

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL

A/5402/Add.3
20 March 1963

ORIGINAL: ENGLISH

Eighteenth session

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

POLITICAL AND CONSTITUTIONAL INFORMATION ON ASIAN TERRITORIES
UNDER UNITED KINGDOM ADMINISTRATION

Note by the Secretary-General

BRUNEI

In accordance with the statement of the Secretary of State for Foreign Affairs of the United Kingdom of Great Britain and Northern Ireland on 27 September 1961, the Government of the United Kingdom has transmitted to the Secretary-General the following political and constitutional information on the Territory of Brunei.

This information, which was received on 19 March 1963, is herewith submitted to the General Assembly at its eighteenth session.^{1/}

^{1/} In accordance with General Assembly resolution 1700 (XVI) of 19 December 1961, this information is also submitted to the Committee on Information from Non-Self-Governing Territories.

BRUNEI

POPULATION

1. The population of the State of Brunei at the 1960 census was approximately 84,000 made up as follows:

Malays	47,000
Other indigenous races ...	12,000
Chinese	22,000
Others (Europeans, Indians etc.)	<u>3,000</u>
Total	84,000

STATUS AND PREVIOUS HISTORY

2. Brunei is an autonomous State in treaty relations with Britain, which under the terms of the Agreement is responsible for defence and external affairs. The Sultan's Government is in practice entirely responsible for internal affairs. Its present Sultan (H.H. Sir Omar Ali Saifuddin) rules in accordance with a Constitution promulgated by him in September 1959. Prior to 1959 a State Council of twelve members (including the British Resident) presided over by the Sultan advised the Sultan in the exercise of his executive and legislative functions, and also contained features of a Privy Council. In 1959 the Sultan promulgated a Constitution as a first stage in the development of representative government, replacing the State Council by three separate bodies, a Privy Council, an Executive Council and a Legislative Council. At the same time, under the terms of a new Agreement between the Sultan and Britain, the post of British Resident was replaced by that of High Commissioner.

CONSTITUTION

3. The main features of the present Constitution are as follows:

Privy Council

4. The functions of the Privy Council are to advise the Sultan in relation to the amendment or revocation of any of the provisions of the Constitution, as well as

on the appointment of persons of Malay customary ranks, titles, honours and dignities; on the exercise of the prerogative of mercy; and on any other matters at the Sultan's request. The present membership of the Council includes some twenty eminent inhabitants of Brunei appointed by the Sultan. The High Commissioner is an ex officio member of the Privy Council.

Executive and Legislative Council

5. The Constitution provides that, in the exercise of his powers and in the performance of his duties, the Sultan shall, subject to certain specified exceptions, consult with his Executive Council, which is in effect the chief executive body of the State. The Legislative Council passes laws for the peace, order and good government of the State, which are subject to the assent of the Sultan. The Executive Council comprises 7 ex officio members (the Mentri Besar [Chief Minister], the Waziro, the State Secretary, the Attorney-General, the State Financial Adviser and the Religious Adviser), the High Commissioner, 6 elected members of the Legislative Council, and one unofficial nominated member. The unofficial members of the Executive Council are appointed by the Sultan. The Legislative Council comprises 8 ex officio members (the ex officio members of the Executive Council and one other officer designated by the Sultan), 6 official members (the Deputy State Secretary, the Acting State Education Officer, the State Welfare Officer, the Commissioner of Development, the Head of the Language Institute and the Controller of Customs), 16 elected members and three unofficial members nominated by the Sultan.

6. The first elections to the Legislative Council were held in 1962. These were indirect elections by way of elected local government district councils functioning as electoral colleges.

7. A state of emergency was declared on 12 December 1962 and certain parts of the Constitution were suspended as a temporary measure. During this period the functions of government are being performed by an Emergency Council, presided over by the Sultan, and comprising four ex officio members (the Mentri Besar, the State Secretary, the Attorney-General and the State Financial Officer), the High Commissioner, and ten unofficial members appointed by the Sultan. The Sultan has declared his intention of restoring representative institutions as soon as possible.

HIGH COMMISSIONER

8. In accordance with an agreement concluded between the Queen and the Sultan, the British Government is responsible for the defence and external relations of the State of Brunei. These responsibilities are exercised by a High Commissioner who is by virtue of his post a member of the Privy and Executive Councils.

JUDICIARY

9. The State of Brunei has a Supreme Court of Judicature, comprising a High Court and a Court of Appeal, which also serves North Borneo and Sarawak. It consists of a Chief Justice and three puisne judges. In addition there are three classes of magistrates courts for less serious offences, and Kathis courts for questions concerning the Islamic religion, marriage and divorce, property disputes and ancillary matters.

LOCAL GOVERNMENT

10. There is a district council in Brunei, Belait, Tutong and Temburing. Each has a majority of elected members, although there is provision for minority representation by appointed members. The first direct elections to the district councils took place in 1962. Persons who were subjects of the Sultan, had attained the age of 21 and fulfilled certain residential qualifications in the district council area concerned were entitled to vote. The district councils also function as electoral colleges for the purpose of electing those of their members qualified to be elected members of the Legislative Council.
