

No. 23478

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
BRUNEI DARUSSALAM**

**Exchange of notes constituting an agreement terminating the special treaty relations between the United Kingdom and the State of Brunei. Bandar Seri Begawan, 7 January 1979**

*Authentic texts: English and Malay.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on 6 August 1985.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
BRUNÉI DARUSSALAM**

**Échange de notes constituant un accord mettant fin aux relations spéciales ayant existé en matière de traités entre le Royaume-Uni et l'État du Brunéi. Bandar Seri Begawan, 7 janvier 1979**

*Textes authentiques : anglais et malais.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 6 août 1985.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> 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

I

*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

7 January 1979

Your Highness,

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>2</sup> and 27 May 1847,<sup>3</sup> the Agreement signed on 26 November 1856,<sup>4</sup> the Declaration made by His Highness Sultan Abdul Mumin on 17 August 1878,<sup>5</sup> the Agreement signed on 17 September 1888,<sup>6</sup> the Agreement signed on 29 September 1959<sup>7</sup> as amended by the Agreement signed on 23 November 1971,<sup>8</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:

<sup>1</sup> Came into force on 31 December 1983, in accordance with the provisions of the said notes.

<sup>2</sup> Clive Parry, *The Consolidated Treaty Series* (Dobbs Ferry, New York, Oceana Publications, Inc., 1969), vol. 100, p. 393.

<sup>3</sup> *British and Foreign State Papers*, vol. 35, p. 14.

<sup>4</sup> *Ibid.*, vol. 65, p. 1170.

<sup>5</sup> *Ibid.*, vol. 69, p. 18.

<sup>6</sup> *Ibid.*, vol. 79, p. 240.

<sup>7</sup> *Ibid.*, vol. 164, p. 38.

<sup>8</sup> United Kingdom, *Treaty Series*, No. 12 (1972), Cmnd. 4932.

- (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;
- (b) The Public Officers' Agreement of 19 September 1973 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.

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

GORONWY-ROBERTS of Caernarvon and Ogwen

[MALAY TEXT — TEXTE MALAIS]

Duli Yang Maha Mulia,

Patek dengan hormat-nya merojok kepada perundingan<sup>2</sup> yang telah di-adakan 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 hari-bulan December 1978.

2. Perjanjian<sup>2</sup> yang telah di-tandatangani pada 18 hari-bulan December 1846 dan 27 hari-bulan May 1847, Perjanjian yang telah di-tandatangani pada 26 hari-bulan November 1856, Pengisytiharan yang telah di-buat oleh Duli Yang Maha Mulia Sultan Abdul Mumin pada 17 hari-bulan August 1878, Perjanjian yang telah di-tandatangani pada 17 hari-bulan September 1888, Perjanjian yang telah di-tandatangani pada 29 hari-bulan September 1959 sebagaimana yang telah di-pinda oleh Perjanjian yang telah di-tandatangani pada 23 hari-bulan November 1971, dan kesemua lain<sup>2</sup> perjahjian<sup>2</sup>, persetujuan<sup>2</sup>, janji<sup>2</sup> dan susunan<sup>2</sup> di-antara United Kingdom dengan Negeri Brunei hasil dari perhubungan<sup>2</sup> perjanjian yang istimewa di-antara kedua<sup>2</sup> buah Negara hendak-lah di-tamatkan mulai dari tarikh yang sama, dengan syarat bahawa:

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

*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

7 January 1979

Your Lordship,

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

[*See note I*]

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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<sup>1</sup> Translation supplied by the Government of the United Kingdom.

<sup>2</sup> Traduction fournie par le Gouvernement du Royaume-Uni.