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Brunei and the British Reversal of Policy 1971

ABSTRACT: When Britain decided to end its 1959 Agreement with Brunei, the latter was unrelenting in its desire to retain British protection over the Sultanate. Brunei proposed that Britain be jointly responsible with Britain over latter's defense. However, Brunei's proposal was rejected as Britain was committed to ending its agreement with Brunei in November 1970. This has also shown that Brunei was persistent in rejecting the British offer of a new treaty between Brunei and Britain as it did not include the defense of Brunei. This article is about the 1971 Agreement between Brunei and Britain. This agreement is significant for Brunei as it reversed the earlier decision of the British government under the Labour Party to end its 1959 Agreement with Brunei in November 1970. This decision put Brunei in difficulties as Brunei was incapable to defend itself against any internal and external threats and attacks without British protection. Brunei tirelessly tried to retain Britain's protection over Brunei, but was unsuccessful. Nonetheless, the coming of the Conservative Party to power reversed the earlier decision made by the Labour Party to end its agreement with Brunei. By the signing of the 1959 Agreement, Brunei's defense became the consultative responsibility of both Brunei and Britain, and Brunei's external affairs came under Britain's full control. By this agreement, the British government terminated its responsibility for advising the Sultan on the internal affairs of the state. Indeed, this term reduced the possibility of continued pressure for constitutional reforms in Brunei.

KEY WORDS: Agreement between Britain and Brunei, defense of Brunei, Labour and Conservative Parties in the British, Sultan of Brunei, and internal affairs of the state.

INTRODUCTION

This article aims to look into the 1971 Agreement signed between Brunei and Britain. The 1971 Agreement was considered to be significant as it reversed the earlier decision of Britain in 1966 (which was under the rule of the Labour Party) to end its 1959 Agreement with Brunei. When Britain decided to end its agreement with Brunei, this put the latter in difficulties. Brunei tried continuously to retain British protection over the Sultanate, but she was unsuccessful (Saunders, 2002). When

the Conservative party came to power in June 1970, the party reversed the Labour party's decision to end the 1959 Agreement with Brunei.

By this agreement, Brunei's defence became the consultative responsibility of both Britain and Brunei; and Brunei's external affairs came under Britain's full control. The Conservative government also allowed the provisional retention of the Gurkha battalion in the Sultanate. By this agreement, the British government terminated its responsibility for

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advising the Sultan on the internal affairs of the state and, thus, reduced the possibility of continued pressure for constitutional reform in Brunei (Bellwood, 1978).

BRUNEI AND THE BRITISH END OF 1959 AGREEMENT

In 1966, Britain decided to end its 1959 Agreement¹ with Brunei. The Labour government's decision to end its 1959 Agreement with Brunei was as a result of Britain's decision to withdraw all its forces from east of Suez (except Hong Kong which was a British colony). This decision came as a consequence of the Sterling crisis that had occurred in the 1960s (Hanning, 1966; Catteral, 1993; and Frey, Pruessen & Yong eds., 2003). At the meeting on 4 November 1966, it was agreed that the British government would secure the end of the 1959 Agreement with Brunei and make an orderly withdrawal, leaving behind a stable state, at the latest by the time Britain left its bases in Malaysia and Singapore (Schonenberger, 1981; Dockrill, 1988; and Karl, 2001).

On 8 November 1966, Harold Wilson, the British Prime Minister, declared his policy towards the Sultanate in the House of Commons. In his announcement, he stressed that Brunei would progressively assume full responsibility in all fields of government "and this will in itself require a review of the Brunei Agreement at the appropriate time".² Britain formally notified Brunei about the end of the agreement and the withdrawal of the British Gurkha battalion from the Sultanate on 30 September 1968,³ that is in November 1970.⁴

¹Under 1959 Agreement, Britain retained complete control over Brunei's external affairs and defence.

²See "Hansard: Parliamentary Debates" in *British House of Commons*, Vol.735 [8 November 1966], p.1150.

³"PREM 13/3181, George Thomson to Prime Minister, on 27 September 1968", *Unpublished Primary Sources*. Thomson also wrote a letter to Sultan Hassanal Bolkiah reminding him about the end of Britain's agreement with Brunei. In his letter, he stated that British responsibilities under the 1959 Anglo-Brunei Agreement and the other treaties and agreements referred to in the Article 9(2) of the Agreement would be relinquished on 30 November 1970. Cited in "PREM 13/3181, Thomson to Sultan Hassanal Bolkiah, on 18 October 1968", *Unpublished Primary Sources*.

⁴Prior to this, the Foreign and Commonwealth Office had planned to give two years' notice in March 1968 of the termination of the 1959 Agreement that is in March 1970, earlier than the scheduled withdrawal from east of Suez by

Brunei, however, argued persistently that it was not yet ready for independence (Burley, 1981). The Sultanate stressed that Britain should continue its protection over Brunei; and if that were not possible, it urged Britain to find an alternative arrangement for the protection of Brunei.⁵

Indeed, the British withdrawal from the Far East was persistently protested against not only by Brunei but also by Singapore, Malaysia, Australia, and New Zealand which had defence agreements with Britain (Chandran, 1975; and Dockrill, 2002). Lee Kuan Yew, the Prime Minister of Singapore, argued that Britain's decision to withdraw its forces from the Far East would affect not only the security of a small island state but also the economy of Singapore as 46,000 local people were directly and indirectly employed by the forces (cited in *Times*, 17/4/1967; and Huxley, 2000). Tunku Abdul Rahman, the Prime Minister of Malaysia, further argued that the British withdrawal would leave the new federation weakly defended (cited in *Times*, 8/7/1967). A Malaysian Minister had also reportedly commented that Malaysia would never have taken Sabah and Sarawak if Malaya had known in 1963 that the British would withdraw from the region (cited in *Times*, 8/1/1967).

The Australian Prime Minister, John Grey Gorton, too argued that the continued presence of British forces in Malaysia and Singapore could provide a greater contribution to peace and security than the deployment of forces in the European region. He also stressed that if economic

1971. Malcolm MacDonald, the former UK (United Kingdom) Commissioner General in Southeast Asia in the 1950s, however, suggested that two years' notice of the termination of the agreement should be postponed at least until towards the end of 1968 and if possible until about the end of 1969, so that termination came nearer the time when British troops withdrew from Southeast Asia at the end of 1971. Malcolm MacDonald suggested this to avoid doubts among the Southeast Asian countries about Britain's decision to withdraw its forces from east of Suez by 1971. If Britain withdrew from Brunei in March 1970, other countries in Southeast Asia might suspect that the British were withdrawing from Southeast Asia earlier than the date of withdrawal by 1971. Cited in "FCO 24/236, MacDonald to Thomson, on 14 March 1968", *Unpublished Primary Sources*.

⁵See "PREM 13/3181, George Thomson to Prime Minister, on 27 September 1968", *Unpublished Primary Sources*. In October 1968, the Sultan replied the letter of George Thomson, dated 18 October 1968, where the Sultan stated his disagreement to Britain's decision to end its agreement with Brunei in November 1970.

considerations led the British government to its present proposals, "it might be preferable to make savings in some other areas than those of Malaysia and Singapore" (cited in *Times*, 12/1/1968; and McDougall, 1973).

Although the British withdrawal from the Far East was persistently argued against by these countries, the British government planned for a conference in June 1969, where Britain would discuss future defence arrangements with Australia, New Zealand, Singapore, and Malaysia. The conference was planned to find another way of protecting Malaysia and Singapore when Britain pulled out its forces from the Far East (Darby, 1970 and 1973; Wah, 1983; and Wah ed., 1987).

Britain also offered to provide help in running the air-defence radar environment, which was shared by Singapore and Malaysia. Further aid programmes for Singapore and Malaysia would be discussed to ease the economic impact of the accelerated withdrawal from the area (*Times*, 17/1/1968). In the case of Brunei, Britain offered the former the possibility of opening negotiations for a new Treaty of Friendship and Co-operation between Brunei and Britain, which set out ways in which Britain would continue to assist Brunei in the military field, when it became independent (Morrisons & Suhrke, 1978).⁶

Under the new treaty, Britain would second its military personnel to the armed forces of Brunei and advise them on organisation and methods for increasing their effectiveness. The British would help with the selection of civil military personnel to serve under contract with the Brunei government. It would also train Brunei officers, second them to British units and train police officers. In addition, Britain would occasionally send a unit for training in the same way that it did in a number of countries, and would help Brunei in the supply of military equipment (*ibidem* with footnote 6).

Furthermore, Britain would assist Brunei in its external relations by advising Brunei on the establishment and organization of a diplomatic mission in London and offering a selection of accommodation. The mission in

London would give Brunei diplomatic access to almost every other country in the world. In addition, it would train Brunei's personnel in the workings of a diplomatic mission, and would act as a channel of communication with foreign or Commonwealth governments other than Brunei's immediate neighbours (*ibidem* with footnote 6). However, since the agreement did not involve any continuous defence commitments to Brunei, the latter deferred any decision because Brunei's main concern was the defence of the country after Britain ended its military protection over the Sultanate (*ibidem* with footnote 6).

Brunei again enquired as to the possibility of continuing defence safeguards made available to the country; Britain persistently said that this was impossible. The Commonwealth Office, however, tried to associate Brunei with regional military co-operation, which would be discussed at a conference in June 1969 with Australia, New Zealand, Singapore, and Malaysia – which then became known as the Five-Power Conference (*ibidem* with footnote 6). Britain was trying not to establish a formal defence commitment to Brunei, but to bring Brunei by the time it became fully independent into some form of association with Britain, Australia, New Zealand, Singapore, and Malaysia, so that the defence problems of the area could be viewed as a whole.⁷

It should be borne in mind that, in 1967, the issue of the defence of Brunei within the Anglo-Malaysian defence agreement created a problem for the Foreign and Commonwealth Office. If Brunei joined Malaysia, the Foreign and Commonwealth Office thought that it would not be difficult to extend the Anglo-Malaysian defence agreement to Brunei. The British at first thought that the Anglo-Malaysian defence agreement should exclude east Malaysia to ensure that the British would not fall into the Borneo hook (*ibidem* with footnote 7). In 1968, however, the Foreign and Commonwealth Office felt that if Britain, New Zealand, Australia, Singapore, and Malaysia were considering the defence of Malaysia and Singapore, it was necessary to take into account

⁶Cited in "PREM 13/3181, George Thomson to Prime Minister, on 27 September 1968", *Unpublished Primary Sources*.

⁷See "WO 32/21069, F. Cooper to Moreton, on 20 November 1967", *Unpublished Primary Sources*.

what was happening in the North Borneo area if the general picture were to be complete.⁸

The British initially consulted Australia, New Zealand, Singapore, and Malaysia before the conference was held to hear their views on this matter. British consultations regarding Brunei's associations with these countries began in December 1968. However, none of these countries was willing to discuss the future of Brunei's defence in the coming conference.⁹ J.O. Moreton of the Foreign and Commonwealth Office thought that it could be possible to have a joint declaration by Britain, Australia, New Zealand, Singapore, and Malaysia that they respected one another's territorial integrity, and that of Brunei. However, since the soundings of Australia, New Zealand, Singapore, and Malaysia indicated a clear desire not to bring Brunei into the conference, the Commonwealth Office did not pursue the idea any further (*ibidem* with footnote 9).

Accordingly, Brunei was informed by Britain after the conference in June 1969 in Canberra, Australia, on the outcome of the meeting of the Five-Power nations (where none of them brought up the issue of Brunei in their defence of the region in the meeting).¹⁰ Brunei, however, had never been interested in participating in the deliberation. Brunei was not interested in associating with the Five-Power nations in the field of defence, as the country distrusted Malaysia.

Colin Bickler, a *Reuters* correspondent, who had an audience with *Paduka Seri Begawan* Sultan Omar Ali Saifuddin III, the late father of Sultan Hassanal Bolkiah, who abdicated from the throne in 1967 (Hussainmiya, 1995), on 7 April 1969, told A.R. Adair, the British High Commissioner, that *Paduka Seri Begawan* Sultan had made it clear to him that "Brunei would have nothing whatsoever to do with any form of closer association with Malaysia". He stressed that Brunei was "not interested in being associated with the Five Power Talks"; and "would seek continuous British military

protection" (*ibidem* with footnote 10). *Paduka Seri Begawan* Sultan in an interview said that "it would be most unwise of the Brunei government to accept the withdrawal without making strenuous representations" (cited in *The Guardian*, 8/4/1969).

Brunei, which felt that Britain had not satisfied its wishes for reassurances on defence, put forward arguments about Britain's decision to end its agreement with Brunei to the Foreign and Commonwealth Affairs,¹¹ in December 1969. Brunei argued for the first time that the notice given by Britain to terminate the 1959 Agreement was invalid, as there was no provision for termination in the agreement itself (Leake, 1990). In response, the Foreign and Commonwealth Affairs declared firmly that the British view remained unchanged. The Foreign and Commonwealth Office stressed that Britain was entitled to relinquish its powers and responsibilities in this way. Brunei, although obviously disappointed, did not contest this point.¹²

For the first time, Brunei also reminded Britain that Brunei had remained loyal to the Sterling, despite the devaluation (*ibidem* with footnote 12). This reminder was intended as a hint to the British that such loyalty would not be repeated if independence were forced upon Brunei in November 1970. It is worth noting here that during the devaluation of the Sterling in November 1967, the value in Brunei Dollars of the Sterling investments and other Sterling balances was reduced by \$ 121,289,327.95.¹³ Despite this, Brunei did not withdraw or end its Sterling investments in London. The British delegation, however, did not make any response on this matter.¹⁴

Indeed, Britain wanted to end the agreement as far as possible on the basis

¹¹A position which came into existence with the merger of the positions of Secretary of State for Foreign Affairs and Secretary of State for Commonwealth Affairs, and their associated departments, into a single Department of State in October 1968.

¹²See "T 312/3128, J.A. Marshall to Barratt, on 18 December 1969", *Unpublished Primary Sources*.

¹³Cited in "Brunei Government/State of Brunei" in *Annual Report*, 1967.

¹⁴See "DO 169/553, Cabinet, Defence, and Overseas Committee: Brunei - Future Policy, on 1 November 1966", *Unpublished Primary Sources*. Also see "PREM 13/3181, Brunei - Future Policy, G. Thomson to Prime Minister, on 21 September 1967", *Unpublished Primary Sources*.

⁸Cited in "FCO 24/429/1, Moreton to D.P. Aires, on 8 January 1968", *Unpublished Primary Sources*.

⁹See "FCO 24/429/1, Moreton to Walker, on 7 February 1969", *Unpublished Primary Sources*.

¹⁰Cited in "FCO 24/429/1, Adair to Aires, on 8 April 1969", *Unpublished Primary Sources*.

of mutual consent rather than by unilateral abrogation. This was to ensure that the agreement could be ended smoothly without jeopardizing the stability of the state and British economic interests in Brunei (Dickins, 1974). Britain was concerned that Brunei might retaliate by withdrawing Brunei's Sterling reserve from the Bank of England in London (*ibidem* with footnote 14).

In the 1960s, many former colonies gradually decreased their London balances as a sign of independence and in reaction to local demands (Darwin, 1988:305). During the colonial period, the British territories insisted on keeping their foreign earnings in London and on having their local currencies regulated so as to conform to British practice. The habit of keeping substantial Sterling balances in London facilitated commercial and investment links with Britain (Darwin, 1988:305). However, in the 1960s, many former British colonies increasingly reduced their London balances. In Brunei's case, the British were apprehensive that the Sultanate would withdraw its Sterling balances from London.¹⁵

At a meeting on 22 December 1969, at the Foreign and Commonwealth Office in London, Brunei asked Britain whether Britain could agree to the proposal for joint responsibility for Brunei's defence and repeated its plea that Britain should continue its protection over Brunei.¹⁶ Britain, however, made it clear that it could not agree to the proposal for joint responsibility for defence, as this was not compatible with the relinquishment of British responsibilities under the 1959 Agreement. Britain proposed a Treaty of Friendship and Co-operation under which, if Brunei agreed, Britain would be willing to continue its defence protection over Brunei until 1971 (*ibidem* with footnote 16). The British government also offered Singapore the same period of extension for the presence of the British military in the island (cited in *Times*, 17/1/1968). Brunei, however, rejected

Britain's proposal, as it did not cover the defence of Brunei adequately (*ibidem* with footnote 16).

Since the meeting did not produce any acceptable solutions, Brunei worked out a formula to resolve the problems of its future defence, which was sent to Britain in January 1970.¹⁷ In the proposal, Brunei stated that since Britain was not prepared to go beyond the proposed Treaty of Friendship and Co-operation by having a new agreement for the defence and protection of Brunei, the latter suggested that it would be content to "accept a commitment that Her Majesty's government would use its best endeavours to protect Brunei" (*ibidem* with footnote 17). Additionally, in the context of "shared responsibility" for Brunei's defence, Brunei suggested that the decision on possible British assistance could be a matter for consultation between the two governments (*ibidem* with footnote 17).

Since Britain could not prolong its commitment for economic reasons, Brunei declared that it was prepared to accept the financial consequences of the proposal (*ibidem* with footnote 17). Britain, however, could not accept Brunei's proposal. This was because the concept of "shared responsibility" for the defence of Brunei was not compatible with the relinquishment of British responsibilities over Brunei.¹⁸

In the meeting on 7 April 1970, between Britain and Brunei, the latter's delegation tabled another proposal to Britain, where it suggested that British protection over Brunei should be extended for a fixed period of years. Brunei recommended that the length of this period was a matter to be discussed, when an agreement had been reached. During the period of extension, Britain would have complete control over Brunei's external affairs, and the defence of Brunei would be a responsibility to be shared between Britain and Brunei (Leifer, 1978).

In the event or threat of an armed attack on

¹⁵In 1966, the Brunei government held reserves in London, which amounted to £ 133 million (which is approximately £ 800 million at 2005 prices).

¹⁶See "OD 39/89, Record of Meeting between the Foreign and Commonwealth Secretary and His Highness the Sultan of Brunei at the Foreign and Commonwealth Office, on 22 December 1969", *Unpublished Primary Sources*.

¹⁷Cited in "FCO 24/730, Sultan of Brunei to M. Stewart, on 29 January 1970", *Unpublished Primary Sources*.

¹⁸See "FCO 24/725, Memorandum by the Secretary of State for Foreign and Commonwealth Affairs, on 19 March 1970", *Unpublished Primary Sources*.

Brunei, the two governments would “consult together for the purpose of deciding what measures should be taken jointly or separately to deal with such an attack or threat”.¹⁹ Britain would also be entitled to “render immediate assistance in the suppression of any organised threat or attempt to overthrow the Government of Brunei” (*ibidem* with footnote 19). In addition, Brunei would not object to Britain requiring a right, on reasonable notice, “to terminate the extended period of protection short of its original fixed length” (*ibidem* with footnote 19). However, none of these suggestions was agreeable to Britain. For example, in the case of “shared responsibility” in the defence of Brunei, the British government’s views were clear and unequivocal, namely that the responsibility for the defence of Brunei must, and should, lie with the Brunei government (*ibidem* with footnote 19).

In May 1970, when the Ministry of Defence drew up a schedule for the withdrawal of the battalion from Brunei, Britain decided to inform Brunei of the time of the withdrawal of the Gurkha battalion from Brunei. This was to convince Brunei that there was no wavering in Britain’s policy to withdraw its Gurkha battalion from Brunei and to end its military protection over the Sultanate.²⁰ The battalion was to leave Brunei in stages, on 17 and 27 November 1970, and on 2 and 7 December 1970. The battalion would not be in operation for about four weeks before the final withdrawal, but operational commitments up until 30 November 1970 could be met from Singapore (*ibidem* with footnote 20).

Britain would also not open talks with Brunei in advance of the UK (United Kingdom)’s general election on 18 June 1970.²¹ Therefore, up until April 1970, no agreement was reached between Brunei and the British government. All Brunei’s efforts to retain

continuous British protection and to seek a new defence arrangement with Britain had thus failed, as the Labour government was committed to end its agreement with Brunei (Joseph, 1974).

BRITISH REVERSAL OF POLICY AND THE 1971 AGREEMENT

However, on 18 June 1970, the Conservative Party under the leader of Edward Heath defeated the Labour Party. It was a surprising victory for the Conservative Party (Bells ed., 1985). Since taking office in June 1970, the Conservative government had given no definite indications of its future relations with Brunei. However, it had stated that it would maintain a “modest presence” in Southeast Asia (*Borneo Bulletin*, 26/9/1970). In September 1970, Sir Brian Burnett, the Commander-in-Chief for the Far East Air Marshall, stated that the Tory government planned to leave modest forces where they were welcome and where they would be of strategic value.

Although Britain could see no internal and external threats to the region, it felt that a British presence combined with that of other Commonwealth countries would help to ensure that no such threat arose (*Borneo Bulletin*, 26/9/1970). Sir Brian Burnett also stated that the British government would retain the Gurkha battalion in Brunei temporarily until a new agreement had been worked out between Brunei and Britain. He assured Brunei that while the 1959 Agreement between the two countries remained in force, Britain was committed to aiding Brunei in the event of external or internal threats (*Borneo Bulletin*, 26/9/1970).

The Conservative party that came to power in June 1970 did not envisage a complete withdrawal from east of Suez as it claimed that such action would be perilous to countries like Singapore and Malaysia. In 1971, the Conservative government proposed the FPDA (Five Power Defence Arrangements) between Singapore, Malaysia, Australia, New Zealand, and Britain to succeed the AMDA (Anglo-Malaysian Defence Agreement). The FPDA had the proviso that Britain would be a participant and not the leader of the new defence force (Wah, 1974).

¹⁹Cited in “FCO 24/730, Record of Meeting between Lord Shepherd, Minister of State for Foreign and Commonwealth Affairs, and the Sultan of Brunei at the Istana Darul Hana – Annex I, Brunei Proposals, on 7 April 1970”, *Unpublished Primary Sources*.

²⁰See “FCO 24/739, Commander in Chief for the Far East (CICFE) to the Ministry of Defence, on May 1970”, *Unpublished Primary Sources*.

²¹Cited in “FCO 24/739, M. Stewart to Adair, on 26 May 1970”, *Unpublished Primary Sources*.

Since Britain, as part of the FPDA, was to continue its presence in Malaysia and Singapore, the Conservative government decided that the 1959 Agreement, under the terms of which Britain had responsibility for the defence of Brunei, should continue without substantial modification (*Glasgow Herald*, 20/4/1971). Via the FPDA, Britain, Australia, New Zealand, Singapore, and Malaysia agreed to discuss what steps were to be taken in the event of an external threat to either Malaysia or Singapore. There was, however, no obligation to act as there had been under the AMDA they replaced. The Brunei arrangements, though similar to those of the FPDA, were not linked directly with the latter.²²

The talks held between Brunei and Britain, in November 1970, produced a draft agreement. Following further discussions in early 1971, a new Anglo-Brunei Agreement amending the 1959 Agreement was signed in Bandar Seri Begawan, on 23 November 1971, between Brunei and Britain. Under the 1971 Agreement, a Joint Standing Consultative Council for Brunei Defence, known as the Brunei Defence Council, was formed to replace the Standing Advisory Council, which had been set up under the 1959 Agreement (Huxley, 1987 and 1988). The new Council included the High Commissioner as well as "his adviser, a British officer who will normally be the senior officer of Her Majesty's forces as are stationed in the State".²³

The Brunei's representatives would be appointed at the Sultan's discretion. Both the British and the Sultan's representatives would make recommendations as to the defence and security of the State to their respective governments. The two governments would consult each other to determine what measures should separately or jointly be taken

²²See "PREM 15/384, UK Responsibility for Brunei: Prime Minister's Meeting with the Sultan, on 30 April 1971", *Unpublished Primary Sources*.

²³For further information, see "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, in Bandar Seri Begawan, on 23 November 1971" in *Cmnd. 4932, London, HMSO: Published Primary Sources* (1972); and also "FCO 58/6814, 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", *Unpublished Primary Sources*.

in relation to an external attack, or the threat of such an attack, on the State (*ibidem* with footnote 23; and Lim, 1976).

Apart from that, there was a provision for Britain to continue to provide staff and training facilities for the Royal Brunei-Malay Regiment, which was formed in 1961. According to Article III (2b) of the Agreement, the British government would continue to assist the Sultanate within the capability of the United Kingdom, by the loaning of personnel to assist in the staffing, administration, and training of the Armed Forces of the Sultanate (*ibidem* with footnote 23; and Said, 1988). It would also provide expert advice on the organisation of the Forces and assistance in connection with the maintenance of the equipment of the Forces. Additionally, it would assist in training the Forces and in recruitment of persons for service in police and military posts. It would also provide expert advice and training for the Police Force of the State (*ibidem* with footnote 23).

Since the defence of Brunei was based on consultation rather than commitment, the Conservative government terminated its responsibility over Brunei's internal affairs. According to Article III (5a) of the 1971 Agreement: "Situations which are essentially of an internal public-order nature are a matter of concern only to the public security forces of His Highness" (*ibidem* with footnote 23). By this agreement, it became the responsibility of the Brunei government "to raise, equip, and maintain forces sufficient for the preservation of internal public order and to be the first line of external defence" (*ibidem* with footnote 23). The Brunei government would provide facilities necessary for any British forces stationed in Brunei or training or exercising in Brunei with the agreement of the Brunei government.²⁴

Moreover, the British government also relinquished its responsibility for advising on internal affairs of the state. It was indeed Britain's objective to avoid retaining formal

²⁴The British government, on the other hand, shall continue to assist Brunei to the extent of their capability by among other things loan of personnel to assist in the training if the armed forces of Brunei and expert advice on organization of the armed forces of Brunei.

responsibility for advising on Brunei's internal affairs. Under the 1959 Agreement, the British government was given a measure of indirect responsibility for internal affairs through the "advice clause" (Bartlett, 1985 and 1972). However, since the Sultan rarely accepted or sought Britain's advice, the British government decided to relinquish its responsibility for advising the Sultan on the internal affairs of the state.²⁵

Moreover, by giving up its advisory role in the internal affairs of Brunei, the British government no longer had to transmit Article 73(e) of the United Nations Charter to the Secretary-General of the United Nations²⁶ on economic, social, and educational conditions, including constitutional development in Brunei.²⁷ This was because by this agreement, Brunei had achieved full internal self-government (Hamzah, 1980a, 1980b, 1981, and 1991). Before the agreement was signed, the Foreign and Commonwealth Office had informed the United Kingdom's mission in New York that when the new agreement with the Sultan was signed, Britain should cease these transmissions.²⁸ The British government was hoping that by surrendering its advisory role in the internal affairs of Brunei, it would reduce internal and external criticisms of the British government concerning Brunei's international status and constitutional development as Brunei had achieved full internal self-government (Crosbie, 1978, 1979, and 1981; Burley, 1981; and Leigh, 1983, 1984, and 1985).

Under the terms of the 1971 Agreement, the Conservative government, however, retained its responsibility for Brunei's external affairs as stipulated in Article II of the Agreement: "Her Majesty shall continue to enjoy jurisdiction to make the State Laws relating to external affairs"

(*ibidem* with footnote 28). Additionally, the High Commissioner would no longer be "Her Majesty's High Commissioner" but the "British High Commissioner", as he no longer held advisory powers or any role in the governance of the State. He ceased to be a member of the Council of Ministers and other official government bodies, although he could be nominated as an ordinary member of the Privy Council.²⁹ Brunei no longer paid for the maintenance of the British High Commissioner's establishment, which became the British government's responsibility. His status was more like that of a diplomat-cum-spokesman on behalf of his government, though he made recommendations on Brunei's defence and external affairs.³⁰

In order to avoid difficulties in terminating the agreement in the future, the Conservative government ensured that the Agreement would be open to review by either party by giving one year's notice to terminate the agreement. This was stipulated in Article VIII of the Agreement, which states that: "At the request of either High Contracting Party, and after the expiry of one year from the making of the request, the High Contracting Parties shall review this Agreement" (*ibidem* with footnote 30). In November 1974, the return of the Labour Party to power led to Britain giving this notice, while almost simultaneously announcing that it intended to withdraw the Gurkha battalion from Brunei.

The Conservative government offered to retain its Gurkha battalion in Brunei, but at the Brunei's expense. Although the 1971 Agreement did not include the retention of the battalion, there was a provision in Article III (a) whereby Brunei should provide

²⁵Cited in "FCO 24/739, Brunei Talks, on 2 December 1970", *Unpublished Primary Sources*.

²⁶See, for example, "FCO 24/1378, Note of a Meeting at the Foreign and Commonwealth Office, on 20 June 1972", *Unpublished Primary Sources*; and also "FCO 58/6814, Sultan Hassanah Bolkiah to the Secretary of State for Commonwealth Affairs, on 7 July 1972", *Unpublished Primary Sources*.

²⁷Cited in *United Nations Chronicles* (New York: United Nations), 10(1), on January 1973; and *United Nations Chronicles* (New York: United Nations), 10(4), on April 1973.

²⁸See "FCO 58/625, D.P. Aires to Wilford, on 23 March 1971", *Unpublished Primary Sources*.

²⁹The 1959 Constitution provides for the Sultan as the Head of the State with full executive authority. The Sultan was assisted and advised by five councils: the Religious Council, the Privy Council, the Council of Ministers (the Cabinet), the Legislative Council, and the Council of Succession.

³⁰See, for further information, "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, in Bandar Seri Begawan, on 23 November 1971" in *Cmnd. 4932, London, HMSO: Published Primary Sources* (1972); and also "FCO 58/6814, 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", *Unpublished Primary Sources*.

facilities for any of British forces stationed in the Sultanate for either training or exercising with the agreement of Brunei (*ibidem* with footnote 30). Britain's decision to retain the Gurkha battalion in Brunei was announced in the White Paper on Defence published on 28 October 1970.

Under the Conservative government, five Gurkha battalions were retained – one battalion in the United Kingdom, three in Hong Kong, and one in Brunei.³¹ The Gurkha battalion would remain in Brunei as part of British forces in the area. They could, however, be withdrawn temporarily at very short notice to deal with contingencies elsewhere in the region.³² Although Brunei would pay for the maintenance of the Gurkhas in the Sultanate, which amounted to about £ 1,000,000 a year, they would remain under British control and command (*ibidem* with footnote 32).

The Conservative government's willingness to be consultatively responsible for Brunei's defence with the Sultanate reduced Brunei's concerns over Brunei's security. Although Britain would not automatically be responsible for Brunei's defence, the agreement had an important deterrent value against any internal and external threats (Kershaw, 1984; Chalmers, 1985; and Cohen, 1986). Britain's decision to retain the Gurkha battalion in Brunei but not under Brunei's command also had an important deterrent value against any internal and external threats. Its decision to cease advising the Sultan in the internal affairs of the state furthermore reduced the possibility of continued pressure for constitutional reform in Brunei (*cf* Singh, 1984; Al-Sufri, 1992; and Abu Bakar, 2006). In its comment on the Agreement, the *Straits Times* of Singapore's editorial on 23 September 1971 stated that:

The Bruneian government is fully satisfied [...]. Full internal self-government reduces the possibility of continued pressure (for constitutional reform). Whatever the explanation of somewhat protectorate length of negotiations, the new treaty effectively meets changing

³¹Cited in "FCO 24/739, K.C. MacDonald to W.A. Ward, on 20 November 1970", *Unpublished Primary Sources*.

³²See "PREM 15/384, UK Responsibility for Brunei: Prime Minister's Meeting with the Sultan of Brunei, on 30 April 1971", *Unpublished Primary Sources*.

conditions, a rational contribution to the security and the stability of prosperous Brunei and its 135,000 people (*Straits Times*, 23/9/1971).

CONCLUSION

This study has shown that when Britain decided to end its 1959 Agreement with Brunei, the latter was unrelenting in its desire to retain British protection over the Sultanate. Brunei proposed that Britain be jointly responsible with Britain over latter's defence. However, Brunei's proposal was rejected as Britain was committed to ending its agreement with Brunei in November 1970.

This study has also shown that Brunei was persistent in rejecting the British offer of a new treaty between Brunei and Britain as it did not include the defence of Brunei. When Britain consulted Australia, New Zealand, Malaysia, and Singapore as to the possibility of including Brunei in the Five-Power Conference in June 1969, they were not interested in doing so. Nonetheless, Brunei was never interested in associating with the Five-Power nations over the defence of the region because of its distrust of Malaysia.

The Conservative Party which came to power in June 1970, however, reversed the Labour government's decision as it was willing to have consultative responsibility over Brunei's defence. The Conservative government also allowed the provisional retention of the Gurkha battalion in the Sultanate. It additionally relinquished its responsibilities for advising the Sultan in the internal affairs of the state.³³

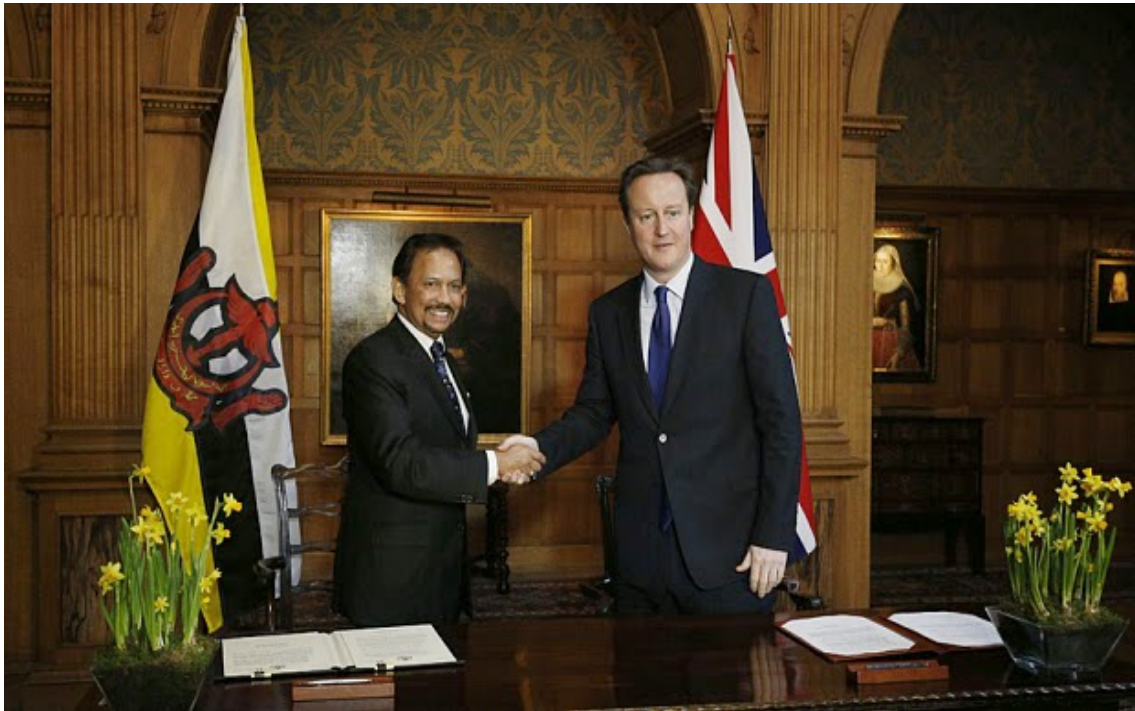
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³³**Statement:** I, the undersigned, declare that this article is my own writing, not a product of plagiarism, and not being sent, reviewed, or published in other scholarly journals.

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The Agreement between Britain and Brunei Governments

(Source: <http://rumpunsuara.blogspot.com>, 15/6/2015)

Since the defence of Brunei was based on consultation rather than commitment, the British Conservative government terminated its responsibility over Brunei's internal affairs. According to Article III (5a) of the 1971 Agreement: "Situations which are essentially of an internal public-order nature are a matter of concern only to the public security forces of His Highness". By this agreement, it became the responsibility of the Brunei government "to raise, equip, and maintain forces sufficient for the preservation of internal public order and to be the first line of external defence". The Brunei government would provide facilities necessary for any British forces stationed in Brunei or training or exercising in Brunei with the agreement of the Brunei government.