

abstracts

Macau in Transition

Jorge Bruxo

(pp.669)

The transition of Macau Administration is a process that requires joint effort of Portugal and China.

The history of public administration in Macau is divided into three periods: the initial period (1557-1822), also known as the period of double jurisdiction or the Christian or senatorial republic; the intermediate period (1822-1976), with the affirmation of Portuguese sovereignty and the promulgation of the Macau Organic Statutes (1976); and the present period (1976-19 December, 1999), which is also the period of transition.

The government and administrative structure of the Territory eventually reflects the influence of the original structure of the Portuguese administration.

In order to safeguard the principles of the Luso-Chinese Joint Declaration and to secure the administrative handover in 1999, the Macau Government sets out the plan for human resources training, staff localization, juridical system reform and localization of law.

Certainly there will be space for adaptations in the Macau Special Administrative Region and also conditions for administrative continuity, which will be an effective way to preserve the identity of Macau.

The Exercise of Customs Sovereignty over Macau by the Chinese Government during Ming and Qing Dynasties

Huang Qicheng

(pp.685)

In 1553, the Portuguese arrived at Macau and settled down by rental. From then on Macau was a transit port for international trade by three routes: Macau-Nagasaki, Macau-Goa-Lisbon and Macau-Manila-Mexico. However, these commercial activities of the Portuguese were directly under Chinese administration until 1887 when China and Portugal signed the Treaty of Reconciliation and Trade.

This article aims to present the historical facts regarding the exercising of control over the customs of Macau by the Chinese Govern

ment during the Ming and Qing Dynasties, and at the same time to give support to the affirmation that the Chinese Government exercised sovereignty over the territory of Macau until the eighties of the nineteen century.

The Principles of Separation of Powers in the Basic Law of the Future Macau Special Administrative Region

António Eduardo Baltar Malheiro de Magalhães

(p.p.709)

"Every society in which the guarantee of rights is not assured or the separation of powers indetermined has no constitution at all."

This is prescribed in Article 16 of the Declaration of the Rights of Man and Citizen, which was adopted in France in 1789. In this way the value of the Constitution was confirmed as "the instrument of liberty" and the principle of separation of powers was established as the "great constant" of the Constitutional State.

However, this principle planted its roots long time ago in periods of Ancient China and Greek-Roman Civilization and was studied by several authors, like Aristotle, Políbio, Locke and Montesquieu.

We stress a bit more on the reflections accomplished by the last two authors, whose ideas extended to today's world corresponding to two fundamental perspectives of the separation of powers, the functional and the political (Rogério E. Scares).

In addition to these two perspectives, another idea which was "gen-erated" by the nineteenth century's liberalism and developed in the doctrine of our century joined in, i.e., a technical organizational per-spective.

The result of the conjugation of the last idea with the functional per-spective is the so-called horizontal or "classical" separation of powers. The powers of state are divided into three: legislative, executive and judiciary. The function of each corresponds to one power or an "organizational complex".

It happens today that as a result of federalism and of political administrative decentralization, particular importance is given to another form of the separation of powers - a doctrine that was called the "vertical separation". And we have the question of "delimitation of functions and powers" (...) according to the basic territorial criteria (Gomes Canotilho).

From these two points of view, we intend to explore the designation of the principle of the separation of powers in the Basic Law of the future Macau Special Administrative Region.

In fact, with the application of the principle of "one country, two systems" mentioned in Article 31 of the Constitution of the People's Republic of China and in the Luso-Chinese Joint Declaration of 1987, the future Macau Special Administrative Region will exercise a "high degree of autonomy" and enjoy "executive, legislative and independent judicial power, including that of final adjurisdiction (...)" (Article 2

of the Basic Law). In our view this fundamental prescription means the separation of powers, not only vertically but also horizontally.

Because of this, in the future there will be an unquestionable vertical separation of powers between the Central Government of Beijing and the Macau Special Administrative Region, while the former retains the sovereignty power on defense and external affairs.

As for the horizontal separation, its specification spreads all over the Basic Law, where the idea of predominance of the executive power over legislative power is clearly asserted, leaving no leeway for arguments.

For the social separation of powers, a part not yet found in the society of Macau, there is still room for discussion. However that is not included by this article, because in our opinion it is considerably out of the objective of our work.

Nevertheless, to analyse the designation of the principle of separation of powers in the Basic Law remains a challenge for us. The results may not be totally innovative and not definite either. We just intend to contribute one more element to the study of the Constitutional Law of Macau.

A Comparison between the Political Structure of Hong Kong and Macau after their Integration into China

Guo Tianwu and Thong Xiaowen

(pp.735)

A comparison between the political structure of the Hong Kong Special Administrative Region (HKSAR) and the Macau Special Administrative Region (MSAR) helps us to have a better understanding of the principle of "one country, two systems" and provides us with a detailed knowledge of the formulation process of the Hong Kong and the Macau Basic Laws. The analysis of the similarities and the differences between the Hong Kong and the Macau Basic Laws is divided into four parts. The first part is a general comparison. In the second, is the functions of the Chief Executive and principles officials. The third part looks into the administrative authorities while the last part the legislature.

Matrimonial Regimes Concerning the Couple Assets in the Chinese Juridical System after the publication of 1931 Civil Code: its relevance in the Juridical System of Macau

Tarn Peng Chun

(pp. 743)

Macau's population comprises several nationalities. Very often, the patrimonial effects of a marriage, due to certain circumstances, should be regulated by the Chinese law. Thus a study on the Chinese matrimonial laws has an obvious public interest. In fact, the aforementioned public interest was already mentioned by the author of the Macau Family's Juridical Guide published by the Public Relations Centre of the Department for the Public Administration and Civil Service.

In this article the author presents a research on the evolution of the Chinese matrimonial laws, regarding the regime of matrimonial assets, since 1931, when the Chinese Civil Code came into force.

Logos and Marketing: Their Meaning and Purpose

Jorge Morais Costa

(pp. 755)

This article stresses the importance of logos as identifying elements of an organization.

The author broaches the importance of the role of marketing in the organizations, namely in the field of Public Institutional Marketing, as a capital factor for the creation and diffusion of a personalized Image of the public institutions within the communities where they belong.

He also refers to the application of simplifying measures in the public services of Macau within the scope of the philosophy of the relations between Administration and the public — the CITIZENS.

According to the author, the article's objective was to provide a tool to the general enhancement of the Public Organizations, leading in this way to the creation of a greater awareness of the importance of the quality and the true sense of management in dynamic terms of efficacy and efficiency in a Public Administration, by reducing the bureaucratic procedures, increasing the transparency and serving the interests of the CITIZEN.

Macau Security Forces College

José Manuel da Silva Agordela

(pp. 777)

The author refers to the courses provided by Macau Security Forces College (MSFC), having in view the localization of the senior security forces officers, the process of which started on the 1st January, 1995.

Job Selection in the Territorial Security Services of Macau Security Forces

Fernando Passos

(pp.791)

Thanks to the statistics analysis of some requirements demanded by the Norms Regulating the Duties at the Security Forces of Macau, the author makes an attempt to characterize the items required to the selection of personnel, according to different variables.

The selection of those who want to join the Police Corps, Maritime Police and Fire Brigade, is also studied during the period between 1993 and 1997, through the results related with the recruitment and job selection, having in view to determine the profile of the typical candidate.