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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE  
TO COLONIAL COUNTRIES AND PEOPLES

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER  
ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

Note verbale dated 18 September 1972 from the Permanent Representative  
of the United Kingdom of Great Britain and Northern Ireland to the  
United Nations addressed to the Secretary-General

The Permanent Representative of the United Kingdom of Great Britain and Northern Ireland presents his compliments to the Secretary-General of the United Nations and has the honour, with reference to the terms of General Assembly resolution 222 (III), to communicate herewith the text of the Agreement of 23 November 1971 between the United Kingdom and Brunei (annex I). This amends the Agreement of 29 September 1959, a copy of which is also enclosed for ease of reference (annex II).

As a consequence of the Agreement signed on 23 November 1971, whereby Brunei now has full internal self-government, it is the view of my Government and the Government of Brunei that it is no longer appropriate that information relating to the requirements of Article 73 e of the United Nations Charter should be transmitted to the Secretary-General of the United Nations by Her Majesty's Government.



**AGREEMENT  
BETWEEN HER MAJESTY THE QUEEN OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND AND HIS HIGHNESS THE SULTAN OF  
BRUNEI AMENDING THE AGREEMENT OF  
29 SEPTEMBER 1959**

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, (hereinafter referred to as "Her Majesty"), represented by Mr. Anthony Henry Fanshawe Royle, M.P., Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, and His Highness Sultan Hassanal Bolkiah Mu'izzaddin Waddaulah, Sovereign and Chief of the Most Esteemed Family Order, Sovereign and Chief of the Most Illustrious Order of Laila Jasa Keberanian Gemilang, Sovereign and Chief of the Most Exalted Order of Keberanian Laila Terbilang, Sovereign and Chief of the Most Gallant Order of Pahlawan Negara Brunei, Sovereign and Chief of the Most Blessed Order of Paduka Setia Negara Brunei, Sovereign and Chief of the Most Distinguished Order of Paduka Seri Laila Jasa, Sovereign and Chief of the Most Honourable Order of the Crown of Brunei, Sovereign and Chief of the Most Faithful Order of Perwira Negara Brunei, Honorary Companion of the Most Distinguished Order of Saint Michael and Saint George, the Most Esteemed Family Order (Kelantan), The Most Esteemed Family Order (Johore), Ibni Sir Muda Omar Ali Saifuddin Sa'adul Khairi Waddin, Sultan and Yang Di-Pertuan of the State and Territory of Brunei Darul Salam, and All Its Dependencies, (hereinafter referred to as "His Highness");

Having regard to the Agreements which subsist between Her Majesty and His Highness, and in particular the Agreement signed at Bandar Seri Begawan on the 29th of September, 1959 (hereinafter referred to as "the 1959 Agreement");

Considering it appropriate that the existing close and special relationship between the United Kingdom and the State of Brunei, Darul-Salam (hereinafter referred to as "the State") should be amended so as to reflect developments that have taken place since 1959;

Having decided to this end that Her Majesty should continue to be responsible for the external affairs of the State, and that, subject to consultation, provision for the defence and security of the State should be a task to be shared between Her Majesty and His Highness, and that the State should enjoy full internal self-government, and that the necessary amendments to the 1959 Agreement should be made;

Have agreed as follows:



#### ARTICLE I

Article 2 of the 1959 Agreement shall be deleted and replaced by the following:

##### *"Article 2*

In this Agreement—

'British High Commissioner' means the High Commissioner for the United Kingdom in the State of Brunei and references to the British High Commissioner include any person for the time being discharging the functions of British High Commissioner;

'His Highness' includes His Highness's Successors."

#### ARTICLE II

At the end of the second sentence of paragraph (1) of Article 3 of the 1959 Agreement the full-stop shall be deleted and the following words added:

"and that Her Majesty shall continue to enjoy jurisdiction to make for the State laws relating to external affairs. Her Majesty agrees that She will keep His Highness informed of any action taken or proposed to be taken by Her in pursuance of this Article."

#### ARTICLE III

Paragraphs (2), (3), (4) and (5) of Article 3 of the 1959 Agreement shall be deleted and replaced by the following paragraphs:

"(2) To meet the essential requirements of the defence of the State:

(a) His Highness shall

- (i) raise, equip and maintain forces sufficient for the preservation of internal public order and to be the first line of external defence;
- (ii) provide facilities necessary for any of Her Majesty's forces stationed in the State or training or exercising in the State with the agreement of His Highness;
- (iii) enter into arrangements with Her Majesty's Government in relation to the status and jurisdiction of Her Majesty's forces present in the State.

(b) Her Majesty shall continue to assist His Highness within the capability of the United Kingdom, by

- (i) the loan of personnel to assist in the staffing, administration and training of the Armed Forces of His Highness;
- (ii) providing expert advice on the organisation of those Forces;
- (iii) providing advice and assistance in connection with maintenance of the equipment of those Forces;
- (iv) providing assistance for training those Forces;



- (v) providing assistance in recruitment of persons for service in police and military posts in the State;
- (vi) providing expert advice and training for the Police Force of the State.

(3) For the purposes of the defence of the State, Her Majesty's Forces and persons authorised on behalf of Her Majesty shall at all times be allowed to have free access to the State.

(4) There shall be established a joint standing consultative body, to be called the Brunei Defence Council, which shall meet quarterly, or more frequently if occasion demands. This Council shall consist of representatives of both Her Majesty and His Highness. Her Majesty's representatives will be the British High Commissioner and, as his adviser, a British officer who will normally be the senior officer of such of Her Majesty's Forces as are stationed in the State. His Highness's representatives will be appointed at His Highness's discretion. The representatives of Her Majesty and of His Highness shall make recommendations as to the defence and security of the State to their respective governments. Twelve months from the entry into force of this Agreement the Governments of Her Majesty and of His Highness shall examine the working of the Brunei Defence Council in order to determine what changes, if any, are required to improve its effectiveness.

(5) (a) Situations which are essentially of an internal public order nature are a matter of concern only to the public security forces of His Highness.

(b) Her Majesty's Government and His Highness's Government shall consult together to determine what measures should, separately or jointly, be taken in relation to an external attack, or threat of such attack, on the State.

(c) In a situation which does not clearly fall under sub-paragraphs (a) or (b) of this paragraph there shall be consultation between the two Governments to determine to what extent the threat is externally organised or supported.

(6) Her Majesty and His Highness shall take legislative and executive action necessary for carrying out their tasks under the provisions of paragraphs (2), (3), (4) and (5) of this Article."

#### ARTICLE IV

Articles 4, 5 and 6 of the 1959 Agreement shall be deleted and replaced by the following:

##### *"Article 4*

(1) Her Majesty shall appoint and His Highness shall receive a representative of Her Majesty designated as British High Commissioner. Her Majesty's Government will propose to His Highness the name of the British High Commissioner whose appointment shall be subject to His Highness's agreement.



(2) His Highness shall have the right to address Her Majesty through Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs if His Highness so desires."

#### ARTICLE V

Articles 7 and 8 of the 1959 Agreement shall be deleted.

#### ARTICLE VI

Subject to the amendments made by the present Agreement, the 1959 Agreement shall continue in force and as amended by this Agreement, the two shall be read together as one document.

#### ARTICLE VII

This Agreement shall enter into force on the date of signature.

#### ARTICLE VIII

At the request of either High Contracting Party, and after the expiry of one year from the making of the request, this Agreement shall be reviewed by the High Contracting Parties.

#### ARTICLE IX

This Agreement is made and expressed in both the English and Malay languages; but, for the purposes of interpretation, regard shall be had only to the English text.



In witness whereof Mr. Anthony Henry Fanshawe Royle, M.P., Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, has hereto set his hand and seal for and on behalf of Her Majesty and His Highness Sultan Hassanah Bolkiah Mu'izzaddin Waddaulah, Sovereign and Chief of the Most Esteemed Family Order, Sovereign and Chief of the Most Illustrious Order of Laila Jasa Keberanian Gemilang, Sovereign and Chief of the Most Exalted Order of Keberanian Laila Terbilang, Sovereign and Chief of the Most Gallant Order of Pahlawan Negara Brunei, Sovereign and Chief of the Most Blessed Order of Paduka Setia Negara Brunei, Sovereign and Chief of the Most Distinguished Order of Paduka Seri Laila Jasa, Sovereign and Chief of the Most Honourable Order of the Crown of Brunei, Sovereign and Chief of the Most Faithful Order of Perwira Negara Brunei, Honorary Companion of the Most Distinguished Order of Saint Michael and Saint George, the Most Esteemed Family Order (Kelantan), the Most Esteemed Family Order (Johore), Ibni Sir Muda Omar Ali Saifuddin Sa'adul Khairi Waddin, Sultan and Yang Di-Pertuan of the State and Territory of Brunei Darul Salam, and All Its Dependencies has hereto set his hand and seal this **23<sup>rd</sup>** day of **November** 1971.

Signed and sealed by:

MR. ANTHONY HENRY FANSHAW ROYLE,  
M.P., Parliamentary Under-Secretary of State  
for Foreign and Commonwealth Affairs, for and  
on behalf of HER MAJESTY:

In the presence of:

Mr. A. R. Adair, C.V.O., M.B.E., High Commissioner for the United Kingdom  
of Great Britain and Northern Ireland.



Signed and sealed by:

HIS HIGHNESS HASSANAL BOLKIAH  
MU'IZZADDIN WADDAULAH ibni Duli  
Yang Teramat Mulia Paduka Seri Begawan  
Sultan Sir Muda Omar Ali Saifuddin Sa'adul  
Khairi Waddin, Sultan and Yang Di-Pertuan  
Negeri Brunei Darul Salam, D.K., D.P.K.G.,  
D.P.K.T., P.S.P.N.B., P.S.N.B., P.S.L.J.,  
S.P.M.B., P.A.N.B., C.M.G., D.K. (Kelantan),  
D.K. (Johore):

In the presence of:

Duli Yang Teramat Mulia Paduka Seri Begawan Sultan Sir Muda 'Omar  
'Ali Saifuddin ibni Al-Marhum Sultan Muhammad Jamalul 'Alam, D.K.,  
K.C.M.G., P.H.B.S.

Yang Teramat Mulia Seri Paduka Duli Pengiran Perdana Wazir Sahibol  
Himmah Wal-Waqar Muda Mohamed Bolkiah ibni Duli Yang Teramat  
Mulia Paduka Seri Begawan Sultan Sir Muda 'Omar 'Ali Saifuddin, D.K.,  
P.H.B.S.

Yang Berhormat Pehin Orang Kaya Laila Setia Bakti Di-Raja Dato Seri  
Utama Awang Isa bin Pehin Datu Perdana Menteri Awang Haji Ibrahim,  
D.K., S.P.M.B., D.S.N.B., O.B.E., P.H.B.S., General Adviser to His  
Highness The Sultan.



Yang Amat Mulia Pengiran Setia Negara, Pengiran Haji Mohd. Yusuf bin Pengiran Haji 'Abdul Rahim, D.K., S.P.M.B., D.S.N.B., C.B.E., P.O.A.S., P.H.B.S., Menteri Besar.

The Hon'ble Pehin Orang Kaya Laila Kanun Di-Raja Dato Seri Utama Awang Idris Talog Davies, D.K., S.P.M.B., D.S.N.B., C.B.E. P.H.B.S., A.K. (Kelantan), P.J.K. (Trengganu), Attorney-Genreal.

The Hon'ble Pehin Orang Kaya Khazanah Negara Laila Di-Raja, Dato Seri Utama Awang John Lee, D.K., S.P.M.B., D.S.N.B., C.B.E., P.H.B.S., State Financial Officer.

Yang Mulia Dato Setia Colonel J. J. H. Simpson, D.S.N.B., D.K.G., Commander Royal Brunei Malay Regiment.

John Godfray Le Quesne, Q.C., Constitutional Adviser to His Highness The Sultan.

The Hon'ble Pehin Orang Kaya Di-Gadong Dato Laila Utama Awang Haji Mohamed Yusof bin Pehin Jawatan Dalam Awang Haji Mohamed Hussein, D.K., P.S.N.B., D.P.M.B., P.O.A.S.



The Hon'ble Pehin Datu Temenggong, Awang Lim Cheng Choo, S.N.B.,  
S.M.B., P.O.A.S.

The Hon'ble Orang Kaya Pekerma Dewa, Awang Lukan bin Uking, P.O.A.S.



Annex II

Agreement between Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and His Highness The Sultan of Brunei. 1/

Agreement made the 29th day of September, 1959, Between Robert Heatlie Scott, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Commander of the Most Excellent Order of the British Empire, Commissioner General for the United Kingdom in South-East Asia on behalf of Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, and His Highness Sir Omar Ali Saifuddin Sa'adul Khairi Waddin, Sovereign and Head of the Most Esteemed Family Order, the Most Honourable Order of the Crown of Brunei, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, ibni Almarhum Sultan Mohamed Jamalul Alam, Sultan of the State of Brunei, for Himself and His Successors and after consultation with His Council:

Whereas Agreements subsist between Her Majesty and His Highness:

And Whereas His Highness has with the advice and consent of His traditional advisers and the State Council provided by Proclamation 2/ for the constitutional development of the State of Brunei, the succession to the Sultanate and for various matters connected therewith:

And Whereas the aforesaid Proclamation providing for the constitutional development of the State of Brunei will commence to operate on a day 3/ to be appointed by His Highness, hereinafter referred to as "the first appointed day":

And Whereas Her Majesty has heretofore had jurisdiction to make for the State of Brunei laws relating to defence and external affairs:

And Whereas Her Majesty, in token of the friendship which She bears towards His Highness, the subjects of His Highness and the inhabitants of the State of Brunei, has at the request of His Highness agreed that as from the first appointed day fresh arrangements shall have effect for the protection and defence of the State of Brunei:

Now, therefore, **it is Agreed and Declared** as follows:

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1/ See index at page 99.

2/ The Constitution of the State of Brunei, 1959, at page 9 and the Succession and Regency Proclamation, 1959, at page 239.

3/ September 29, 1959, vide G.N. No. S. 105 of 1959.



Citation and  
commencement

1. This Agreement may be cited as the Brunei Agreement, 1959, and shall come into operation on the first appointed day. 1/

Interpretation

2. In this Agreement -

"High Commissioner" means Her Majesty's High Commissioner in the State of Brunei, and references to the High Commissioner include any person for the time being discharging the functions of High Commissioner;

"His Highness" includes His Highness's Successors;

"Secretary of State" means one of Her Majesty's Principal Secretaries of State; and

"the State" means the State of Brunei, Darul-Salam.

Defence and  
External Affairs

3. (1) Her Majesty shall have complete control of the external affairs of the State; and His Highness agrees that without the knowledge and consent of Her Majesty's Government of the United Kingdom he will not make any Treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any other State. His Highness further agrees that he will ensure that such legislative and executive action as in the opinion of Her Majesty's Government shall be necessary for the purpose of Her Majesty's exercise of Her control of the external affairs of the State shall be taken within the State. 2/

(2) Her Majesty shall have complete control of the defence of the State, and agrees at all times to protect the State and the Government thereof and to the utmost of Her power to take whatever measures may be necessary for the defence of the State; and His Highness agrees that for these purposes he will ensure that such legislative and executive action as in the opinion of Her Majesty's Government shall be necessary for the purposes of the defence of the State and the Government thereof (which expression in this Article includes defence against any grave menace to the peace or tranquillity of the State) shall be taken within the State; and His Highness further agrees that for the aforesaid purposes Her Majesty's Forces and persons authorized on behalf of Her Majesty shall be at all times allowed to have free access to the State. 3/

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1/ 29 September 1959, vide G.N. No. S. 105 of 1959.

2/ See section 42 (1) (b) of the Constitution at page 9.

3/ See sections 42 (1) (c) and 83 of the Constitution at page 9.



(3) Subject as aforesaid, His Highness agrees that Her Majesty shall continue to enjoy jurisdiction to make for the State laws relating to defence and external affairs.

(4) Her Majesty agrees that She will keep His Highness informed of any action taken or proposed to be taken by Her in pursuance of this Article.

(5) (a) For the purpose of implementing the provisions of this Article relating to defence against any grave internal menace to the peace or tranquillity of the State, Her Majesty and High Highness agree to constitute a Standing Advisory Council, consisting of representatives of Her Majesty and of the Government of the State, which shall consult as necessary on matters regarding such defence. Her Majesty agrees that no measures in exercise of the right of access to the State given by paragraph (2) of this Article shall be taken for the purposes of such defence without prior consultation with the Standing Advisory Council except when there exists a state of emergency of such a nature as to make such prior consultation clearly impracticable, in which case, the Standing Advisory Council shall be consulted as soon as possible after the measures have been taken.

(b) For the purposes of this paragraph, the expression "state of emergency" means a situation in which there is compelling evidence of a grave internal menace to the peace or tranquillity of the State.

The High  
Commissioner

4. (1) His Highness agrees to receive, and provide a suitable residence for, a High Commissioner to advise on all matters connected with the Government of the State other than matters relating to the Muslim religion and the Custom of the Malays as practised in the State, and agrees to accept the advice of the High Commissioner.

(2) Nothing in this Article shall in any way prejudice the right of His Highness to address Her Majesty through a Secretary of State if His Highness so desires.

(3) The High Commissioner shall have such other functions (if any) as may be conferred on him by any law in force in the State.

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Cost of High  
Commissioner and  
his establishment

5. The cost of the High Commissioner and his establishment as from time to time agreed between His Highness and the Secretary of State shall be borne by the State and shall be a charge on the revenues of the State. 1/

Appointment of  
High Commissioner

6. His Highness shall be consulted before any person whom it is proposed to send as High Commissioner is appointed.

Impartial  
treatment

7. All persons of whatever race in the same grade in the service of the State shall, subject to the terms and conditions of their employment, be treated impartially.

Education and  
training of local  
inhabitants

8. His Highness desires and Her Majesty agrees that it shall be a particular charge upon the Government of the State to provide for and to encourage the education and training of the local inhabitants of the State so as to fit them to take a full share in the economic progress, social welfare and government of the State.

Previous  
Agreements

9. (1) The Agreement signed in Brunei on the 3rd day of December, 1905, and the 2nd day of January, 1906, between His Majesty's Government within the United Kingdom of Great Britain and Ireland and His Highness Sultan Hashim Jalilul Alam Akamuddin ibni Almarhum Sultan Omar Ali Saifuddin, the Sultan of the State of Brunei for Himself, His Heirs and Successors, is hereby revoked.

(2) All other Treaties and Agreements subsisting immediately before the commencement of this Agreement shall continue in force save in so far as they are inconsistent with this Agreement or in so far as they contain provisions relating to the succession to the Sultanate of Brunei.

Language of the  
Agreement

10. This Agreement is made and expressed in both the English and the Malay languages; but, for the purposes of interpretation, regard shall be had only to the English version.

In Witness Whereof His Excellency Sir Robert Heatlie Scott, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George Commander of the Most Excellent Order of the British Empire, Commissioner General for the United Kingdom in South-East Asia, has herunder set his hand and seal for and on behalf of Her Majesty and His Highness Sir Omar Ali Saifuddin Sa'Adul Khairi Waddin, Sovereign and Head of the Most Esteemed Family Order, the Most Honourable Order of the Crown of Brunei, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, ibni Al-Marhum Sultan Mohamed.

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1/ See section 59 (1) (e) of the Constitution at page 9.