

Boundaries of identity: The case of the Macanese in Portugal and in Macao

Francisco Lima da Costa

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We begin from the broad idea that the Macanese were individuals whose identity matrix implies a multiple referential system including details of the identity structure of a Portuguese, Chinese and/or Indo-Asiatic base, those who it is also usual to name as the “Portuguese of the East”.

Over a long period Macao was a Portuguese reference, over the centuries it was a leased Territory, an overseas colony, later Province and later a Territory under Portuguese Administration. Finally, and differing from all the overseas Portuguese possessions which gave birth to new nations (the latest case being that of Timor), Macao will be an exception because it will not give birth to any other nation.

The case of the Macanese reflects this process of distinction. Operating in demotic and instrumentalist dynamics, the ethnic identity of the Macanese people is built, destroyed and modified in a process of essentiality that is being constituted, in accordance with the strategic interests of the community, and of the possibilities of negotiation opened with the regime “one country, two systems”.

Formulation of the policies of the youth in Catalonia, Spain: Inspirations for Macao

Chan Chan U

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The subject of the youth became one of the pivotal points of the electoral campaign in the second mandate of the Chief Executive of the Special Administrative Region of Macao. The youth organisations have called for a more complete formulation of policies for the youth. This text tries to discuss the process of the formulation of policies for the youth, which requires Macao’s attention, referring to what had happened in the Autonomous Community of Catalonia, Spain. More important for Macao is that Catalonia has a systematic and very developed model of the formulation of the youth policies and of

the mechanisms for its execution and valuation, thus giving a good example and a good starting point for Macao to find its own orientation in the formulation of the youth policies which will meet its development and demands.

Pre-school education in Macao, retrospective and prospective

Yuen Pong Kau

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Education is a plan for the entire life. Only with education is it possible to educate children to have good habits and civic qualities. On this basis, the writer tries to make a systematic study about pre-school studies in Macao, with the object of examining the rules and characteristics of pre-school education in order to help the cooperation between the family and the school, the teachers and heads of family, to help the administrative body and educational associations in the preparation of specific educational policies, educational objectives and curricular programmes. Facing the challenge of an economy of knowledge, the educational tasks and the large enterprise of social development, it is necessary to begin through the children and through education of our own children, complementarily combining family education with school and social education. This not only establishes a guarantee for good success in pre-school education, but also for the quality of the education and child assistance, in order to launch solid foundations for the future. To create an excellent pre-school system constitutes a capital with which Macao will manage bigger successes and go to meet the world, and also establish a guarantee of a sustainable development for Macao.

Regarding the inequality between the poor and the rich, and the social complaints in Macao

Ng Wai Keong

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In this article, we analyse the question of the inequality between the poor and the rich. This constitutes one of the hottest topics over the last few years in Macao, whose focus is centered on: in 2004, Macao's economy managed a super-development which was placed at 28%, and the income per capita reached 180,965 patacas. In 2004, the average income only had an increase of 7.6%, which is less than the economic growth, so that part of the personalities, even specialists and investigators, were prompted to deduce that the inequality between the poor and the rich is acknowledges a tendency for the worse. The good successes of the high economic growth cannot hide the social problems.

We think that a harmonious society must be a just and fraternal society, and because of this the Government should resolve the existing social problems from the root.

Some questions about the Services of Assistance to the Client/User within the scope of the Public Sector

Rogério Miguel Puga

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Facing the phenomena of the acquisition of goods and services at distance through means of communication such as the telephone, television and Internet concepts such as “client”, “assistance”, “solutions” and “relations” take on new meanings, while private enterprises and public services adapt themselves to creating services of assistance to the client, namely specific departments and call centres, through which they reply immediately to the doubts of the user and try to resolve possible problems faced by them, while they supply feed back to several departments of the institution, namely the committee or observatory of quality, allowing anticipation and avoidance of future similar cases, and bettering the rendering of services.

The needs and expectations of the client/user are to be found, more and more, in permanent change, requiring continuous adaptation on the part of the entities and of the individuals who wish to provide a high standard of service and assistance to the client, with the objective, whether it be in the public or private sector, that is only attained by a continuous transformation of dealing with the user, and with the suitable training of efficient professionals. This gives a “human face” to the institution when dealing with the “consumer”, who, for his part, builds and maintains a positive image of the public services.

The value of the Chinese and Portuguese versions of the legal diplomas within the system of the bi-lingual legislation of the Special Administrative Region of Macao (SARM)

Kuan Kun Hong

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The bi-lingual legislation is one of the characteristics of the system of the administrative region of Hong Kong and of Macao, and one of the symbols or indicators of the internationalization of a modern city. At the same time that our world is becoming globalized, as well as interchange with continental China is intensifying, new problems are rising to the surface, among which the statute of the official language is one of the first questions to inevitably be faced.

According to the recommendations by specialized experts of UNESCO of the United Nations in 1953, the “national language” must be appointed the language which has, for purposes of promotion, integration within the social scope of politics, economy and culture in a unitary country, being one of the symbols of a state. While the “official language” (translated from the official language) means the language of management, the law and the process of a country. We can arrive to the conclusion that, despite the juridical system adopted between Hong Kong and Macao being different, with regard to the presumption of equality of the juridical value between the two official and linguistic versions of the legal diplomas, the two regions have a very similar procedure in the legislative practice as well as in the judiciary.

An attempt at broaching the legislative output referring to the civil responsibility in Macao within the scope of medical errors in view of the principle of responsibility without culpability

Kan Man Neng

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The principle of responsibility without culpability, also known as the principle of responsibility without negligence, or the principle of rigorous responsibility, or the principle of objective responsibility, or the principle of causal responsibility, or even for the principle of responsibility by risk, refers to a criterion of independent imputation of the requisite of responsibility based on the subjective culpability of the agent relating to the occurrence of the damaging fact. For the reasons shown, it was made clear that, in what refers to responsibility without culpability, there is no subjective culpability; neither is there a wrong subjective. The reason why the injuring party is obliged to assume civil responsibility does not consist of applying a sanction as a result of his act, but to compensate for the damages suffered by the injured party. The concrete types of compensation are determined depending on the nature and circumstances of the violator act of civil law, as well as the gravity and specific situation of the damage, being able to opt for one of them or for several simultaneously. In the specialised field of the juridical translation, tending more towards the doctrine of functional translation, understanding that the translation, whether it be from Chinese to Portuguese or vice-versa, should always be directed at the objective and the receiver of the text to translate, revealing, at this point, the jurisdiction, determination and divulgation of the terms and terminologies.

The fundamental rights in Macao, within the framework of the transition: Some considerations

Paulo Cardinal

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This text is a reflection on various aspects of the framing and also identifying the perspective of approach within the scope of the thematic of the fundamental rights in Macao, where problems and doubts are enumerated and where, sometimes, tracks are pointed out for some of the complex problems, and even some solutions.

This instrument of International Law, Joint Declaration of the Portuguese Republic and of the People's Republic of China regarding the Question of Macao (from now on referred to as DCLC or Joint Declaration), signed in Peking in 1987 and deposited in the United Nations, establishes the set of principles ruling the transition, determining a set of fundamental policies for various segments, and also establishes definite periods of transition, rectius sub-periods. It concludes with a certain deficit at juridical level in the comparison (necessary) to make between the Special Administrative Region of Macao (SARM) of the People's Republic of China and the Territory under Portuguese administration, making certain that some indications allow us to face the question with some optimism that a way could be being prepared in the path of betterment, be it, translatable in the concretion and denseness, by letter of the law, of other fundamental rights and, as well, in the reinforcement and enlargement of the means of tutelage, going towards guaranteeism, adding its general divulgation and sensitization beside the applicators of the laws and, as such, contributing towards the reinforcement of a culture of fundamental rights impregnated in the society.

