

abstracts

Comparative studies between the criminal investigation systems of Macao and the People's Republic of China

Choi Keng Fai, Cheng Han Iu

(pp. 527)

After the handover of Macao to the PRC, the criminal judicial cooperation between these two places became more and more frequent. Nevertheless, owing to the difference of their legal systems, the efficiency and result of the cooperation are affected to some extent. There is no doubt that a better understanding of the legal system of the other party can facilitate a diminution and elimination of the obstacles to the criminal judicial cooperation, leading to a better way of cooperation. Besides, a mutual understanding is also condition for a mutual learning and complement.

In awareness of this, the authors made an analytic study of the criminal investigation systems of Macao and mainland China from the point of view of the comparative law. This article presents the concepts of criminal investigation at the two places, the subjects of criminal investigation and their internal relationship, the modes of criminal investigation, the principle of legality of the investigation procedures, the main measures of criminal investigation, the principle of presumption of innocence and the right of silence of the suspected criminal, the basic phases and deadline of criminal investigation, etc..

Basing on a comparative study of the above, the authors indicated the strong points and deficiencies of the related systems of the two places.

Franco Nogueira's failed attempt to establish diplomatic relations between Portugal and the People's Republic of China in 1964

Moisés Silva Fernandes

(pp.559)

Shortly before the French government recognized and established relations with the People's Republic of China, in January 1964, the Portuguese For-

eign Affairs Minister, Franco Nogueira, tried to persuade premier Salazar to proceed in the same way as Charles de Gaulle. Nogueira's proposal re-lected interests that ranged from personal ones to high politics. Reluctantly, Salazar agreed with Nogueira's initiative. Shortly after, though, it had misgivings about it. Undeterred by Salazar reluctance and committed to ensure his support, Nogueira recruited Jorge Jardim, a Mozambican mav-erick white political figure with considerable backroom influence in Lis-bon, to be the special Portuguese envoy to mainland China. While Jorge Jardim awaited in Lisbon for Salazar's final go ahead, a lively debate took place in the Portuguese press reflecting the different views held within government circles on the recognition of the People's Republic of China. Salazar finally sided with the rightwing of his regime and stopped Nogueira's initiative.

In this paper it is argued that even if Salazar had agreed with Nogueira's proposal, most likely mainland China would refuse it. First, Nogueira's proposal envisaged a "two China" policy, a posture strongly rejected by both Peking and Taipei. Second, the "Great Leap Forward" contributed to in-creasing Chinese domestic political instability and stronger isolationism. Third, China's attempt to create a "second intermediate zone" of Western powers against U.S. hegemony in 1963, in which it included France and Portugal, failed. Fourth, the Sino-Soviet rift made the Chinese regime ideo-logically more orthodox than that of the Soviet Union. Fifth, mainland China's need to establish an independent African policy from the Soviet Union made it totally impossible for Peking to give up her hard earned political clout with Lusophone African liberation movements and with the afro-asian bloc in exchange for the establishment of diplomatic relations with Portugal. Sixth, the recognition and establishment of diplomatic relations between Por-tugal and South Korea, in April 1961, and the support extended by the Portuguese central government to the positions of the Seoul regime in the United Nations General Assembly made it difficult for the Chinese leader-ship to accept an overture from Lisbon. Seventh, China's international repu-tation would be highly vulnerable to a propaganda attack by the Soviet Union and her East European allies if it had agreed to establish diplomatic relations with Portugal. In short, Salazar's ideological intransigence para-doxically coincided with mainland China's increasing internal radicalism, willingness to provide support to Lusophone African liberation movements, and alignment with the afro-asian bloc.

The social dimension of gender in eighteenth-century Macao: Harriet Low's (Hillard) Diary

Rogério Miguel Puga

(pp. 605)

During one of the busiest periods of the American China Trade in Canton, Harriet Low (Hillard), a young north-American visitor, describes, in her epistolary diary, Macao's multicultural experience between the Chinese, the American, the English and Portuguese communities from 1829 to 1833. The narrative presents a 'foreign' image of the enclave as well as its customs, interests and specific attitudes turning the text into a kaleidoscopic representation of the several agents of eighteenth-century Macao's history. The city reveals itself, through Harriet's 'intimate' gaze, surrounded by an exotic singularity, materialised in the "esthétique du divers" and the gender and social relations analysed in this paper.

Contribution given by the Associations to Migration: the case of the Chinese Community in Portugal

Francisco Lima Costa

(pp. 667)

This article aims at being a contribution towards a better knowledge of the Chinese community in Portugal. It will deal with the importance of associationism in the structuring of this community. It endeavours to study three fundamental aspects of the associations: i) its importance while a structural part of the Chinese community in Portugal; ii) the tasks carried out and the institutionalised methods adopted; and iii) its contribution, while part of the pre-socialisation, for the construction and consolidation of an important "lever" of the migration phenomenon: the idea of success. They will also deal with aspects relating to the importance of the associations in the development of trans-national communities, a process through which the immigrants mould and maintain social relationships at various levels, thus linking the welcoming societies with the society of origin. Finally, we will reflect on the structuring of the trans-national "associative market".

The preliminary evaluation of the Macao Medical reform: Should the cost of medical service be paid by the user himself?

Ung Wai Keong

(pp. 693)

This article discusses one of the hot issues of Macao medical reform, that is, whether the cost of medical service should be paid by the user himself. The

author agrees basically this principle on the ground that the individual medical care is private good instead of public good. However, under the difficulties which Macao citizens face, such as the economy has not yet fully recovered, the average earning of the citizens decreases in recent years and many people are still unemployed, it is inappropriate that the Macao Government implements it at this moment, especially provided that the public revenue is almost guaranteed in the short term. What the Government should consider now is how to use the resource for health care more efficiently and re-allocate it between public and private medical institutions. In the long run, the Government should introduce a new medical financing mechanism. The author points out that there are at least three ways of financing system, that is, general medical insurance, mandatory saving for medical care and insurance for basic medical need. It is very important for the Government to study which system is most suitable for the situation of Macao.