

abstracts

Introduction to the International Law in Air Traffic (2nd Part)

José Tomás Baganha

(pp. 7)

This second part deals essentially with the juridical analysis of the main international conventions on Air Traffic Law, grouped under the following rubrics: political and juridical texts (the first part of which was dealt with in n.º 34, Revista Administração), texts on air transportation, texts related with the planes themselves, texts relating to on ground damages awarded to a third party and those about the prevention and suppression of illicit acts in air traffic.

Special attention is attached to the different international jurisdictions within a global framework as it is the case with the ICAO Council and the International Court of Justice, or within a regional scope such as the European Union Court of Justice.

Macau's Political and Legislative Transition

José Alberto Correia Carapinha

(pp.35)

The present article, named «Political and legal transition of Macau» aims to provide an overview of the theme we propose to discuss.

We start with a necessarily brief historical approach on the conditions and pretexts both of the presence of the Portuguese in Macau since the middle of the XVI century until today, and the transferal of the administration over this Territory from the Portuguese Government to the Government of the People's Republic of China.

After this first part, we concentrate on the Issue of the legal transition in Macau analysing the main activities developed in this area, subordinated to the perspective of the so-called «three main questions» of the transition of Macau: the localization of laws, the localization of the language and localization of the administration. Regarding each of these questions we try to give an idea on what has been done until now, what there is still to be done and what are the main difficulties when facing these issues.

Because the localization of the judicial system is one of the questions related with the legal transition, we end the present article with a brief chapter dedicated to this issue.

Reflecting upon Macau: On the Portuguese Language

Rui Manuel de Sousa Rocha

(pp.49)

The political and administrative transition process led to the analysis of the Portuguese language issue within the context of its wide use as the official language of the Territory abreast the Chinese language.

The author focus on the present relevancy of the reflection on that issue, bearing in mind not only the rich juridical, historical and administrative heritage of the Territory, which will be bequeathed to Macau in Portuguese, but also article 9 of the Basic Law on the future Special Administrative Region of Macau which enshrines Portuguese as one of the two official languages of the Territory.

On the other hand, the author envisages this question, bearing in mind the mult centenary tradition of Macau and lending to the analysis prospective characteristics. Thus he justifies the interest and the necessity to pave new ways to Macau, as the City of Culture, according to an European pattern, being, however, mainly Portuguese, within the context of a large country, that is, China.

In fact, this is possible because, according to his point of view, Macau can play the role of the bridge that links China and the whole Eastern Asia with the Latin world of Southern Europe, of the Portuguese and French Africa and that of the Latin America. A Latin bridge in its essence which would be the privileged means of the said political, economic, cultural, scientific and technological interchange, in its linguistic and cultural expressions, but with natural predominance of the Portuguese one.

Macau's Cultural Identity — Its Preservation and Development before and after 1999

Gary Ngai

(pp.61)

The preservation and development of Macau's cultural identity after the handover in 1999 is a matter of survival in the competition with its neighbours. The cultural identity is what makes it different from Hong Kong and other Chinese cities, and is formulated simply as Sino-Latin, expressed in its legal and political culture, its ethnical composition, architecture, literature, religion, customs, etc. which needs to be further explained through interdisciplinary studies and research, to be popularized through civic education, and could be used as tremendous rich resources in developing cultural tourism. Macau should also develop its bilingualism and multilingualism, strengthening its ties with Europe and the rest of the Latin speaking world, in its quality of an international city of culture, a special bridge for China and the Asia Pacific region to the Latin world.

The Tale's Ritual Value — Its Social Importance

Pedro Miguel Catalão

(PP.77)

The Traditional Tale, due to its relations with representation, is in its nature a text with special characteristics. Not only due to the ideas it conveys, but also due to its form — accurately moulded to the oral characteristics throughout the centuries — and the way it is relayed and received.

Representation in its purest sense, meaning the act of presenting it again, that is to represent, and in this case the representation of a certain fiction which has in itself the capacity for a continuous presentation, the infinite possibility of representation. Representation also through the investment of the voice, of the body and of gesture, in the excitement of the listeners, in the almost chemical sense of the term. These characteristics of corporality, being the oral transmission an excellent expression of it, the repetition and transmission of knowledge gathered through out the existence of the communities, and its social importance — lend to the practice of the Tale its characteristic of a rite, owing to its continuous representation of the knowledge — hence its permanent updating — which joins the groups.

The Tale is a ritual exercise, which consolidates the feeling of presence, which strengthens the integration in an Order, unveiling the World.

Notes on the Objectives and Instruments of Macau's Economic Policy (II Part)

José Hermínio Paulo Rato Rainha

(pp.87)

In this text (which is the continuation of the article in Revista Administração, n.º 34), the author proceeds in the description of the instruments of economic policy and the conditioning factors of their application to the Economy of Macau. Thus the integrating groups of the budgeterial policy and of the administrative controls are mentioned. Budgeterial policy is defined as the deliberating use of the revenue and expenditures of the public sector to attain certain purposes and its unfolding in public expenses policy and public revenue policy, where fiscal policy is used as an instrument with a more restrictive framework, as it includes only the measures relating to taxes.

Having in view the presentation of public expenditure, the consumption expenditure is differentiated from those of investment or of gross capital formation and subsidie, transfers and the general objectives, which can be attained through the different kinds of expenditure, are mentioned. The public expenditure, in addition to the role it plays as a financing instrument to attain the different goals of the economic policy, can also be used per se as an instrument to pursue the different objectives of the economic policy, and one can see that, relating to the situation of Macau, the structural value of each group of income is very

uneven and its importance as an instrument of economic policy as well.

The author analyses taxes on consumers expenses, which generally speaking, can be considered as an indirect taxation, and their influence to achieve certain economic objectives. As for Macau's tax system concerning income and assets they contribute essentially to redistribute income and wealth and economic growth, through the transfer of income from the private to the public sector, and to obtain fiscal revenues to finance social activities and expenditure for public investment.

Among the public revenues of the Territory, we may point out the revenues deriving from the concession on exclusive basis of public services and of economic activities and property incomes or assets revenues resulting from the exploitation or sale of public asset. It is also pointed out the existence of legislation which regulates some activities related to the production of goods and services, the purpose of which is to establish a minimum economic and financial dimension of the running enterprises or to enforce the minimum quality in the production of goods or of the services rendered.

There is other legislation which aims at the political and administrative approval of prices, involving public interests, which correspond in a general way to monopolistic or oligopolistic situations. It is also referred to the control of labour importation which is a very important instrument for the economic activities in general, due to its influence on the formation of the internal salaries costs, and which is the most efficient instrument on the conjunctural situation.

Macau's Economic Advantages and Their Exploitation

Wong Hon Keng

(pp.129)

At present the economy of Macau is going through a phase of austerity and consequently enduring some difficulties. Some optimistic analysts sustain the thesis that Macau has its own privileges and that the difficulties are transient. On the other hand, there are other analysts who believe that those advantages do not exist. In this article, the author tries to analyse the situation not only relating to the past but also to the present and having in mind the future. Four advantages deserve being discussed as they are a good approach to this subject and envisage the solution of this matter. They are the following: the Free Port, the Geographical Factor, the Commercial Net and the Historical Factor. This situation can only be improved through the individual interest and the guiding role of the Administration. The evident advantages that Macau possesses do not operate wonders by themselves.

The Services Statistics in View of GATS

Fernando Quintas Ribeiro

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The services sector attained progressively a significant economic importance, and it is at present the main source of employment. In a

context of globalization of the economy, the international transactions related to the services sector have increased considerably, having brought about, at the same time, the general recognition that the framework regulating them needed to be reviewed. As a result of that effort a group of objectives were established and enshrined by the GATS, which tries to apply to the trade of services the same approach and principles already stated in the GATT.

However, the concept of liberalization of the trade of services presents some difficulties of a practical nature, namely in the statistics field, making particularly difficult the job of those who have to deal with these matters and need to evaluate their impacts.

In fact, at present, there is not a only source of statistics data which can provide full information of the transactions operated in this area, moreover the existent information is not sufficiently distinct and it is not adequate to the different manners of services supply, according to the way they are defined in the GATS.

At present the data regarding the international services transactions refer almost exclusively to the balance of payments, which have as a reference the respective IMF manual. In the first four editions of the manual, services, besides not being well identified, were scattered in various categories. In the 5th edition an attempt was made to correct this situation, as the referred edition covers a specific group of services, the general definition of which is based on their common characteristics.

At present other organisms co-operate accordingly with IMF, namely the OECD and the EUROSTAT in the elaboration of a joint classification, more detailed and wholly compatible with the classification more aggregated to IMF.

In a clearly liberal economy and open to the exterior as it is that of Macau, services play a key role. In fact, export of services is much more superior than the goods exports, though statistics do not reveal that situation.

Macau only joined GATT in 1991, and began its process to present its list regarding the offer of services, when the cycle of multilateral negotiations was already in its last phase.

Therefore Macau didn't have, as actually doesn't have, elements which could make possible studies that would support the definition of a deeper business strategy.

Nevertheless the Territory, in a similar way to other countries and territories with less means to achieve this purpose, should do its best in this field, so that future commitments may be preceded by analyses, in order to determine the relative importance of each offer bearing in mind the specific situation of each sector.

The Economic Relations between Fujian and Macau — A New Stage

Yang Zeng

(pp. 173)

The trade relations between both regions date back from many

centuries. These relations varied in importance, as the commercial interchange has always been related with the political stability of the region. The author describes how the interchange took place in those days and in more recent times. However during the periods before and after the implementation of the reforms regarding the opening to the outside world and the creation of the Special Administrative Regions, as it happened with Formosa, Fujian 's economy attained a great development. The trade relations between the Territory and Fujian and the reciprocal investments were advantageous for both regions. Thus the author believes that the said relations should be improved so that the economy of Macau may grow and attain the importance already achieved in the past.