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BRUNEI



Treaty Series No. 21 (1984) ✓

# Exchange of Notes

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and His Highness Paduka Seri Baginda Sultan and  
Yang Di-Pertuan of Brunei

terminating the Special Treaty Relations  
between the United Kingdom and the  
State of Brunei

Bandar Seri Begawan, 7 January 1979

[The Agreement entered into force on 31 December 1983]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
April 1984*

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**EXCHANGE OF NOTES  
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND AND HIS  
HIGHNESS PADUKA SERI BAGINDA SULTAN AND YANG  
DI-PERTUAN OF BRUNEI TERMINATING THE SPECIAL TREATY  
RELATIONS BETWEEN THE UNITED KINGDOM AND THE  
STATE OF BRUNEI**

No. 1

*The Minister of State for Foreign and Commonwealth Affairs to  
His Highness Paduka Seri Baginda Sultan and Yang Di-Pertuan of Brunei*

*British High Commission  
Bandar Seri Begawan  
Brunei*

Your Highness,

7 January 1979

I have the honour to refer to the discussions which have taken place between Your Highness and Her Majesty's Government in the United Kingdom concerning the termination of the special treaty relations between the United Kingdom of Great Britain and Northern Ireland and the State of Brunei, and to the desire of Your Highness's Government that the State of Brunei should exercise its full international responsibility as a sovereign and independent State. The following conclusions were reached in the course of these discussions:

1. The existing special treaty relations between the United Kingdom and the State of Brunei, which are inconsistent with full international responsibility as a sovereign and independent State, shall terminate with effect from five years from 31 December 1978.

2. The Treaties signed on 18 December 1846<sup>(1)</sup> and 27 May 1847<sup>(2)</sup>, the Agreement signed on 26 November 1856<sup>(3)</sup>, the Declaration made by His Highness Sultan Abdul Mumin on 17 August 1878<sup>(4)</sup>, the Agreement signed on 17 September 1888<sup>(5)</sup>, the Agreement signed on 29 September 1959<sup>(6)</sup> as amended by the Agreement signed on 23 November 1971<sup>(7)</sup>, and all the other agreements, engagements, undertakings and arrangements between the United Kingdom and the State of Brunei flowing from the special treaty relations between the two States shall terminate with effect from the same date, provided that:

- (a) the termination of the said agreements of 18 December 1846 and 27 May 1847 shall not affect the status of Labuan and its dependencies in any way;

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<sup>(1)</sup> Not published.

<sup>(2)</sup> Published in State Papers, vol. 35, p. 14.

<sup>(3)</sup> Published in State Papers, vol. 65, p. 1170.

<sup>(4)</sup> Published in State Papers, vol. 69, p. 18.

<sup>(5)</sup> Published in State Papers, vol. 79, p. 240.

<sup>(6)</sup> Published in State Papers, vol. 164, p. 38.

<sup>(7)</sup> Miscellaneous No. 12 (1972), Cmnd. 4932.

(b) the Public Officers' Agreement of 19 September 1973<sup>(8)</sup> shall not be terminated but shall continue in force;

(c) any arrangements between the State of Brunei and the States of Sarawak and of Sabah and their successors in title for the payment of cession money shall not be affected.

3. The relations between the United Kingdom and the State of Brunei shall continue to be governed by a spirit of close friendship and co-operation, and to this end a Treaty of Friendship and Co-operation concerning the future relations between the two States shall be signed this day.

4. If the foregoing correctly represents the conclusions reached between Your Highness and Her Majesty's Government I have the honour to suggest that the present Note and Your Highness's reply to that effect shall be regarded as constituting an Agreement between the two Governments in this matter which shall enter into force five years from 31 December 1978<sup>(9)</sup>.

I avail myself of this opportunity to renew to Your Highness the assurance of my highest consideration.

GORONWY-ROBERTS OF CAERNARVON AND OGWEN

[Text of No. 1 in Malay]

Duli Yang Maha Mulia,

Patek dengan hormat-nya merujuk kepada perundingan<sup>2</sup> yang telah diadakan di-antara Duli Tuan Patek dengan Kerajaan Baginda Queen di-United Kingdom mengenai dengan penamatan perhubungan<sup>2</sup> perjanjian yang istimewa di-antara United Kingdom of Great Britain dan Northern Ireland dengan Negeri Brunei, dan kepada hasrat Kerajaan Duli Tuan Patek supaya Negeri Brunei akan menjalankan dengan sepenoh-nya tanggung-jawab antarabangsa sebagai sa-buah Negara yang berdaulat lagi merdeka. Kesimpulan<sup>2</sup> berikut telah di-chapai dalam masa perundingan<sup>2</sup> itu :

1. Perhubungan<sup>2</sup> perjanjian yang istimewa yang ada sekarang di-antara United Kingdom dengan Negeri Brunei, yang mana ada-lah bertentangan dengan tanggung-jawab antarabangsa yang sepenoh-nya sebagai sa-buah Negara yang berdaulat lagi merdeka, hendak-lah di-tamatkan mulai dari lima tahun dari 31 haribulan December 1978.

2. Perjanjian<sup>2</sup> yang telah di-tandatangani pada 18 haribulan December 1846 dan 27 haribulan May 1847, Perjanjian yang telah di-tandatangani pada 26 haribulan November 1856, Pengishtiharan yang telah di-buat oleh Duli Yang Maha Mulia Sultan Abdul Mumin pada 17 haribulan August 1878, Perjanjian yang telah di-tandatangani pada 17 haribulan September 1888, Perjanjian yang telah di-tandatangani pada 29 haribulan September 1959 sebagaimana yang telah di-pinda oleh Perjanjian yang telah di-tandatangani

<sup>(8)</sup> Miscellaneous No. 33 (1973), Cmnd. 5456.

<sup>(9)</sup> The Agreement entered into force on 31 December 1983.

pada 23 haribulan November 1971, dan kesemua lain2 perjanjian2, persetujuan2, janji2 dan susunan2 di-antara United Kingdom dengan Negeri Brunei hasil dari perhubungan2 perjanjian yang istimewa di-antara kedua2 buah Negara hendak-lah di-tamatkan mulai dari tarikh yang sama, dengan syarat bahawa :

- (a) penamatan perjanjian2 yang tersebut pada 18 haribulan December 1846 dan 27 haribulan May 1847 tidak akan membabit taraf Labuan dan wilayah2-nya dengan apa chara jua pun;
- (b) Perjanjian Pegawai2 Awam bertarikh 19 haribulan September 1973 tidak akan di-tamatkan akan tetapi hendak-lah terus berjalan kuatkuasa-nya;
- (c) sebarang susunan2 di-antara Negeri Brunei dengan Negeri Sarawak dan Negeri Sabah dan pengganti2-nya mengenai dengan pembayaran hasil pajakkan tidak akan terjejas.

3. Perhubungan2 di-antara United Kingdom dengan Negeri Brunei hendak-lah terus di-kawal oleh semangat persahabatan dan kerjasama yang rapat dan bagi maksud ini satu Perjanjian Persahabatan dan Kerjasama mengenai dengan perhubungan2 di-masa hadapan di-antara kedua2 buah Negara hendak-lah di-tandatangani pada hari ini.

4. Jika perkara2 yang di-sebutkan di-atas tadi dengan betul merupakan kesimpulan2 yang telah di-chapal di-antara Duli Tuan Patek dengan Kerajaan Baginda Queen, patek dengan hormat-nya menshorkan supaya Nota ini dan jawapan Duli Tuan Patek pada mempersetujui-nya hendak-lah di-anggap sebagai menjadi satu Perjanjian di-antara kedua2 buah Kerajaan dalam perkara ini yang akan berjalan kuatkuasa-nya lima tahun dari 31 haribulan December 1978.

Patek mengambil kesempatan ini untok membaharui kepada Duli Tuan Patek pengakuan terhadap penghormatan patek yang setinggi2-nya.

## GORONWY-ROBERTS OF CAERNARVON AND OGWEN

No. 2

*His Highness Paduka Seri Baginda Sultan and Yang Di-Pertuan of Brunei  
to the Minister of State for Foreign and Commonwealth Affairs*

*Istana Darul Hana,  
Brunei.*

Tuan,

7 January 1979.

Menyusol kepada Nota tuan bertarikh hari ini yang mana dalam terjemahan-nya berbunyi seperti berikut :

[As in Malay Text of No. 1]

Pada menjawab Nota itu, Beta dengan sukachita bersetuju bahawa shor2 yang terkandung di-dalam-nya dengan betul merupakan persetujuan yang telah di-chapai dalam perundingan2 Beta dengan Kerajaan Baginda Queen

dan bahawa Nota tuan dan jawapan Beta hendaklah merupakan satu Perjanjian di-antara kedua2 buah Kerajaan kita mengenai dengan perkara ini, yang mana hendaklah berjalan kuatkuasa-nya lima tahun dari 31 haribulan December 1978.

Sila-lah tuan terima pengakuan terhadap penghormatan Beta yang setinggi2-nya.

Sekian.

SULTAN DAN YANG DI-PERTUAN  
SIR MUDA HASSANAL BOLKIAH

[Translation of No. 2]

Your Lordship,

With reference to Your Lordship's Note of today's date which in translation reads as follows :

[As in No. 1]

In reply to your Note, I have pleasure in agreeing that the proposals contained in it accurately represent the agreement reached during my discussions with Her Majesty's Government and that your Note and my reply shall constitute an Agreement between our two Governments on this matter, which shall enter into force five years from 31 December 1978.

Please accept, Your Lordship, the assurance of my highest consideration.

SULTAN AND YANG DI-PERTUAN  
SIR MUDA HASSANAL BOLKIAH

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