

ROUTLEDGE STUDIES IN THE  
MODERN HISTORY OF ASIA

## MACAO – THE FORMATION OF A GLOBAL CITY

Macao, the former Portuguese colony in southeast China, has a long and very interesting history of cultural interaction between China and the West. Held by the Portuguese from the 1550s until its return to China in 1999, Macao was, up to the emergence of Hong Kong in the later nineteenth century, the principal point of entry into China for all Westerners – Dutch, British and others, as well as Portuguese. The relatively relaxed nature of Portuguese colonial rule, intermarriage, the mixing of Chinese and Western cultures, and the fact that Macao served as a safe haven for many Chinese reformers at odds with the Chinese authorities, including Sun Yat-sen, all combined to make Macao a very different and special global place. This book explores how Macao was formed and evolved into a cosmopolitan city over the centuries. It puts forward substantial new research findings and new thinking, and covers a wide range of issues. It is a companion volume to *Macao – Cultural Interaction and Literary Representations*.

**C. X. George Wei** is Professor and Head of the Department of History at the University of Macau, China.

CHINESE STUDIES / GEOGRAPHY / HISTORY

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Routledge titles are available as eBook editions in a range of digital formats

ISBN 978-0-415-62584-5



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Edited by C. X. George Wei

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 **ROUTLEDGE**

First published 2014  
by Routledge  
2 Park Square, Milton Park, Abingdon, Oxon OX 14 4RN  
and by Routledge  
711 Third Avenue, New York, NY 10017

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

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*British Library Cataloguing in Publication Data*

A catalogue record for this book is available from the British Library

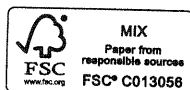
*Library of Congress Cataloging in Publication Data*

A catalog request for this book has been made

ISBN: 978-0-415-62584-5 (hbk)

ISBN: 978-0-203-79724-2 (ebk)

Typeset in Times New Roman  
by Out of House Publishing



Printed and bound in Great Britain by  
TJ International Ltd, Padstow, Cornwall

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# 11 The implications of the Special Administrative Regions for the international system

## Macao as a successful case study

*Carmen Amado Mendes*

### Introduction

This chapter focuses on the international impact of the ten years of existence of the Macao Special Administrative Region (SAR), after the transfer of the Portuguese administration to the People's Republic of China (PRC) in 1999. Theoretically, it is argued that the handover of Macao (as the one of Hong Kong) can hardly be considered as a process of pure decolonization or pure retrocession, being rather a hybrid between the two. The SARs are special instances of decolonization or rather cases of retrocession for three main reasons. First, China never considered Hong Kong and Macao as colonies, framing them in the retrocession of concession territories in the 1920s and 1930s, such as Weihaiwei, Shanghai and Taiwan in 1945. Second, especially during the last period of its administration, Britain and Portugal did not consider Hong Kong and Macao as full formal colonies, partly due to their perception of the legitimacy of Chinese claims. Third, Hong Kong and Macao did not become independent: what was at stake was not their independence but their return to mainland China. The negotiation processes for the British and Portuguese withdrawals did not take place between the metropolis and the colonies but between the metropolis and a third country, which was expected to assimilate the colonies.

The chapter does not aim at constructing a new model but rather to provide a case study (the Macao SAR) for testing a conceptual scheme (the 'one country, two systems' formula). Following this line, an original issue to be raised by this study concerns the impact that the success of this concept may have on its replication in other anomalous cases of the international system. It may therefore provide a useful theoretical basis for the understanding of similar international situations, such as Gibraltar or the Falklands. The chapter begins by examining the existing literature on withdrawal from empire, focusing on special instances of decolonization and cases of retrocession, particularly Hong Kong and Macao.

### Decolonization vs. retrocession

Colony is

a domination imposed by an external political power ... with a tendency to subordinate the resources and institutions of the dependent region to the interests of the political power and the ethnical or cultural dominant group.<sup>1</sup>

This chapter considers two main kinds of colonies: colonies of white settlement thoroughly colonized with colonists that overwhelm the indigenous people, and dependencies where colonization was minimal, consisting of the exploitation of the territory by metropolitan authorities. These territorial possessions are often taken as part of empire largely for resource extraction. Within this latest category, there is a group of dependencies that never achieved full independence. Hong Kong and Macao fall in this group.<sup>2</sup>

An enclave is by definition a 'detached portion of a state territory completely surrounded by the territory of another state',<sup>3</sup> 'except for those parts where it is limited by sea'.<sup>4</sup> The colonial enclave is usually claimed by the adjoining state without regard to the principle of self-determination.<sup>5</sup> The dominant international norm regarding colonial enclaves is that they are 'integral parts of the political unit to which they belonged at the time of the colonial conquest or of the successor of this unit'.<sup>6</sup> The third state sovereign retains the right to retrocession of the territory, as it happens with the 'leased territories'.<sup>7</sup> The administrative authority, limited by treaty or otherwise to dispose of territory only in a certain way, is left with the only option of decolonizing the enclave by transferring it to the enclaving state.<sup>8</sup> The wishes of the enclave's population are not considered since the inhabitants are regarded as too few to constitute a separate people.<sup>9</sup>

This chapter therefore considers two main processes of withdrawal: decolonization and retrocession. By decolonization it means the 'measures intended eventually to terminate formal political control over colonial territories and to replace it by some new relationship'.<sup>10</sup> Retrocession covers the cases that do not follow the norm of decolonization towards independence. They refer to special instances of decolonization, where the withdrawal of the colonial powers does not imply the right to self-determination but the full sovereignty of another country over them. History provides us with some examples, when a particular country (usually one that has lost a war) was forced to cede a small part of its territory to another country. Hong Kong and Macao are two such rare international situations of 'decolonization without independence',<sup>11</sup> or rather retrocession. Instead of bringing them independence, decolonization integrated the two enclaves in a larger territory.<sup>12</sup>

To an extent, modern decolonization took place before the Second World War: the British colonies of white settlement – Canada, Australia, New

Zealand, South Africa and Northern Ireland – have obtained through the ‘Dominion Status’ near-total independence while retaining some links with Britain, and later constituted the Commonwealth.<sup>13</sup> But the most significant movement of withdrawal from the empire was after 1945, and by the late 1960s the majority of the European colonies had achieved independence.<sup>14</sup> The Portuguese dictatorship maintained colonialism in Africa until the mid-1970s, but this was rather an exception. Historians and international relations theorists have largely covered the subject of decolonization. Among the most known historian explanations are those of John Darwin, Muriel Chamberlain, John Gallagher, Robert Holland and Nicholas White. Among international relations theories, the literature on late decolonization can be grouped into two types of account: the realist and the normative account.

The most common power politics explanations of decolonization are the emergence of mass nationalism in colonial societies at a time of decline in the economic and military strength of the European powers due to the Second World War, and the emergence of the two superpowers: the United States and the Soviet Union.<sup>15</sup> The fact that the Allies were losing the war on the Japanese front until 1943 proved that white men and their states could be defeated by Japan, and the United States and the Soviet Union assumed anti-colonial positions.<sup>16</sup> Most realist authors assume that there is a positivist connection between the Second World War and the decolonization process, especially in Africa. They say this is particularly true for Britain and France, the biggest colonial powers in Africa. Portugal managed to keep its African colonies longer because it was not involved in the war and because of the small scale of this metropolis and its possessions.<sup>17</sup> Besides, realism argues that the changes in the international system created new economic opportunities in intra-European relations. Colonies were not seen as vital for their metropolis anymore, and in some cases they even became a burden.

From a normative perspective, the change of norms in the international society and the shared belief in the universal right to self-determination, in the context of a new non-imperialist world order, pushed the colonial powers to withdrawal from their empires. European powers often presented normative justifications for holding their empires and decolonization took place when those justifications were no longer accepted. The British government, which always tended to use ‘indirect rule’ in its colonies, was among the first to put in practice the new approach towards colonialism. By contrast, in Portugal, the dictatorship delayed the infiltration of new norms as much as possible. Only after overthrowing the regime could the revolutionaries fight for changing the colonial policy.

Thus, after the Second World War, the trend in international politics was devolution and secession:<sup>18</sup> several new countries were born as larger units broke down to give rise to independent states. This section will focus on the colonial enclaves, where the tendency is exactly the opposite: here, small units are expected to join bigger ones. These, then, are special instances of decolonization, or retrocession, where dependencies do not achieve independence

but are absorbed in a larger country. The specificity of the colonial enclaves is mainly responsible for the existence of outstanding colonial disputes that are far from being resolved, as the principle of the ‘territorial integrity of a country’ may clash with the ‘right to self-determination’ of another territory.<sup>19</sup>

Although both principles are affirmed in the same declaration, the United Nations regards self-determination as the cardinal rule. Therefore, ‘territorial integrity’ takes over the ‘right of self-determination’ only ‘in the case of small non-viable territories claimed by a contiguous state’.<sup>20</sup> The reversion of territorial enclaves applies only ‘in the most limited circumstances’: small territories adjacent to the claimant state and territories ethically and economically derivative of that state.<sup>21</sup> If the territories are not by definition enclaves, as is the case, for example, of small islands, they are immediately granted the full right to self-determination.<sup>22</sup> Thus, while Gibraltar is a colonial enclave, which gives Spain the right of reversion, the Falklands are not, which gives the Falklanders the right to self-determination disregarding the claims from Argentina.

### Colonial disputes

It is worth analysing briefly those two cases. Gibraltar, once part of the Spanish territory, was ceded by Spain to Britain ‘in perpetuity’ by the Treaty of Utrecht on 13 July 1713. But, as it often happens with the colonial enclaves, the treaty does not clearly state a cession of sovereignty and provides a right of pre-emption in favour of Spain, which is entitled to first preference if Britain alienates Gibraltar.<sup>23</sup> Spain, basing its claims in the principle of the territorial integrity, argues that even if Gibraltar is allowed to choose independence she could exercise its right of pre-emption, while Britain defends that the Treaty of Utrecht does not oppose the right to self-determination of the Gibraltarians.<sup>24</sup> It is however arguable that the only valid argument why the Spanish territorial integrity legally takes over the right of the Gibraltarians to self-determination does not lay in the Treaty of Utrecht, but in the fact that Gibraltar is a colonial enclave and that Spain is territorially contiguous and was the former sovereign.<sup>25</sup> Finally, there are reasons to believe that Spain will absorb Gibraltar if Britain leaves, and in the referendum of 1967 the Gibraltarians voted strongly against being assimilated into Spain, thus making it difficult to solve the impasse.

Both the Gibraltarians and Falklanders are British citizens, which makes them different from all the other remaining British imperial possessions.<sup>26</sup> As with the Gibraltarians, the Falklanders also wish to remain British citizens for fear of being swallowed up by Argentina. To defend them from an Argentinean invasion, Britain even went to war in 1982, but that did not make Argentina give up the idea of reunifying the islands under her. Argentina’s claims are not considered in the United Nations due to the fact that the Falkland Islands do not fit into the category of the colonial enclaves: they are islands – which by definition do not constitute an enclave – and they are too

big and too far from Argentina. From the British point-of-view the Falklands (and Gibraltar) should be entitled to self-determination but this was never accepted by the General Assembly,<sup>27</sup> which thinks that Britain and Argentina should solve the dispute between themselves.<sup>28</sup>

Puerto Rico is another case where neither self-determination nor devolution has yet taken place. It was ceded by Spain to the United States as a result of the Spanish–American War of 1898. Although Spain has not claimed the territory back, Puerto Rico seems far from achieving independence, remaining in semi-colonial status. It continues to suffer American cultural assimilation and receives financial and diplomatic advantages in exchange. Cases where the process of retrocession effectively took place are rare. One main reason for this, as was discussed previously, is the theoretical impasse about whether the territory should achieve self-determination or reverse to the claiming state. Besides, the use of force by the third sovereign state is condemned by the United Nations. The prevailing norm is that:

states suffering from territorial amputations as a result of colonial conquest do not have the right to reconquer colonial territory in respect of which they may have a valid claim to sovereignty.<sup>29</sup>

Goa, for example, was returned to India in 1961 after a military invasion by the Indian state quickly overwhelmed the Portuguese garrison. India considered Goa ‘ethically, geographically, historically, and legally one with the rest of India and the Indian people’, therefore she was entitled to respond in self-defence against Portugal’s aggression of 450 years.<sup>30</sup> There was little support in the United Nations for this argument even if India received some sympathy due to Portugal’s intransigence in maintaining her overseas possessions at a time of decolonization.<sup>31</sup> The fact that India’s annexation of Goa was not condemned was rather an exception to the legal principle prohibiting the acquisition of territory by force:<sup>32</sup> it took place within the colonial context in which the new norm of decolonization conflicted with the old norm of the prohibition on the use of force.<sup>33</sup> In any event in the case of Goa (a colonial enclave), self-determination meant unity with India.

### **China and retrocession**

China remains an exception in experiencing several cases of retrocession. The primary example of retrocession is that of Taiwan, a Japanese colony from 1895, returned to mainland China in 1945 after Japan’s defeat in the Second World War. Yet, throughout the 1920s and 1930s, China had been exposed to what is now termed ‘retrocession’, when her foreign concessions, (except Hong Kong and Macao) were returned to her. ‘Retrocession’ in the 1920s and 1930s came after a long period of foreign control over territory that had been conceded by China. The European imperial powers had long aspired to set foot in Chinese territory – especially after the Portuguese established

themselves in Macao in 1557 – and China’s defeat in the First Opium War provided the ground to force China to concede to them extraterritorial rights (exempting them from Chinese justice) and treaty ports (where they controlled the administration). The lease of several Chinese territories through these ‘unequal treaties’, as China has called them, provided Britain, France, Germany, Russia, Japan and the United States with privileged military and commercial positions within China.<sup>34</sup> Britain clearly led the scene until the First World War: it had the Crown colony of Hong Kong and had concessions at Xiamen, Jinjiang, Jiujiang, Hankou and Tianjin. Besides, Britain dominated the International Settlement of Shanghai and had the entire Yangzi valley as a sphere of influence.<sup>35</sup>

Soon after the First World War, in which she slightly participated, and at the Versailles conference in 1919, China claimed in vain the abolition of the privileges that the treaty system had given to the foreign powers.<sup>36</sup> Although China self-consciously entered ‘international society’ (Bull and Watson conception) in 1918–1920, accepting the international rules and norms,<sup>37</sup> she soon found that the success in treaty revision laid in bilateral negotiation.<sup>38</sup> The Chinese claims for the retrocession of the foreign concessions were strengthened by the anti-imperialist Chinese Nationalist revolution in 1923–1928 against ‘the domestic and foreign enemies of the Chinese people’.<sup>39</sup> Due to Britain’s powerful position, British imperialism became a prime target. Anti-British agitation affected the Shanghai and the Yangzi regions in particular, but a strike was also organized in the foreign concession of Xiamen, and Hong Kong was boycotted from July 1925 to October 1926. The movement aimed to put an end to the foreign political and economic domination in China.<sup>40</sup> The turning point was the pacific retrocession of Hankou to China. ‘By the early 1930s, negotiations had restored Chinese control over maritime customs, tariffs, postal communications, salt monopoly revenues and almost two-thirds of the foreign concessions in China.’<sup>41</sup>

The currents of Chinese nationalism also arrived in the British colony of Weihaiwei in the 1920s. Weihaiwei had been leased by China to Britain in 1898, along with the New Territories of Hong Kong, but it ended up being of minor importance to the British.<sup>42</sup> The only purpose of the lease had been to constitute a naval base to maintain the supremacy of the British vis-à-vis other foreign powers in China at a time when Russia had occupied Port Arthur (now Lüshun) and Dalian and the Germans’ Jiaozhou (Kiaochow Wan). The lease was to expire when Russia left Port Arthur, but Britain managed to hang on to Weihaiwei after Russia was forced to give up Port Arthur to the Japanese following her defeat in the 1904–1905 war.<sup>43</sup> After a protracted negotiation process, the rendition of Weihaiwei took place in 1930, at a time when the British were glad to leave to avoid the development of an anti-British movement in a colony that had ceased to be of any importance.<sup>44</sup>

Although the two leaseholds were practically identical, Britain was much more committed to the New Territories than it was to Weihaiwei. While the inhabitants of the New Territories were naturalized as British subjects, those of



Weihaiwei remained Chinese citizens. Being part of the Crown colony of Hong Kong, Britain did not recognize China's continuing sovereignty over the New Territories as she tacitly did over Weihaiwei.<sup>45</sup> China, however, never recognized any difference of principle over its foreign concessions. They were all the result of 'unequal treaties', and as such should all return to China's sovereignty as soon as possible. Hong Kong and Macao did not escape this logic of retrocession, although they remained for a longer time under colonial authority.

### The 'one country, two systems' formula

There are three main reasons why studies on the British and the Portuguese withdrawals from Hong Kong and Macao are better framed in the theory of retrocession rather than of decolonization. The first is China's refusal to recognize them as colonies, and claiming their retrocession to its sovereignty. The second reason pertains to British and the Portuguese attitudes to Hong Kong and Macao: they always treated these territories as special cases. Finally, Hong Kong and Macao did not achieve independence but they were integrated into a third sovereign country.

As stated above, China's position was that the British and the Portuguese occupation of these territories was the outcome of the 'unequal treaties'. Beijing considered the treaties unequal for three reasons: the rights and privileges accorded to foreigners were not accorded to the Chinese; the treaties were imposed on China by force of arms; and under the 'most favoured nation' clause, China had to extend to all other powers the concessions made to one. The principle of extraterritoriality was at the root of the inequality because it granted foreign powers special rights and privileges that helped to develop the imperialism of free trade and foreign investment in China. Besides, China argued that the treaties should be considered void because the context in which they were signed had changed.<sup>46</sup>

After winning the Opium War, Britain forced China to sign the Treaty of Nanking on 29 August 1842, surrendering Hong Kong and five treaty ports. When the treaty was ratified, by 26 June 1843, Hong Kong was declared a Crown colony. The Kowloon Peninsula was added to the colony by the convention of Peking in October 1860 and the New Territories were leased for 99 years in a convention signed in Peking on 9 June 1898.<sup>47</sup> Although the People's Republic of China considered them as void, the existence of the three treaties gave the British government grounds to negotiate with China: there was a part of the Chinese territory that under international law as understood on the West, was part of the British Crown.

Regarding Macao, China never ratified the only treaty that formally recognized Portugal's sovereignty over the territory. The Portuguese government had therefore to accept that it was not, strictly speaking, a colony. In Portugal the opinions diverge. According to some, it should be classified as leasehold (*Cessão por Arrendamento*) because the Portuguese paid ground-rent to the Chinese for a certain period of time.<sup>48</sup> Others say that the Portuguese

permanence in Macao was the result of a special understanding and correlations of interests between them and the Chinese: the Portuguese were aware of depending on the Chinese good will and China never ceased to demonstrate its sovereignty over the territory.<sup>49</sup> There was also the argument that Macao is a case of 'shared sovereignty' because China always tried to limit the Portuguese juridical powers in the territory.<sup>50</sup>

Thus, Hong Kong and Macao had different historical backgrounds and different legal status. Hong Kong was occupied by the British since the nineteenth century, being the Hong Kong island and Kowloon a Crown colony and the New Territories a leasehold. Macao was a Portuguese establishment since the middle of the sixteenth century (although not a stable one, as the border on the peninsula moved north and there were serious conflicts) but it was never formally ceded by China. However, for the PRC the situations of Hong Kong and Macao were very similar: both were the product of an era of European imperialism that forced China to accept 'unequal treaties'. The British and the Portuguese presence was illegitimate, therefore Hong Kong and Macao could not be considered colonies.

China constantly treated Hong Kong and Macao as internal affairs. In August 1949, China's nationalist government stated to the UN Special Committee on Information from Non-Self Governing Territories that it should stop transmitting information on Kowloon and the New Territories.<sup>51</sup> This was based on the argument that the United States had previously developed for the Panama Canal Zone: 'The fact that sovereignty over a territory rested with a state other than the administering power was a reason for ceasing to transmit information to the Special Committee.'<sup>52</sup> In 1963, the Taiwan government stated in the General Assembly that

any question about the status of Hong Kong and Macao should be discussed between the states concerned and that these territories do not seem to belong to the same category as other non-self-governing territories to be examined by the Committee.<sup>53</sup>

As soon as the PRC replaced Taiwan in the United Nations (UN) as the legitimate China, the Chinese government objected to the UN categorization of Hong Kong and Macao as colonies:

The settlement of the questions of Hong Kong and Macau is entirely within China's sovereignty right and does not at all fall under the ordinary category of 'colonial Territories'. Consequently, they should not be included in the list of colonial Territories covered by the declaration on the Granting of Independence to Colonial Countries and Peoples.<sup>54</sup>

The PRC's ambassador to the UN stated that they should be removed from the UN list of colonial territories. This was granted to China at the meeting of the Special Committee on Decolonization on 17 May 1972.

Some say that this decision did not alter the legal status of Hong Kong as a non-self-governing colonial territory and that its inhabitants were still entitled to the right of self-determination. This is based on the argument that the right of self-determination has been crystallized into a norm of international law that cannot be set aside even by treaty. It is a right primarily enjoyed by the inhabitants of the colonies and Hong Kong was a colony under both domestic and international law. Its inhabitants were therefore free to determine its political status.<sup>55</sup> The right of self-determination in the case of Hong Kong is questioned by others who say Hong Kong was never a 'state' and that Britain had the obligation to return the New Territories to China in 1997.<sup>56</sup>

In any case, the pronouncement of the Committee of 24 would prove in the long term to have deprived the people of Hong Kong of fighting for its right to self-determination.<sup>57</sup> The fact that the British government did little to avoid this stands in contrast with its attitude regarding the Falklands and Gibraltar, cases in which Britain always defended the right of its inhabitants to self-determination. The British government considered Hong Kong as a case *suis generis* and agreed with China the transfer of sovereignty without holding a referendum.<sup>58</sup> The colony of Hong Kong was primarily an economic identity; its political identity was always secondary. The prime concern of the British administration was to ensure the social harmony and the political stability necessities for trade.<sup>59</sup> Furthermore, the principles of self-government and self-determination that Britain traditionally applied to its colonies before withdrawing were probably very difficult to apply in Hong Kong. Instead, when Beijing demanded Hong Kong back in 1982, London negotiated the maintenance of the colonial system in the territory for 50 years, with a high degree of autonomy.<sup>60</sup> This model would soon be adopted by Lisbon for Macao.

In fact, the British and Portuguese perception of the legitimacy of the Chinese claims also shaped their withdrawal from Hong Kong and Macao as a process of retrocession. At an age in which both Britain and Portugal had neither the strength nor the (normative) will to hold on to these anachronistic colonial survivals, Chinese claims were perceived as having some legitimacy. The same causes (weakening power of the metropolis, normative shifts, etc.) that had led Britain and Portugal to decolonize pushed them to withdraw from Hong Kong and Macao, but the consequence in these two cases was retrocession to the PRC. After the First World War, the treaty system and the policy of coercion towards China was morally unjustifiable and unpopular within Britain.<sup>61</sup> British public opinion had become anti-interventionist and anti-imperialist and would not accept any military intervention in China.<sup>62</sup>

Thus, Hong Kong and Macao did not follow the usual path of decolonization towards independence. Instead, when they ceased to be 'colonies' they were integrated into a sovereign state; under the concept of 'one country, two systems',<sup>63</sup> Hong Kong and Macao became Special Administrative Regions of the PRC in 1997 and 1999. All negotiations on the two transitions were held between Britain and the PRC, and between Portugal and the PRC. The

people of Hong Kong and Macao were not even awarded third party status in the negotiation process. China argued that negotiations should be held between sovereign states and opposed the inclusion of representatives of the Hong Kong and Macao governments and peoples.<sup>64</sup>

This formula, promoted by Deng Xiaoping, established a very unique framework for the handover of the British and Portuguese administrations to the People's Republic of China: the social and economic systems of the two territories and its main laws would remain unchanged and the administrations of the new SARs would be carried on by their own inhabitants with high degree of autonomy. In part due to their anomalous history, Hong Kong and Macao exceed the classical autonomy model observed within federated states: they have, for example, their own currency, issue autonomous passports and hold formal frontiers and maintain separate customs controls from inland China.<sup>65</sup>

From the central government point of view, the financial markets of Hong Kong continue to play a key role while Macao assumes an important function within China's foreign policy. The permanent secretariat of the Forum for Economic and Trade Cooperation between China and Portuguese-Speaking Countries (known as the Macao Forum) created in 2003,<sup>66</sup> was located in this SAR, using the historical specificities of the enclave as a traditional bridge between East and West. The history of more than five centuries of 'lusophone' presence distinguishes Macao from the other Chinese regions and provides it with affinities with the Portuguese-speaking countries, namely the language and cultural, legal and administrative legacies. Several events are organized in Macao, such as the lusophone games, lusophone food fairs, the lusophone festival and the 'cultural week of China and the Portuguese-speaking countries' which officially aims

to display the popular cultures of different Portuguese-speaking countries and to stimulate the conviviality between the communities which share a common language, and to assume the importance of the lusophone culture as an intrinsic part of Macau's identity.<sup>67</sup>

By promoting its 'own cultural model', this SAR creates a 'familiar' atmosphere where leaders of that group of countries feel more comfortable to negotiate. The political, economic and business elite of those countries participate in different training courses organized by the Macao Forum, not only receiving technical information on their areas of interest but also shaping their perceptions of China and its development model. The Macao SAR is thus helping China develop its strategy of soft power in the Portuguese-speaking world.

## Conclusion

There are many contemporary outstanding colonial disputes that are far from being solved; cases where neither independence nor retrocession took place.

Macao plays a unique role, being an example for other anomalous cases of the international system, such as Gibraltar or the Falklands, and the model of autonomy of the SARs may yet inspire other cases of retrocession.

The two Chinese SARs have been a successful implementation of the 'one country, two systems' formula. From the central government point of view, they give a very positive contribution to the policy of national reunification, being used as political showcases: Beijing expects them to be an example of the applicability of that formula to Taiwan. For Hong Kong and Macao, this guarantees their autonomy from the mainland, at least until the conflict on the Taiwan Strait is solved. The Macao SAR has also assumed an official role in China's external relations, as a platform of cooperation with the Portuguese-speaking countries, reinforcing its own identity by being acknowledged as a Chinese region with 'lusophone characteristics'.

### Notes

- 1 António de Sousa Lara, *Modern Colonisation and Decolonisation*, Lisbon: ISCSP, 2000, p. 14.
- 2 Some argue that Macao only fitted in this pattern by the nineteenth century, when the Chinese outnumbered the Portuguese.
- 3 James R. Fox, *Dictionary of International and Comparative Law*, New York: Oceana, 1992.
- 4 A. Rigo Sureda, *The Evolution of The Right of Self-Determination*, Leiden: Sijthoff, 1973, p. 176.
- 5 James Crawford, *The Creation of States in International Law*, Oxford: Clarendon Press, 1979, p. 377. Self-determination here means *external* self-determination: the population of the colonial enclaves is limited to *internal* self-determination within the limits of the claimant state. Sureda, *The Evolution of The Right of Self-Determination*, p. 282.
- 6 Sureda, *The Evolution of The Right of Self-Determination*, pp. 176–177, 219.
- 7 Crawford, *The Creation of States in International Law*, p. 380.
- 8 *Ibid.*, p. 227.
- 9 Peter Malanczuk, *Akehurst's Modern Introduction to International Law*, 7th edn, London: Routledge, 1997, p. 331.
- 10 John Hargreaves, *Decolonization in Africa*, 2nd edn, London: Longman, 1996, p. xvii.
- 11 The term 'decolonization without independence' was developed in previous academic analysis on Hong Kong such as: James Tang, 'From Empire Defence to Imperial Retreat: Britain's Postwar China Policy and the Decolonisation of Hong Kong', *Modern Asian Studies*, 28(2), 1994, p. 317; Siu-kai Lau, *Decolonization without Independence: The Unfinished Political Reforms of the Hong Kong Government*, Hong Kong: Hong Kong Institute of Asia-Pacific Studies, Chinese University of Hong Kong, 1987.
- 12 Boaventura de S. Santos and Conceição Gomes, *Macao – The Tiny Dragon*, Porto: Edições Afrontamento, 1998, pp. 5, 8.
- 13 Muriel E. Chamberlain, *European Decolonisation in the Twentieth Century*, London: Longman Companions to History, 1998, pp. 43–44.
- 14 John Darwin, *Britain and Decolonisation*, London: Macmillan Education Ltd., 1988, p. 334.
- 15 *Ibid.*, p. 17.
- 16 Eric Hobsbawm, *Age of Extremes*, London: Abacus, 1995, pp. 216–217.
- 17 Only a minority of realist authors say that the war actually intensified colonialism. Being aware of the weaknesses in its empire already in the interwar years the British government exploited wartime emergencies to strengthen its position in the colonies. Henry Wilson argues that these two views on the effects of the Second World War are not necessarily contradictory. He says that more important than asking if the war affected the process of decolonization is to ask how it influenced the outcome in the different cases. David Clive Wilson, 'Britain and the Kuomintang, 1924–28: A Study of the Interaction of Official Policies and Perceptions in Britain and China', unpublished PhD thesis, SOAS, University of London, 1973, pp. 53–54, 63.
- 18 Devolution implies the consent of the former sovereign while the absent of this consent leads to secession, revolutionary creations of new states. Crawford, *The Creation of States in International Law*, pp. 215, 247.
- 19 'Declaration on the Granting of Independence to Colonial Countries and Peoples', General Assembly Resolution 1514 (xv) of 14 December 1960, Article 6 and Article 2.
- 20 Crawford, *The Creation of States in International Law*, p. 378.
- 21 *Ibid.*, pp. 383–384.
- 22 Sureda, *The Evolution of The Right of Self-Determination*, pp. 176–177.
- 23 *Ibid.*, p. 282; Crawford, *The Creation of States in International Law*, pp. 381 n. 126.
- 24 Britain refers to *internal* self-determination only, not willing to treat Gibraltar as a third sovereign part, but Spain opposes all kinds of self-determination arguing that even *internal* self-determination could allow Gibraltar to become independent, being only formally depending on Britain within the Commonwealth. Sureda, *The Evolution of The Right of Self-Determination*, pp. 282–284.
- 25 Sureda, *The Evolution of The Right of Self-Determination*, p. 288.
- 26 The remaining British possessions are: Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St. Helena and dependencies, South Georgia and the South Sandwich Islands, and the Turks and Caicos Islands. Klaus Dodds, 'Towards Rapprochement? Anglo-Argentine Relations and the Falklands/Malvinas in the late 1990s', *International Affairs*, 74(3), 1998, p. 617.
- 27 Crawford, *The Creation of States in International Law*, pp. 383–384, 381 n. 126.
- 28 Malanczuk, *Akehurst's Modern Introduction to International Law*, p. 332.
- 29 Sharon Korman, *The Right of Conquest*, Oxford: Clarendon Press, 1996, p. 276.
- 30 *Ibid.*, pp. 267–268.
- 31 John Dugard, *Recognition and the United Nations*, Cambridge: Grotius Publications Limited, 1987, p. 116.
- 32 Korman, *The Right of Conquest*, pp. 274–275.
- 33 Dugard, *Recognition and the United Nations*, p. 116.
- 34 Clarence B. Davis and Robert J. Gowen, 'The British at Weihaiwei: A Case Study in the Irrationality of Empire', *Historian*, 63(1), 2000, p. 87.
- 35 Edmund S.K. Fung, *The Diplomacy of Imperial Retreat: Britain's South China Policy, 1924–31*, Hong Kong: Oxford University Press, 1991, p. 2.
- 36 *Ibid.*, p. 14.
- 37 Yongjin Zhang, *China in the International System, 1918–20*, London: Macmillan, 1991; William C. Kirby, 'The Internationalization of China: Foreign Relations At Home and Abroad in the Republican Era', *The China Quarterly*, June 1997, p. 443.
- 38 Kirby, 'The Internationalization of China', p. 443.

- 39 Fung, *The Diplomacy of Imperial Retreat*, p. 30.
- 40 *Ibid.*, pp. 35–44.
- 41 Kirby, 'The Internationalization of China', pp. 440–441.
- 42 Six years after the British leasehold of Weihaiwei, the Colonial Office and the Foreign Office already debated its retrocession to China. The British found Weihaiwei to be militarily worthless and too poor to prosper economically. Thanks to its exceptional climate, it ended up being used mainly as a summer retreat for the British navy and expatriates. See for example N.J. Miners's foreword to Pamela Atwell, *British Mandarins and Chinese Reformers: The British Administration of Weihaiwei (1898–1930) and the Territory's Return to the Chinese Rule*, Hong Kong: Oxford University Press, 1985, p. ix; Davis and Gowen, 'The British at Weihaiwei', pp. 90–91; Julia C. Strauss, *Strong Institutions in Weak Politics: State Building in Republican China 1927–1940*, New York: Oxford University Press, 1998, p. 158.
- 43 Miners in Atwell, *British Mandarins and Chinese Reformers*, pp. vii–x.
- 44 Strauss, *Strong Institutions in Weak Politics*, p. 160.
- 45 Miners in Atwell, *British Mandarins and Chinese Reformers*, p. ix.
- 46 Fung, *The Diplomacy of Imperial Retreat*, pp. 25–26 for the last paragraph.
- 47 Gerald Segal, *The Fate of Hong Kong*, London: Simon & Schuster, 1993, pp. 11–16.
- 48 Adriano Moreira, *Overseas Policy*, Lisbon: Ministério do Ultramar, 1956, pp. 31–32; Benjamim Videira Pires, 'The Rent of Macao's Floor', *Jiameishi Xueyuan Jianbao (Bulletin of the Luis de Camões Institute)*, 1(4–5), 1976; and Almerindo Lessa, *The History and the men of the First Democratic Republic of the East*, Macao: Imprensa Nacional, 1974.
- 49 See António V. Saldanha, *Luso-Chinese Relations Studies*, Lisbon: ISCSP and ICM, 1996; Jorge Morbey, *The Challenge of the Transition*, Lisbon: Gráfica Monumental, 1990.
- 50 Francisco G. Pereira, *Portugal, China and the 'Macao Issue'*, Macao: Instituto Português do Oriente, 1995, p. 11.
- 51 The United Nations Special Committee on Information from Non-Self-Governing Territories was replaced in 1961 by the Special Committee on Decolonization, known as the Committee of 24. Its role was to monitor the progress of the colonial territories towards self-government.
- 52 'Fletcher-Cooke to CO', confidential, tel. no. 170, 26 August 1949, Creech Jones to Grantham, secret, no. 53, 19 November 1949, and other correspondence and minutes in CO537/4800, in Peter Wesley-Smith, *Unequal Treaty 1898–1997*, revised edition, Hong Kong: Oxford University Press, 1998, p. 244.
- 53 'Higham to MacLehose', secret, 12 March 1964: FO371/175888, in Wesley-Smith, *Unequal Treaty 1898–1997*, p. 251.
- 54 A/AC. 109/3968 of 8 March 1972, UNGA A/AC.109/L.795 of 15 May 1972 and FO371/175931.
- 55 Nihal Jayawickrama, 'The Right of Self-Determination', proceedings from a seminar on the Basic Law, held at the University of Hong Kong, 5 May 1990, pp. 93–94, 86–89, for the whole paragraph.
- 56 Georg Ress, 'The Hong Kong Agreement and Its Impact on International Law', in Jürgen Domes and Yu-ming Shaw (eds), *Hong Kong, A Chinese and International Concern*, Boulder: Westview Press, 1988, p. 132.
- 57 Wesley-Smith, *Unequal Treaty 1898–1997*, p. 251.
- 58 Ress, 'The Hong Kong Agreement and Its Impact on International Law', p. 132.
- 59 Rup Narayan Das, 'Politics of the Democratic Process in Hong Kong', *International Studies*, 34(4), 1997, p. 410.
- 60 Jermain T.M. Lam, 'Sino-British Relations over Hong Kong during the Final Phase of Political Transition', *International Studies*, 34(4), 1997, p. 442.
- 61 Fung, *The Diplomacy of Imperial Retreat*, p. 240.
- 62 Kirby, 'The Internationalization of China', p. 442.
- 63 Li Pang-Kwong, 'Executive and Legislature: Institutional Design, Electoral Dynamics and the Management of Conflicts in the Hong Kong Transition', in Li Pang-Kwong (ed), *Political Order and Power Transition in Hong Kong*, Hong Kong: Chinese University Press, 1997, p. 54.
- 64 *Ibid.*, p. 57.
- 65 Paulo Cardinal, 'Macao: The Internationalization of an Historical Autonomy', *Boletín Mexicano de Derecho Comparado*, XLI(122), 2008, pp. 639, 674.
- 66 The forum includes the PRC and seven Portuguese-speaking countries: Portugal, Brazil, East Timor, Mozambique, Angola, Cape Verde, Guinea-Bissau; and São Tomé and Príncipe, as an observer (for maintaining diplomatic ties with Taiwan). Its official aims are promoting closer cooperation and economic links among its members. [www.forumchinapl.org.mo](http://www.forumchinapl.org.mo).
- 67 Macao Government 2007.