Council the Law №22 "On the restriction of the export of cattle" was adopted. The law stated:

- "... Persons engaged in export of horses, sheep, goats, camels and cows outside of Mengjiang, must obtain a license from the chief of the General Committee of the Joint Council of Mengjiang";
- "...Under the age of twelve mares and have not attained the age of seven sheep should not be exported outside of Mengjiang, but mares older than 10 years and sheep over the age of 5 years can be readily disposed of in the state Manchukuo;
- "...A violation of this law is punishable by hard labour for a term of one year or by a fine in the amount of 2 thousand yuan. This penalty applies to persons who attempt to commit a crime. All livestock of offenders is confiscated" (Sun, Zunyi, 2011).

Therefore, there a system of licensing of any kind of activity, which was supposed to import cattle, introducing limitations on his age, which, however, did not touch the neighboring state of Manchukuo was established, which included penalties for violation of these standards that allow their implementation. After the adoption of the Law "On the control of goods" these norms do not find in it their fastening and were abolished, and they were replaced by other legal regulatory mechanisms.

4. The Legal Regulation of Economic Relations after the Proclamation of the State Egidono Mengjiang

Japan actively used the powers of local government to achieve its aim. After the merger on 1 September 1939 of three semi-Autonomous states of such formations, Mengjiang, Chanani and Zigbee, on the territory of the newly formed state was published laws and regulations designed to control the distribution of goods and other material resources. So in livestock sector on 1 October 1939, a Decree №11 "On the control of public pastures" was published, which stated that the organization engaged in the use of pastures, should be approved only by the decision of the State Administrative Yuan (Administrative department..., 1940). However, the key law should be the Law "On the control of trade", the Law

"On restriction of the export of livestock" and the Law "On control over material resources", and therefore they should be observed in greater detail.

These laws were the base of normative acts, which allowed Japan to build in Mengjiang a clear system, supplying almost uninterrupted Japanese war machine. Moreover, based on normative legal acts of the Mongolian government, Japan took in their hands the power of distribution of livestock products and in fact deprived the local population from the opportunity to use it for their own purposes, for the development of their country. After the founding of the United Autonomous government of Mengjiang, in October 10, 1939, a Law No. 3 "On the control of trade" was passed (Main administration..., 1941).

Article 1 of the Law stated:

1. The government is the guarantor of the value of material resources, but also regulates rates, supply and demand. To stabilize international payments, when it is considered necessary, it is possible according to the law, to restrict or prohibit the export and import of goods, or to promote their exports and imports.
2. In order to ensure the availability of necessary resources, to regulate the price of goods in accordance with international payments laws can be issued, on the basis of which the list of goods to restriction, prohibition to export or to stimulate their import and export is determined.
3. The government, as necessary, takes measures to limit, prohibit or encourage the export and import of goods, establishes a system of monitoring the activities of persons engaged in the importation and exportation of goods.
4. At the government's request, the responsible officials have the right to examine financial documents (Sun, Cunye, 2011).

Through this law, the government of Mengjiang had the right to determine the list of goods subject to export restrictions and import, to determine the list of participants of export-import operations, as well as procedures for monitoring and verification of transactions and operations undertaken by the participants of export-import operations.

At the end of 1939 there were new penalty: for violation of the Law "On the control of trade", or for violation of government orders could be imposed ban on economic activities, a fine of 1,000 yuan or conviction to imprisonment.

On August 26, 1940 in the Law "On the control of trade" was included a number of amendments. One of them said: "in order to ensure the availability of necessary resources, to regulate the price of goods in accordance with international payments, the directives of the Ministry of Finance were publishing, on the basis of which the list of goods subject to restriction, prohibition to export or Vice versa, to stimulate export was determined ". Thus, in the text of the law the word "decrees" was replaced by "Directive of the Ministry of Finance. The main reason for the editing of the law was that the law Manzana decree had much greater legal force than the Directive of the Ministry. Thus, in the text of the law the word "decrees" was replaced by "Directive of the Ministry of Finance". The main reason for the editing of the law was that in the law system of Mengjiang decree had much greater legal force than the Directive of the Ministry. In addition, the adoption of the decrees was a more complicated procedure that was not in the arm of the Japanese side, which was required quickly and timely to impose restrictions on the export of a particular type of goods. The second amendment was made in article 3 and in the original version sounded like "When carrying out control and the emergence of the need for the government of the relevant information, at the request of the responsible government officials can inspect financial and other documents". After the amendment the text was read as follows: "When carrying out control and the emergence of the need for the government of the relevant information, at the request of the responsible government officials may inspect the goods at the place of stay, as well as verification of financial and other documents" (Sun, Cunye, 2011). This amendment expanded the powers of the government in the field of inspection of the goods at any place and at any time, not limited to the verification of documents.

On 10 October 1939, based on the Law "On restriction of the export of cattle" the Law №4 "On the restriction of the export of livestock, which measures to control this sector of the economy found their specific legal consolidation and implementation was adopted. The Supervisory authority was changing. Instead of the Ministry of livestock for licensing for licensing was responsible the Management of livestock.

The law also stated: "...Persons engaged in export of horses, sheep, goats, camels, cows, mules, donkeys and pigs outside of Mengjiang must make written application for a permit export of cattle, which necessarily specify: type of livestock, the quantity, price and age, grazing, place and way of purchasing livestock, the place of export and the method of transportation, route, and other information. After that statement his resolution was putting the head of livestock. The severity of the punishment for breaking the law was changed, now the offender faced up to one year of prison work and a fine of 500 yuan (Sun, Cunye, 2011).

After approval, the applicant had obtained an export license, which he gave to the nearest bodies of the economic control of any employee of the Department of livestock of the respective aimak, after that when transporting cattle by rail

to the supporting documents it was needed to show a license.

On January 22 and May 6, 1940, the Law has been changed: it included items about the restriction of export asses, mules and pigs. On September 17, 1940, the new amendments significantly increased the punishment. In the new edition of the law the offender was subjected to prison labor for up to three years and fined 5 thousand yuan, and livestock violator of the law or of the person infringing the violation of the law, was the subject of forfeiture. If livestock fully or partially could not be confiscated, the violator has paid a penalty in the amount of livestock (Sun, Cunye, 2011). Thus, the control over the export of cattle became even tougher.

In order to control the production, movement and consumption of goods and other material resources, on October 20, 1939, the Law №8 "On the control of goods" was adopted. It contained the following key statements:

1. In order to ensure the normal functioning of the state economy, the government considers it necessary to issue this law, which determines the production, recovery and distribution, as well as the use, consumption, and other goods movement.
2. In order to ensure the normal functioning of the state economy, the government considers it necessary that the cost, transportation costs, costs of insurance, the cost of renting and the cost of treatment was calculated on the basis of this law;
3. In order to ensure the normal functioning of the state economy, the government considers it necessary to create a special organization, which will operate in various sectors of the economy;
4. Before the establishment of organisations the government deems it necessary to create a legal basis for the activities of these organizations;
5. The government will select the data organization on the basis of material requirement and based on the provisions of this law;
6. The government has the right to establish, modify, or cancel the provisions of the regulations of the work of these organizations;
7. Any establishing, modifying of these provisions or decrees relating to these organizations, should be determined by the regulations of the organization;
8. During the execution of the laws on the control of goods and other material resources, the government receives reports on the work of the organizations, as well as the results of verification of financial documents;
9. At necessity of using restrictions by relevant departments in relation to the principal economic activities it's realization by this participant may be prohibited or suspended (Sun, Cunye 2011).

These provisions of the act clearly shows that the government of Mengjiang received a wide range of powers that allowed him to fully control the production and movement of goods into the territory of the country, failed to apply different measures of administrative regulation, including price fixing, the determination of the list of organizations involved in economic activities, to interfere in the work of participants of economic activities, monitor their work.

On November 20, 1939, in accordance with paragraph 2 of the Law "On the control of goods", the Law "On control over pricing" (Fudo, Wecan, 1943) and "Regulations restricting the price of repurchase of goods" were published. Group of officials, who were responsible for the verification of accounting records and related issues were determined.

On 14 June 1940, a Decision by the Ministry of civil Affairs No. 10 "Administrative and legal provisions for public granaries" was taken (Fudo Wecan..., 1941). In case of hunger and care for the poor citizens of the existing urban grain, the city granaries, county granaries, granary district, township granaries equally rename in public. Measures were taken to forcing people to stock up on food. Representatives of the Ministry of civil affairs had to collect a certain amount of food in the cities and counties, governors and district chiefs were responsible for collecting the population in the proper amount of food for the public store; if it was needed for collecting taxes in cash. Essentially, it was a form of gathering of food from the population in favor of military needs.

On December 1, 1940, the government of Mengjiang published a special act for the control of food - the Law "On the control of food" (Fudo Yuecan..., 1944) which regulated the control of grain. The resolving system was applied equally to each link of the food - buying, transport, transfer, trade, and price of food, processing, and costs associated with food. The farmer, besides the officially designated by the government purchaser, could not pass it to another person or to implement the food himself. Bought from the hands of the peasant food should refer to the designated person entitled to the export of the crop.

Food prices are set by the Ministry of economy. The manager of the processing and retail sale of food also had to get permission from the Ministry of economy.

5. Conclusion

After the start of the Pacific war, military spending in Japan have risen in multiply, and it advanced for the government of Mengjiang 3 new principles relating to the production: "the foodstuffs is ammunition, wool is gunpowder, people are a military force." The Japanese have increased even more control over the economy of Mengjiang. In order to meet the needs it was necessary to completely organize material resources, financial capacity and strengthen management. In order to satisfy their needs the control system of trade was again rebuilt and strengthened, it lasted until August 1945, when after the defeat of Japan Mengjiang was eliminated.

Thus, based on the adopted laws, Japan has created a system that allows for accurate and smooth control over such economic sectors as trade, production, movement and sale of goods and other material resources, pricing and food management. Each locality has performed a specific rate for the collection of food, which was passed to one appointed local exporter. The effectiveness of these measures has shown a sharp increase in financial and resource revenues, which went on military support of Japan. The creation of a single economic system, controlled by the occupying forces and unification of legislation actively contributed to this. In addition to well-coordinated work of all elements of the economy, a significant contribution was made by constantly adjusted legislation, which under the threat of serious punishment provided clear work of all the participants of this process.

Thus, the economic power of the region was not for the benefit of the population and development of the Mongolian state, it supplied the Japanese military system. Through effective economic policy Japan maintained its dominance and influence in the Mongolian lands, putting as its main purpose not the development of the state, but the receipt of a resource required to maintain the combat readiness and capability, which, in its turn, brought many disasters and suffering to the local population, increased in the given period of time to a state of extreme poverty.

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